

# Reason Papers

*A Journal of Interdisciplinary Normative Studies*

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# THE JOURNAL OF LIBERTARIAN STUDIES

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Murray N. Rothbard

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## Articles

### Preface

*Thoreau as philosopher:* Why does this theme still seem a bit strange, a bit forced - like an attempt to fob something ungentle off on us? Well, one problem is that most of us met Thoreau too early. We met him in adolescence, and we thought of him then as a quirky nature prose-poet; or, as a rustic rebel whose name connected up vaguely with peaceful political protest. Did we think of Thoreau as a philosopher? - No; we poeticized him; we rusticated him. How, then to reclaim him?

At a time when philosophy is increasingly professionalized, Thoreau is worth reading because he reminds us of the distinction - and of the relationship - between philosophy professed and philosophy lived. Like the Greeks, Thoreau heard philosophy's call, heard philosophy call for a life, heard philosophy call for professing - in Thoreau's case, for writing. What Thoreau understood was that the authority of philosophical writing must always be won anew, word by word, inkling by inkling. The authority of philosophical writing is won anew not by displays of virtuosity, whether literary or argumentative, but by displays of vitality, by finding words that incorporate, and are incorporated by, a well-lived life. Philosophically authoritative words are words that stand face-to-face with a well-lived life; such words and such a life reciprocally implicate one another. Thoreau demonstrates his understanding of this by writing in the first-person and by providing what he demands from others - "a simple and sincere account of his own life." Clearly, this understanding of philosophical authority is dangerous - by that I mean, has its dangers: empty self-obsession, stultifying idiosyncrasy, blank unintelligibility. But perhaps worse than these dangers is the danger that such an understanding of philosophical writing renders philosophy written in its service unavailable to contemporary professional philosophy. Put crudely, the danger is that philosophy written in the service of such an understanding and contemporary professional philosophy will end up out of even spitting distance of one another. To contemporary professional philosophy, Thoreau's writing is writing *ad hominem*, or worse, writing *ad personam*: philosophical writing conceived in a matrix of fallacies, not to be borne. If philosophy as Thoreau writes it and contemporary professional philosophy continue to recoil from each other, philosophy will lose much of what has made it admirable - its stubborn attempts to make ends meet, to keep body and soul together. Philosophy will then exist only as a zombie, or as a ghost, of its former self, demanding either voodoo or exorcism.

Thoreau's philosophical writing alternately provokes and pacifies. It knots together paradox and platitude. Thoreau does not write books to be held at arm's length; he writes books to be either pitched angrily or clutched greedily; or, maybe, both. Thoreau gives and requires a live response, the response of a life. Call this Thoreau's Concordian Revolution: Copernicus taught us that our sun with all its furies is at the center of the galaxy; Kant taught us that our mind with all its categories is at the center of space and time; Thoreau teaches us that our life with all its forms is at the center of things. Kant set reason after reason, because reason is fated to ask itself questions that it cannot answer. Thoreau set life after life, because life is fated to ask itself questions it cannot answer.

## Wildness, Language, and Solitude

Crispin Sartwell, University of Alabama

*I wish to speak a word for Nature, for absolute freedom and wilderness, as contrasted with a freedom and a culture merely civil, - to regard man as an inhabitant, or a part and parcel of Nature, rather than a member of society. I wish to make an extreme statement, if so I may make an emphatic one, for there are enough champions of civilization: the minister, and the school-committee, and every one of you will take care of that.<sup>1</sup>*

Yes, every one of us will take care of that. We all speak, insofar as we speak, as champions of the human, right?: people taught us to speak, and they teach us still: to speak is to speak out of a shifting human crowd into a shifting human crowd. To speak against the human, or in favor of the inhuman, to speak wildly on behalf of wildness, is already to be embroiled in hypocrisy. To speak is to be engulfed in the human, swept away into the chattering of millions for millennia. Even our silences and solitudes are humanized; even our inmost recesses have been reached by the chatter: we learned by logging and paving the world to log and pave ourselves, until we seem to be perfectly processed, until even our killings are human.

I doubt that Thoreau could have imagined our saturation by the human; I doubt that he could have tolerated our soddenness. There are whole philosophical edifices today in which there is no mention at all of anything that is not a human being or an object made by a human being: Wittgenstein's, Foucault's. There are environments so humanized that it is a pain and an entrapment to be a human being in them: in the concrete and broken glass and broken persons we are so human that we are dying; we have already killed everything else. There are human environments engineered at such a scale that they dwarf the human body, reduce the human to a pure and puny humanity. There are environments to perfectly processed that animal bodies like ours seem disconcerting and unclean in them: gleaming corporate interiors where it is impertinent to be a mammal. There are environments where there are no trees, and environments where the trees are tended as decorations, as ornaments or badges of status. There are environments in which trees must be caged for their own survival, wherein people must be constrained from tearing them out by the roots. There are environments where form follows function so closely that, God help us, there is nothing that is not comprehensible or that stands in excess of the human. There are environments so perfectly and so frozenly humanized that it is impossible to be human in them.

I'd like to say a few words about getting less human, a few words that are self-immolating, words that attack themselves for being words, that attack me for uttering them, attack you for reading them. I'd like to explore whether it is possible to stop being artifacts, or to realize the ways in which we still exceed artifactuality; whether there is a power in us that is not given to us or taken from other human beings, whether we can make ourselves wilder, destroy ourselves as we are, or love ourselves as we are, find again a context in which "the social" takes place: a world to which we are open or which opens us to it. "There is in my nature, methinks, a singular yearning toward wildness. I know of no redeeming qualities in myself but a sincere love for some things."<sup>2</sup> What becomes,

Wildness is dangerous. It threatens us with itself: to live wildly or to live in the wilderness is to live a short life and a painful life. Perhaps, then, to tame something means to make it safe, safe for us. Why then, what is wrong with safety? For God's sake it beats continual endangerment. And yet what we have made safe, humanized, first, bores us. And second, it endangers us too, for there are wild animals in it, even if none but persons: the most dangerous predator of persons. Why is it that we can always humanize trees and animals and mountains and deserts but not always people? Why do we exceed our own grasp?

And, in a situation in which human beings are natural things, what are human beings doing yearning toward nature? What would it mean to be reconciled to that of which we are all along part and parcel? In what sense have we become distanced from nature and is not the possibility of that precisely what I am denying? What do we yearn toward when we yearn toward nature? Does it make sense to yearn toward what is already obviously the case? How have we gotten into the bizarre position of wanting what we already have, of wanting to be what we already are? And what would it be like to come to possess what we never lost, or to become what we never ceased to be?

Alright, that's too many questions, isn't it?

## II

I've calmed a bit now. I wrote that last bit in Manhattan. I felt enclosed in the little apartment where I stayed with a friend and argued about "social constructionism." I felt almost as enclosed when I got outside and the crowds milled and the building lowered. As I say, I think Thoreau was a claustrophobe, that he kept feeling *enclosed* by people and their things, that he kept wanting out. The quotation that opens this essay expresses a disdain, found throughout Thoreau's writings, for human institutions, and their "representatives," or more accurately for the way people get reduced or enclosed into representations by and in institutions, by and in themselves. (That particular claustrophobia connects Thoreau and Foucault, by the way). To tame something is to reduce it to a function, to simplify it toward usefulness, to rub off the raw and inconvenient and living edges. "I love man-kind, but I hate the institutions of dead un-kind" (*A Week*, 106). "Wherever a man goes, men will pursue and paw him with their dirty institutions" (*Walden*, 459). "In short, as a snow-drift is formed where there is a lull in the wind, so, one would say, where there is a lull in the truth, an institution springs up. But the truth blows right over it, nonetheless, and at length blows it down."<sup>3</sup> Maybe that's why what is tamed is dull in our eyes: it surprises us less because it does what we want. We want what *doesn't* do what we want. The minister and school committee are tame in this sense like hens: the perfect school committee would not consist of organisms at all but of sheer functions.

So anyway, I took a walk out of the Village looking for an open space where I could breathe. I finally dodged through the traffic on the West Side Highway and walked out onto a pier on the Hudson. There were a lot of people on it. It was made of concrete. And there were chain-link and barbed-wire fences and highway-type barricades. But people had cut up the fences so that they could get out near the water. There seemed to be a gay

recommendation when a book will stand the test of mere unobstructed sunshine and daylight" (*A Week*, 74). When I am alone I am still surrounded: connected by memory and projection and by an amazing elaborate web of wires with people all over. I am not alone when I am alone: I carry my parents, my dead brothers and my live one, my friend in New York, my teachers, anyone who has looked on me with love or contempt or amused or unamused indifference. I have been shaped by them, by our human rituals and practices, like a piece of jade carved and polished, as Confucius, that champion of the social, put it. So what does it mean to yearn toward people, to feel alone? In a world where there is no surcease from our permeation by the human, why is there a zone of indifference, disconnection? Why, when I am looked at by someone, can I usually tell that they do not see me? ("It is rare that one gets seriously looked at" (*A Week*, 52)). What would it mean to get connected to the social networks and social practices in which one is all the time embedded? How could I ever be alone? Why do I usually *feel* alone when aloneness is an impossible fantasy or nightmare? What would it mean to affirm that I am socially constructed when that affirmation is socially constructed, when there seems to be no "outside" from which to see the social?

### III

What I'd really like to do is leave all those questions sitting there as questions; there's a certain wildness to them as questions; to answer them is to tame them. But I guess I'm not able, finally, to do that. I'm a philosophy professor after all, pathetic as that is. So here's my personal dilemma. I hold that man is as natural as a wolf or a buffalo. I can deploy no distinction between the natural and the artificial. But in fact I *use* that distinction all the time. I think of the traces of the human in the woods as pollution. I'm more at peace in "unspoiled" nature than anywhere else, except perhaps in the bedroom of my lover (often I'm not at peace there, either). I think the distinction is incomprehensible, indefensible. But the distinction is decidedly active in my life, determinative of such decisions as where I will live and where I will travel. Obviously, my own tensions do not bear on the legitimacy of the distinction per se, but I'm not that interested, any more, in the legitimacy of distinctions per se; I'm trying to figure out how the hell to live without hypocrisy. For that, I guess, it could be enough to leave the questions as questions and keep doing what I do, but maybe you're expecting a philosophy paper.

Well, then, let's try this: the natural/artificial distinction, which amounts, finally, to no less than the claim that human beings are separated by an insuperable gap from the order and disorder of nature, that is, from the world, is indeed a complete mess. It is a delusion. We are fully fused with the natural environment, are without remainder of the earth. But delusions have concrete effects; in this case, they have effects made of concrete. How we think of ourselves in relation to the earth actually effects ways of being on the earth. The Western tradition conceives of a separation, conceives of the earth as inanimate and unintelligent, and of ourselves as animate and intelligent. It conceives of the earth as means, persons as ends. It conceives of human action technologically, or according to the canons of 'practical rationality.' So we want to *liquidate* means into ends: to regard something as a mere means is to want to *annihilate* it into our end. The means are always simultaneously what enables us toward the end and what constitutes the barrier to the end: it is the recalcitrance of means, their opacity, their intrinsic character, that constitute them

beautiful. I looked with awe at the ground I trod on, to see what the Powers had made there, the form and fashion and material of their work. This was that Earth of which we have heard, made out of Chaos and Old Night. Here was no man's garden, but the unhand-selled globe. It was not lawn, nor pasture, nor mead, nor woodland, nor lea, nor arable, nor waste-land. It was the fresh and natural surface of the planet Earth, as it was made for ever and ever, - to be the dwelling of man, we say, - so Nature made it, and man may use it if he can. Man was not to be associated with it. It was matter, vast, terrific, - not his Mother Earth that we have heard of, not for him to tread on or be buried in, - no, it were being too familiar even to let his bones lie there, - the home, this, of Necessity and fate. There was there felt the presence of a force not bound to be kind to man. It was a place of heathenism and superstitious rites, - to be inhabited by men nearer of kin to the rocks and to wild animals than we... What is it to be admitted to a museum, to see a myriad of particular things, compared with being shown some star's surface, some hard matter in its home! I stand in awe of my body, this matter to which I am bound has become so strange to me. I fear not spirits, ghosts, of which I am one, - *that* my body might, - but I fear bodies, I tremble to meet them. What is this Titan that has possession of me? Talk of mysteries! - Think of our life in nature, - daily to be shown matter, to come into contact with it, - rocks, trees, wind on our cheeks! the *solid* earth! the *actual* world! the *common sense*! *Contact! Contact! Who are we? where are we?* (*The Maine Woods*, 645-46).

That is an amazing passage. It says, first, that to experience wilderness is to experience the world as indifferent to our ends, as not made for our sakes and not transformable by will, or rather, only transformable by an incredibly long, elaborate process. We may use it if we can, but it was not made for us. To experience wilderness is to be *dwarfed* and it is to be dwarfed in a particular way: by fate. For if there is one thing that we could pit against practical rationality, it is fate, and traditions that emphasize fatality are always opposed to the annihilation of the world into means, always hold that to be an illusion. To experience fatality is to experience the dissolution of the delusion of agency, hence of the delusion of human detachment from nature. You can reconcile yourself to fate, or to what is fated, or what comes to you as a fate, but you cannot *use* it. That makes *you* wild, kin to rocks, because to be tame is precisely to enter into the "freedom" of agency and the reduction toward use. (It is this "freedom of the will" that separates us inexorably from nature, right?)

The perfect contrast here would be of the natural history museum to the Maine woods, the structure of taxonomic representation and purification and humanization to the bewildering or overwhelming surface of a star. The former displays the organization of things simultaneously for appreciation and for possible use, assures us of our power and of the victory of the human. It demystifies, educates. The latter overwhelms our categories and resists our uses, bewilders us into a realization of our vast and beautiful ignorance, assures us that somewhere there is a surcease from our own power, an effortless resistance to our wills, shows us our own wildness. And hence it brings us face to face with our own complete actuality and physicality, lets us experience ourselves again as bodies. That means that it brings us into identity with it, lacerates the delusion of distance imposed by the structure of language and representation as it breaks our wills, teaches us the mysteries of our bodies, teaches us our unfreedom, reconciles us with the world. *That* is why we need wilderness: not because it is more nature than Manhattan, but because it teaches us

the face of the earth already, clearing, and burning, and scratching, and harrowing, and subsoiling, in and in, and out and out, and over and over, again and again, erasing what they had already written for want of parchment. (*A Week*, 9).

Even writing, after all, makes use of the physical: is the physical act of a physical body using physical bodies (yes, even at the computer). Farming changes the landscape, "humanizes" it, but farming is a continual mutual physical adjustment of land and man: farming is, or may be, a *devotion* to land. It brings forth things for us out of the land, and transforms the land into something that brings forth things for us. But it works in and with fatality: farming that does not acknowledge the seasons, the drought, the deluge, the character of the soil, is hopeless. What compromises practical rationality is not a letting-go of ends, but a devotion to means, a love of the land and of the process of altering it and being weathered in one's alteration of it. But then if we thought of farming as a kind of writing, or writing as a kind of farming, what would we be thinking?

The weapons with which we have gained our most important victories, which should be handed down as heirlooms from father to son, are not the sword and the lance, but the bush-whack, the turf-cutter, the spade, and the bog-hoe, rusted with the blood of many a meadow, and begrimed with the dust of many a hard-fought field... In Literature it is only the wild that attracts us. Dullness is but another name for tameness. It is the uncivilized free and wild thinking in "Hamlet" and the "Iliad," in all the Scriptures and Mythologies, not learned in the schools, that delights us. As the wild duck is more swift and beautiful than the tame, so is the wild - the mallard - thought... A truly good book is something as natural, and as unexpectedly and unaccountably fair and perfect, as a wildflower discovered on the prairies of the West or in the jungles of the East. ("Walking," 64)

If we could stop thinking of language as something that distinguishes us from or in the order of nature, and start thinking of it as a craft by which we sense our connection to the earth, we could write wildly on behalf of wildness, and do it without hypocrisy. If we could learn to take comfort in the human not for its dominance or its "humanity," but for the more-than-human fate and the web of connectedness that makes us what we are, gives us to speak, and pulls us toward one another and toward death, we could learn to let the world be. That would be a lesson of love.

## Is forgiveness possible?: The concrete cases of Thoreau and Rushdie (on) (writing) the unforgivable<sup>1</sup>

Rupert Read, Manchester Metropolitan University

What can this title mean? It might seem, at first thought, that little could be farther from *Henry Thoreau's* work, at least, from his interests and from the content of what he wrote about, than the concept of forgiveness. Aloneness, ecology, animal nature, political resistance, metaphor, peacefulness and mindfulness, even philosophy, yes; but *forgiveness*? What could have been further from his mind?

Well, but, our modern critical training is such that we can instantly recognize here a double opportunity; firstly, one can claim that the very absence of 'forgiveness' from Thoreau's work, from his writing, is a presence, that there is a pregnant silence here. Secondly, and more specifically (and thus much more plausibly and interestingly *qua interpretational strategy*), one can point out the respects in which Thoreau's work is arguably directed against the very ethico-religious perspectives which would have forgiveness to be a central topic or focus of one's principles (and something which we all ought (to strive to grant and) deeply to desire to receive). For example, one might delineate the elements of Thoreau's thought which work against Christian (and, more broadly, monotheistic priestly) modes of emphasis on being granted (and granting) forgiveness; on charity; on pity; and so forth.

That is; in good company with Emerson and Nietzsche, Thoreau can quite easily be read as casting doubt on the salience and centrality and healthiness of certain character-traits that are reckoned to be signs of virtue and piety. Thoreau's critiques of philanthropy and of conventional understandings of 'neighbourliness', for instance, are well-known.

But still, does Thoreau really take this so far as to put into doubt the desirability of forgiving others their sins; can he completely revalue not only (say) philanthropy and pity but even forgiveness (and mercy)? Surely not; surely, the many things for which or for the lack of which he castigates his fellow men, 'even while' holding himself pretty rigorously apart from them, are things he would at least aspire to.

Maybe. But that last sentence hardly rings very definitively true. To get much further, we are going to have to look properly at Thoreau's text(s).

Though that could be difficult or profitless, if his discussions of these matters are entirely indirect at best, insofar as they exist at all.

But we may be in luck. We may not have to wade all through Thoreau's unique treatment of *resentment* etc. to come across what we are in search of, still less its poignant absence. For, and this might surprise even some devotees of the text, there in fact exists one beautiful and concise present-to-hand example in which there is a 'direct' and explicit treatment of the topic of...forgiveness.

we are to speak of forgiveness, Thoreau is perhaps saying, *we might as well* speak of it as involved in the lives of those to whom it can seem desperately alien - our ready-to-hand examples of it are liable to be comparatively unsatisfying, even hypocritical. (The irony, then, is in part that it nevertheless seems clear that we are probably not describing the native Americans's world-view aright if we describe it through a generally Judeo-Christian frame). We ought to think carefully, perhaps, before we claim ever to be forgiving, or even to see forgiving. "Forgiveness", like "neighbourliness" and various other neighbouring concepts, is a word which has become dangerously de-valued. One ought to take the remarks quoted above on the Jesuits and the Indians literally - at least in the sense that their power is such that we must take them deadly *seriously*.

The question I wish to concentrate on in this paper, is not whether forgiving others is desirable. I take it that, *ceteris paribus* (though that clause is going to be of extreme import and complexity here), it *is*. At least, that it *is* for anyone for whom the issue of whether forgiveness is (in the right circumstances etc.) desirable does not generally *arise* - not, I mean, because forgiveness is desperately alien to that person/to their culture (in which case forgiveness would not be desirable (or undesirable), because it would not be relevant), but rather because it is part of a *presumed* background, part of the stream of their life.

No, my question is the connected but also importantly distinct and prior question of whether forgiveness is possible, and, if so, of what it (forgiveness) *is*; what is its nature, in what does it consist? Do we know what we are doing with this concept; do we have a *right* to presume it?

And the route I will take toward answering this perhaps surprising question, the seemingly-bizarre question of whether forgiveness is possible at all, is to look closely at the concept of unforgiveness, of unforgivability. It might reasonably be thought prior to reflection that nothing can be truly eternally, unalterably, unforgivable; in which case very obviously forgiveness will very probably take place pretty frequently. But if it is to be argued that there *is no such thing* in the world as true forgiveness, it must follow trivially that nothing is forgivable. Such that it is natural to consider the category of the unforgivable, and to determine its breadth of application. Let us start with some perhaps unusually clear examples of unforgivability, then, and proceed from there.

What is unforgivable? One example may be Thoreau's; how could one possibly forgive one's own torturers? We don't actually believe that the Indians forgave the Jesuits, except possibly after a *very* new fashion. Surely, the *most* anyone could imagine, let alone expect, would be for forgiveness not to be an *issue* here, as it probably is best said not to be for those who, again like Thoreau's Indians, seem able not to feel bitterness to the point even of treating their torture or execution as some kind of interesting practical exercise.<sup>3</sup>

What else is unforgivable? Well, what could be less forgivable than betrayal and mentally-torturing maliciousness? Here, then, is another possible (fictional - but how true to life!?! How many of us have not at some point felt betrayed in our love by a friend, or by someone, at least?) example of unforgivability, to enrich our diet. It is I think richly-

*I like butter, I like toast,  
You're the one I love the most.*

*Give her that message too; if you'd be so kind.* There was something demonic, Gibreel decided, something profoundly immoral about cloaking corruption in this greetings-card tum-ti-tum.

*Rosy apple, lemon tart,  
Here's the name of my sweetheart.*

A...l...l... Gibreel, in disgust and fear, banged down the receiver, and trembled...

...One by one, [the voices] dripped into Gibreel ears, weakening his hold on the real world, drawing him back little by little in to their obscene web, so that little by little their obscene, invented women began to coat the real women like a viscous, green film, and in spite of his protestations to the contrary he started slipping away from her; and then it was time for the return of the little, satanic verses that made him mad.

*Roses are red, violets are blue,  
Sugar never tasted as sweet as you.*

And lastly, when...Allie was absent at the ceremonial opening of a freezer food mart in Hounslow, the last rhyme

*Violets are blue, roses are red,  
I've got her right here in my bed.*

*Goodbye sucker.*

Dialling tone.

Alleluia Cone returned to find Gibreel gone, and in the vandalized silence of her apartment she determined that this time she would not have him back, no matter what the sorry condition or how wheedlingly he came crawling to her, pleading for forgiveness and for love; because before he left he had wrought a terrible vengeance upon her, destroying every one of the surrogate Himalayas she had collected over the years...

[W]eeping, she rang [her friend and Gibreel's,] Saladin Chamcha, to tell him the bad news..."<sup>5</sup>

Now, I might be inclined to ask at this point, to strengthen my case: It might be debatable whether Gibreel's actions were really unforgivable; but how could what Chamcha did even be *imagined* to be forgiven? How could one ever forgive a demonic set of actions like that, like the story detailed above? But such questions may even yet in a certain sense be premature; it may be clearer to us that something like the example just given involves unforgivability than it could be clear to us *how* it could imaginably be adjusted so as to encompass the possibility of forgiveness. For again, we do not yet have,

felicitous, can never be enough. *One can always turn out to have been mistaken* in saying, "I forgive you" even sincerely, in appropriate circumstances, *etc.*; while one cannot have been *mistaken* in having said "I promise you".

What is the additional factor? What guarantees an instance of forgiving, makes it authentic? It can seem to be something metaphysical. Recall the sense in which for Hegel, as for many less important and less abstruse theologians and moralists, the right punishment literally cancels out a crime, theoretically literally redresses it, wipes it away. Can we effect a tight comparison between such a view of punishment and a like take on forgiveness?

"But surely we needn't resort to such desperate measures, we need not cite or posit a hopeless metaphysic: the 'additional factor' is the will of the person in a position to forgive; their will must be a good will, and they must be ready not to think ill any more of the offender they are forgiving. That is the 'authenticity' required to validate forgiveness."<sup>9</sup> Well, indeed, quite probably so; but does this enable us to understand how a particular act that was wrong and has been conceded to be wrong can be removed of its 'sting', of its harmful attachment to the committer of the act? That is to say: having a good and no-longer-angry will seems to be reasonably called a precondition for forgiveness, but does its mention manage to *explicate* or paraphrase or yield comprehension of it even in the fashion which the 'Hegelian' proposal above at least *pretends* to? (Metaphysics is an appealing substitute for a sound and full conceptual/grammatical understanding of a term's use (that is, for instance, one rooted-in-our-lives). It is among other things the latter that we need here).

Even something that looks like a correct 'analysis' of forgiveness does not *satisfy* us. It does not enable us to understand it; any more perhaps than a knowledge of the English language enables someone truly to understand the sentence "Love your enemy."

"But look, you must at least concede that in the case of relatively trivial harms, forgiveness is frequent, straightforward, comprehensible."

But here's the rub: don't we tend to say in such cases, "Forget it/Don't worry about it; *there's nothing to forgive*"? Who is to say that such a locution ought not itself to be taken straightforwardly, literally?<sup>10</sup> The problem that is emerging into focus is this; that one can only forgive when one acknowledges that there is something to forgive. But then how can even a humble and genuine admission of wrong-doing, together perhaps with acts of contrition; how can these lead right into forgiveness, *even of small/middling offences*? For, just insofar as there remains something to forgive, just insofar as the wrong act has not been literally wiped away<sup>11</sup> or utterly redressed, it seems that forgiveness has not really taken place; but once there is nothing left to forgive, then there is no forgiveness either.

Taking stock, we should recall that an understanding of partial forgiveness cannot, for the sake of understanding the grammar/nature of 'forgiveness', be satisfactory; but our efforts to comprehend and effectually define forgiveness ('complete/full' forgiveness, if you prefer) seem to have reached something of an *impasse*. We have made some negative progress (we now know a little about what forgiveness is not), and a tiny bit of positive

But it also seems as though forgiving is an important human behaviour and attitude, and that it is quite absurd to deny its occurrence. A veritable paradox.<sup>13</sup>

How might this paradox be eliminated? Perhaps the most obvious and best possibility, already hinted at, is a construal of forgiveness as (a) process. Forgiveness is less a thing than a process that must normally be temporally extended, and thus resists analysis, at least along anything remotely resembling traditional philosophical lines.

Well, sure, maybe this is all we can say; but do we now really understand forgiveness any better? Do we understand the *transitions* in this process? I do not think we do. The move toward a processive 'account' of forgiveness is fine, perhaps; but it is essentially a major move away from any substantive account of forgiveness. It is essentially to admit one of my main claims; that, insofar as forgiveness as we imagine it actually occurs, it is incomprehensible, a mystery.

The only other obvious strategy which might avoid this admission is to distinguish rigorously between act and actor ("love the sinner, hate the sin"). Perhaps we might dissolve the paradox by having it be only *acts* whose forgiveness we cannot clearly envision. But it is not clear that this proposal makes sense. As R.G. Collingwood once put it, "[We cannot] escape by an abstraction distinguishing the sinner from the sin. We punish not the sin, but the sinner for his sin; and we forgive not the sinner distinguished from his sin but identified with it and manifested in it. If we punish the sin, we must forgive the sin too..."<sup>14</sup>

So far, then, we are no nearer to understanding how the paradox of forgiveness can be dealt with. We are forced back toward a more 'indirect' route. Let us return to examples which *might* enable us to reach a resolution if there is one available, if only we can understand them aright.

Stanley Cavell's strong misreading of 'Walden' as being *about* writing (and about writing (as living) as (a) moral/perfectionistic endeavour) suggests the following: that we might, with profit, consider whether the writing of 'Walden' was a 'speech act' - a linguistic act of a fairly distinctive illocutionary character - that anyone of his time (or, indeed, of other times) who was in any strong sense a subject of Thoreau's powerful 'critique' could really forgive. If one were the object of one of Thoreau's savage and uncompromising indictments, *could* one, in actual fact, forgive the indicter his savagery?<sup>15</sup>

Think again of Thoreau's Indians. As hinted above, it seems reasonable to suggest that Thoreau is identifying himself much more closely with them than with their persecutors, who purportedly come with the intent of doing good, of being philanthropic. He does not want to play the language-game of philanthropy, of Christianity - and so he mocks it by having the Indians turn out to be more forgiving and Christian than the Jesuits. What the worldly Jesuit torturers are doing is hypocritical, probably unforgivable. But now, how will a Christian be able to take Thoreau's savage wordly mockery here? Can Thoreau possibly be forgiven for writing as he does? He says that there is no odor so bad as that emerging from the 'consoling' voices and the 'persuasive' fires of Christian missionaries. He says that philanthropy, that Christian good works, ought to be run away from with the

Mahagonny, Babylon, Alphaville. But Gibreel has already named it, I mustn't interfere: Proper London...

Who am I?

What else is there?

...Gibreelsaladin Farishtachamcha, condemned to this endless but also ending angelicdevilish fall, did not become aware of the moment at which the processes of their transmutation began.

Mutation?

Yessir, but not random...changes took place that would have gladdened the heart of old Mr Lamarck: under extreme environmental pressure, characteristics were acquired.

What characteristics which? Slow down; you think Creation happens in a rush? So then, neither does revelation...take a look at the pair of them. Notice anything unusual? Just two brown men falling hard, nothing so new about that, you may think; climbed too high, got above themselves, flew too close to the sun, is that it?

That's not it. Listen:"<sup>18</sup>

[We then have an account, the *logos* of Rushdie, of how Chamcha and Farishta mysteriously survive the fall from their wrecked jumbo jet, which ends thus:]

"God we were lucky", [Chamcha] said, "How lucky can you get?"

I know the truth, obviously, I watched the whole thing. As to omnipresence and - potence, I'm making no claims at present, but I can manage this much, I hope. Chamcha willed it and Farishta did what was willed.

Which was the miracle worker?

Of what type - angelic, satanic - was Farishta's song?

Who am I?"<sup>19</sup>

[And here is 'the authorial voice' again, in the allegory of the birth of Islam (in God (or is it God? how could one tell? - the central theological question in 'The Satanic Verses') talking through Gabriel/Gibreel) given us under the heading, 'Mahound' (cf. 'Mohammed'):]

"Question: What is the opposite of faith?

Not disbelief. Too final, certain, closed. Itself a kind of belief.

Doubt.

The human condition, but what of the angelic? Halfway between Allahgod and homosap, did they ever doubt? They did: challenging God's will one day they hid muttering beneath the Throne, daring to ask forbidden things, antiquations. Is it right that. Could it be argued that...// [But] Angels are easily pacified; turn them into instruments and they'll play your harpy tune. Human beings are tougher nuts, can doubt anything, even the evidence of their own eyes. Of behind-their-own-eyes. Of what, as they sink heavy-lidded, transpires behind closed peepers...angels, they don't have much in the way of a will. To will is to disagree; not to submit; to dissent.

I know: devil talk. Shaitan interrupting Gibreel.

Me?"<sup>20</sup>

[Above, Rushdie toys explicitly with the satanic voice being his. As again, perhaps, here]:

invasion of the private by the public in a modern world whose intellectual elites *at least* ought to know better.<sup>23</sup>)

Again, then: Should we not try to read Rushdie's works as though the (possible) death of their author has no relevance to them? And this is certainly what Rushdie himself has asked us to do.<sup>24</sup>

And indeed, I think we should - try. It is, of course, difficult - try reading "Pale Fire" without thinking of Zembla. 'The Satanic Verses' is unavailable - irrecoverable - in its pre-(anti)-religious-propaganda state; but that by no means implies that we have to treat it as that *and nothing else*, that we have to regard it as a focus for historical study as the centre-piece of a famous dispute, and (e.g.) mine it reductively for salacious evidence for Rushdie's guilt! For it is: a great *novel*, a uniquely-valuable *dramatic* meditation on the concepts of revelation, of forgiveness, of personal change; and it is often very funny, or quirky, or beautiful, besides.

So, we certainly ought to (try to) read 'The Satanic Verses' as much more than the premonition of a death sentence.

But we can hardly help it if we read it as that too.<sup>25</sup>

And, while we surely ought most vociferously to defend Rushdie's right to publish, and even more so given that what he has written here is arguably not bad art, but great art (for bad art shades into not being art at all, and thus not being so worthy of defence; the greater the art, the more vigorously the rights of all of access to it must be supported and preserved), and while we ought therefore I think to speak out against those (such as John Le Carré) who serves as apologists for the *fatwa-istas*, and engage, if necessary, in Thoreauvian risks to preserve the possibility of loudly saying the unpalatable, of pursuing one's vision (e.g.) of free art and of a free, just, secular society; *nevertheless*, one ought perhaps simultaneously to maintain that Rushdie must in some sense - perhaps in a sense familiar to readers of Cavell - take *responsibility* for his words. What does this amount to? It amounts, among other things, to recognising plainly that the *genre* of the novel does not provide *carte blanche*, that Kundera's (and Rushdie's) dream of art as non-truth without consequences is an unrealizable ideal (at least, that its realisation would have many costs - e.g. the elimination of the category of the novel rightly legible as having a moral point (compare for example Rorty on Nabokov and Orwell; and note, as I have already implied, that Rushdie and Kundera do not 'escape' being morality-minded, and, PLAINLY, dramatise *ideas*, including political and religious ideas, in their texts)); above all, that Rushdie's act of writing must have *been predictably unforgivable* (as far as many, from particular communities, are concerned). Yes, in regretful sum: Rushdie's act of writing 'The Satanic Verses' was, for many adherents of one of the world's leading religions - and must have been known ahead of time, to a considerable extent, to have been - unforgivable, heretical, satan-esque.

The pessimistic conclusion that I draw from my general arguments, and from the specific case both of the drama enacted in the pages of 'The Satanic Verses', and from the very fact of the book's composition (of the self-conscious composition of a book like that), and from the lovely irony in and of the example from Thoreau with which I began,

be able to forgive those who, unlike Thoreau's Indians, cannot (and do not even want to (try to)) perform the preternatural and *sui generis* task of forgiving (the unforgivable) - in this case, the writing of a book that, as I have suggested Rushdie *clearly* must have foreseen, strikes to the very core of their *weltanschauung*.

So one should not blame Salman Rushdie (or, likewise, the apparently-misanthropic Thoreau), for not forgiving those who would deaden or kill his words, or even him. Even if, to paraphrase Ludwig Wittgenstein,<sup>28</sup> those he cannot forgive would have fighting words such as these that follow that they could say back: "I see a man saying over and to himself, "This is unforgivable, this is unforgivable," while pointing to a book. It would surely not be absurd of me to say: "Do not think that this man is insane. He is not exactly doing philosophy. He is enacting part of the world as he and many others have found it.""

1995)); (2) A more special (would-be? ultimately incoherent?) type: forgiveness of one's present self for some fault or disposition.

Just one more word on this in the present context: "Forgive thyself" arguably must be a harder precept to live by even than "Know thyself". For the latter is arguably a prerequisite for the former, which thus requires additional work.

7. For a real-life example in a different register, consider these quotations from Bishop D. Tutu, the Head of South Africa's Truth and Reconciliation Commission: "The point about forgiveness is that we are opening the door to a new beginning. This is different from justice - which says that we are doling out just deserts." Tutu illustrates the concept of justice with a story. "This man posed for a portrait to be painted and, when he came to see the finished article, he said to the artist, 'Oh, this doesn't do me any justice.' And the artist says, 'Sir, you don't need any justice, you need mercy.' ... Tutu favours as broad a process of forgiveness as possible, provided that those who perpetrated murders and tortures can prove they did it for political motives... "If you don't look the beast in the eye, then that beast is going to haunt you forever. Forgetting is dangerous. You cease to be a human being if you forget." ("Sweet Truth," interview with Phillip van Niekirk, *The Observer*, 24 Dec. 95.)

8. The latest book-length effort to comprehend forgiveness philosophically is Haber's *Forgiveness* (Savage, Maryland: Rowman and Littlefield, 1991). Haber claims, amazingly, that *trying* to forgive can be a sufficient condition for forgiving, and that a speech act analysis of forgiveness can thus cope fully with the concept, i.e. To say sincerely at a moment "I forgive you" (or even just "I'm trying to forgive you!") amounts normally to forgiveness. Clearly, I consider this position to be wrong, to be hopelessly over-optimistic.

9. This interlocutorial remark is again roughly the position argued for in Haber, *op.cit.*

10. And if it be objected that such a locution is invariably a cover for a feeling of hurt or resentment that continues, then we have not as yet in any case been presented with a genuine case of forgiveness! (Forgiveness requires not bearing ill will. Saying that there is nothing to forgive *insincerely* thus obviously does not qualify!) In cases where there actually *was* no fault, and saying "Sorry" is recognised even by the person saying it as a mere politeness, it is even clearer that there is no cause (and no space) here for forgiveness to be required or given.

11. And, *contra* Haber, an act that is still in one's mind - that has not been forgotten - and is still thought of as wrong, only needs mental rehearsal oftentimes for one to be back resenting again. Forgiveness arguably cannot withstand reminescence.

12. When you've (apparently) forgiven something, haven't you necessarily reconceptualised it such that it doesn't need forgiving any more?! My point hereabouts is supported by the line taken by Jeffrie Murphy in his debate with Jean Hampton, *Forgiveness and Mercy* (Cambridge: U.Cambridge Pr., 1988); though I would not wish to foist on him my Zenoian metaphors here.

18. *The Satanic Verses*, pp.4-5. [Spaced out ellipses are in the original].

19. *Ibid.*, p.10. The next, deflationary, line reads: "Let's put it this way: who has the best tunes?" We hear some (of Salman Rushdie's) different tunes later in the novel, for example in the next passage quoted. We might also note one of the sections of the book in which Saladin Chamcha becomes devilish: "Stories rushed across the city in every direction...*no smoke without fire*, people said; it was a precarious state of affairs...that would send the whole thing higher than the sky. Priests became involved, adding another unstable element - the linkage between the term *black* and the sin *blasphemy* - to the mix...He opened his eyes; which still glowed pale and red." (*Ibid.*, p.288, and p.294).

20. *Ibid.*, p.92.

21. *Ibid.*, p.95. If there were space, it would be interesting here to enter into a whole discourse on analogies and differences between the creation of the novel/the Creation of the world/the creation of a religion, and to speak also the democracy of dreaming, of dream-creation. See p.390f. On p.392, we find a quite startling anticipation of a possible fate of Rushdie: "In the old days you mocked the recitation," Mahound said in the hush. "Then, too, these people enjoyed your mockery. Now you return to dishonour my house, and it seems that once again you succeed in bringing the worst out of the people." So [Baal] was sentenced to be beheaded, within the hour, and as soldier manhandled him out of the tent towards the killing ground, he shouted over his shoulder: "Whores and writers, Mahound. We are the people you can't forgive." Mahound replied, "Writers and whores. I see no difference here."

22. This in my view entails a tragic loss of much of the great quality of Plath's art. I hope to ignore the occlusion of her work by her life and death in a futurer paper on her work that will focus obsessively on that work as poetic/dream-work, and (most of all) as fine literary/grammatical display, in something like Kundera's non-ethical and non-political space.

23. Cf. p.20f, p.37f and p.123ff of Kundera's *op.cit.* But my question here again has to be: When Kundera brilliantly attacks the *roman à clef* (p.264f), or the reading of novels as allegories of the author's lives (*passim*), or indeed the kind of writing found in the likes of Orwell (on p.224f.; "it is political thought disguised as a novel"), *does* his attack successfully establish that Rushdie's work (or indeed his own) contains none of these elements (is it clear that Rushdie's 'Mahound' is a figure of a totally different *genre* from Brod's St. Garta (or Orwell's O'Brien)?)? Or, indeed, on the other foot, does Kundera establish that these elements can never be of value, even within what is transparently or transcendently a novel? Plainly, I believe the answer to these questions has to be 'No'.

24. In his pamphlet, "Is nothing sacred?"

Our task is made no easier by the course of some of Rushdie's recent writings, however - I refer to his fiction, not to his non-fictional addressings of and reckonings with the *fatwa*, etc. For example, his *Haroun and the sea of stories* is easily legible as a *morality tale* in which Haroun and his guru(s) have their lives threatened while they take on the

*from himself.* He couldn't forgive his own earlier tendencies toward error, and so, unable to forgive himself, he blasted his almost flawless early product, the 'Tractatus', as though it were written by another. He feared in his later work being tainted by (the odor of, the (reified) substance of) his early work; he feared being influence by his (earlier) self; and thus he tried to distance that self, 'the author of the 'Tractatus', far more from himself than is actually reasonable, based on the best available readings of the texts. He thought at the time of writing 'Philosophical Investigations' that he was looking at the reality of his great early work, when actually he was looking only at a frame through which one could choose, uncharitably, to look at it (as opposed, unfortunately, to noticing *its* frame).

The faults are demanded because (1) exhibiting *Walden* as a work of philosophy requires that I find a vantage point from which to survey, to overlook, *Walden* entire - and such a survey will lose sight of detail; and, (2) exhibiting *Walden* as a work of philosophy requires that I show *Walden* to be conceptually integral, that I show its central concepts to meld, naturally, one with the other - and showing that leaves little room for justificatory, over-arching argument. If I can show *Walden* to be conceptually integral, show its central concepts to meld, then that will itself constitute all the justificatory, over-arching argument that should be necessary. The faults are amended, at least somewhat, because exhibiting *Walden* as a work of philosophy adds a vital book to the shelf of philosophy books and shows that there is yet another way of inflecting "philosophy", the inflection of Conceptual Appreciation. (I also try to amend the faults in the notes, both by providing a bit more detail and by sketching a few justificatory, overarching arguments - or at least by pointing the way to such arguments).

4. I take it that *Walden* is a book written, to use Thoreau's own words, "deliberately and reservedly."<sup>6</sup> What is it to write deliberately and reservedly? Thoreau's response to this question - at least insofar as the question asks after the writing of such a book as *Walden* - is in the chapter entitled "Baker's Farm". In the course of describing his conversation with John Field, Thoreau comments: "...I purposely talked to him as if he were a philosopher, or desired to be one." This comment may not lighten the deliberate and reserved writing of *Walden* on its own; but when paired with Thoreau's earlier remarks on philosophy, it is of considerable help. In "Economy" Thoreau writes:

There are nowadays professors of philosophy, but not philosophers. Yet it is admirable to profess because it was once admirable to live. To be a philosopher is not merely to have subtle thoughts, nor even to found a school, but so to love wisdom as to live according to its dictates, a life of simplicity, independence, magnanimity, and trust. It is to solve some of the problems of life, not only theoretically, but practically.

The student of *Walden* is talked to as if he were a person who loves wisdom enough to live a certain way, or at least as if he were a person who desires to love wisdom enough to live a certain way. Stress here should fall squarely on "to live". Thoreau is not talking to people who want a parcel of information, exactly - who want a record of subtle thoughts had by someone else; a system, say - he is talking to those in the grip of one or more of the problems of life, someone facing a task or lacking a trade. To talk to such an audience is to cast your talk a particular way, to undertake to instruct those to whom you are talking to make correct judgements, i.e. to recognize (in the lives of others but primarily in their own) what is genuine (recognizing what is genuine is a fair characterization of wisdom). Showing how to achieve the knowledge needed for such recognition is Thoreau's occupation in *Walden*. It is hard work because, as Wittgenstein notes in *Philosophical Investigations* (PI II, xi., pg.227),

There is in general no such agreement [like the agreement in judgements of colors] over the question of whether an expression of feeling is genuine or not.

I am sure, *sure*, that he is not pretending; but some third person is not. Can I always convince him? And if not is there some mistake in his reasoning or observations?

to be hints or tips. When Thoreau says he "will only hint" he is not admitting willful obscurity but conceding necessary obscurity - an obscurity that comparing his trade to other trades, trades that apply calculating-rules, shows to be necessary. (Wittgenstein, too, had to concede necessary obscurity (in his Preface to *PI*):

After several unsuccessful attempts to weld my results together into...a whole, I realized I should never succeed...And this was, of course, connected with the very nature of the investigation.)

Second, Thoreau recognized that a trade that turned on hints was going to be one that traded in secrets, that had trade secrets. The secrets, I think, are secrets only to those inexperienced in Thoreau's trade; inexperienced, that is, in the byways and bywords of *Walden*. Once a person has acquired the needed experience, the secrets will turn out only to be the natural indefinitenesses of a trade (connected with the very nature of a trade) that does not admit of a technique, that is not systematic.

Thoreau continues the passage above by reporting

I long ago lost a hound, a bay horse, and a turtledove, and am still on their trail.

Without speculating overmuch here, now, on what these three creatures represent, if anything, I want to consider the trailing comment, about still being on their trail. Why does Thoreau describe his trade in terms of 'trailing'? While Thoreau has lost the hound, the horse and the turtledove, he has not lost their trail. He is still on their track, still on track. He still has the scent.

But, trails and tracks look like evidence; and, I have been construing Thoreau's trade as one that does not allow for evidence. How is this conflict resolved? A bit after his remark about knowledge of humankind, Wittgenstein points out the following:

It is certainly possible to be convinced by evidence that someone is in such-and-such state of mind, that, for instance, he is not pretending. But 'evidence' here includes 'imponderable' evidence. (*PI*, II, xi, pg. 228).

So the inapplicability of evidence in teaching someone to recognize genuineness is the result of the fact that the evidence that plays a part in such teaching includes imponderable evidence. And evidence that includes imponderables is not what we normally think of as evidence. (Consider: is recognizing that someone is not pretending, where the recognition turns on imponderable evidence, ever sensibly said to be justified, to any degree? Can we make sense of imponderables as necessary or sufficient conditions?) That the trail Thoreau is still on must be such that it includes imponderable evidence is shown, if by nothing else, by the differences in the types of trail each of the creatures would leave. The trail of a hound and a horse might overlap for a space, but the hound can travel where the horse cannot. And the trail of the turtledove, unless it were grounded (which it is not, because, as Thoreau later notes, it has been seen "disappearing behind a cloud"), would not overlap with that of the hound or horse. Since Thoreau claims to be on "*their* trail", i.e. on *one* trail, he must not be following evidences (of their passing) of a normal sort.

with his students. When Thoreau refers to his students as "poor", the poverty to which he refers is a poverty not only of knowledge, but of experience. In his essay "Walking" he underscores this. "It is remarkable...how little exercised we have been in our minds; how few experiences we have had."

If I was right before in maintaining that claims to knowledge of humankind cannot be proven and that evidence for them includes imponderable evidence, then it may seem as if knowledge of humankind could not be something philosophical, something that concerns the philosopher. Most philosophers disrelish obscurity, have no appetite for indefiniteness. Knowledge of humankind looks to be too "unlicked and incondite" (to borrow Lamb's phrase) to have any claim to the attention of the philosopher or would-be philosopher. So, if Wittgenstein is right, and even the most general claims of this sort "yield *at best* what looks like the fragments of a system" [emphasis mine], then knowledge of humankind does not look to be philosophical knowledge. Indeed, knowledge of humankind may not look to be knowledge at all.

7. From one angle, these charges are all right. A philosopher who is interested in knowledge of humankind, who is swayed by remarks on the natural history of human beings, who reads *Walden* as a work of philosophy, is a philosopher reconstituted. To most philosophers, whether analytical or metaphysical (i.e. Continental), a philosopher reconstituted is someone without a philosophical constitution - without a philosophical bone in his body, without a philosophical charter. But to the philosopher reconstituted, the analytical and metaphysical philosopher alike resemble John Field's wife "with the never absent mop in one hand, and yet no effects of it visible anywhere" ("Baker's Farm"). The analytical and metaphysical philosophers both contend that they will mop the floor so well that it will be possible to see the super-floor beneath it, a crystalline floor, like slippery ice, frictionless, ideal (*PI* 107). The philosopher reconstituted points to the dirty floor, the rough ground, that actually allows for and supports everyday traffic, and recommends that the analytical and metaphysical philosophers give up on the mop, except perhaps for occasional tidying-up.

Anyway, the philosopher reconstituted is willing to make do with less, is willing to live with the obscurities and secrets, the indefiniteness, of knowledge of humankind. Because this philosopher regards the hankering for systematic knowledge of humankind as bootless, he confines himself to hints and tips, so that he will not give the impression that philosophy as he practices it promises more than scattered, occasional certainties. These certainties, the certainties that knowledge of humankind allows, are not certainties at all to the analytical or metaphysical philosopher.

Thoreau's reacts to their complaint by reminding the analytical and metaphysical philosophers that

There are other letters for the child to learn than those which Cadmus invented. The Spaniards have a good term to express this wild and dusky knowledge, - *Grammatica parda*, tawny grammar, - a kind of mother-wit... ("Walking")<sup>13</sup>

Wittgenstein responds to their complaint by pointing out that it results from thinking that there is only one kind of certainty (a complaint resulting from a one-sided diet), so that

One problem, at least one potential problem, with what I am saying is that it makes the doubts of the analytic or metaphysical philosopher look alarmingly real: while I may not overlook or miss the ticking of my alarm clock when I am asleep, it nonetheless *really is* ticking. So, the analytic or metaphysical philosopher can claim that the doubts that distress him are doubts that are really there, doubts he discovers. But this gives listening to the ticking the wrong significance. While it is true that any expression of pain can be doubted, not every expression of pain is a genuine opportunity for doubt. In fact, if we were to treat every expression of pain as a genuine opportunity for doubt, we would lose our hold on the concepts of "simulating pain" and "being in pain". If I were to listen to every tick of my alarm clock, the alarm clock would no longer be able to perform its function: since I would never sleep, I would never need the alarm.<sup>14</sup>

As I said, this does not mean that we never doubt that others are in pain. Instead it means that we are only awake to that doubt when we are called to it - when an alarm goes off. Such doubt is doubt to which we must arise. If we judge that someone is pretending to be in pain, then we open our eyes to doubt. But we open our eyes to doubt only because of our judgement about the pretending: if I do not judge that someone is pretending to be in pain *and* if I do not judge that he is in pain, then, again, doubt has no place. I simply do not know what to think; I am certain of nothing and doubt nothing.

Thoreau treats the analytic or metaphysical philosopher's distress about these doubts by pointing out (in "Economy") that

...we may safely trust a good deal more than we do...Nature is as well adapted to our weakness as to our strength. The incessant anxiety and strain of some is a well-nigh incurable form of disease...How vigilant we are! determined not to live by faith if we can avoid it; all day long on the alert, at night we unwillingly say our prayers and commit ourselves to uncertainties.

Thoreau is well aware of how difficult it is to cure someone kept awake by these doubts (someone suffering from, to twist Joyce's phrase, an "ideal insomnia"). His therapy consists in reminding his student of the central place of trust in our dealing with things, with one another. (A therapy Wittgenstein will later try in *On Certainty*: "At the bottom of human life is trust.") Trust is not a response to doubt. (And, importantly, neither is faith). When we trust someone or something, we do not close our eyes to our doubts about him or it. When we doubt, we do not trust. When we trust, we foreclose doubt. This is why a breach of trust matters so much, is so painful - such a breach blindsides us. If trust were a response to doubt, then when someone we trust fools us, it ought normally to be something that we are, in a way, prepared for: we knew that it might happen but chose to ignore it, to shut our eyes in the face of the possibility. Such a breach would then normally chagrin us, annoy us, perhaps disappoint us. But this is not our normal response to such a breach. When we trust someone, we normally are not, in any way, prepared to be fooled: Not to chivvy language too far beyond its coarser nuances, but there *is* a difference between *hoping for the best from someone* and *trusting* him.

8. Thoreau's point in telling his student that Nature is as well adapted to our weakness as to our strength is that our budget of concepts, and hence our certainties and uncertainties (which stand in the middle of our nature as well as Nature) are not poorly fitted to our

(So much of philosophy turns on, over, against, around prepositions.<sup>20</sup>) But this assurance is the assurance of someone hard up for categories. (Just as the argument over whether there is one world or two, the argument between the monist and the dualist, results from the same assurance: assurance that there are only a few worlds - surely two at most, or maybe one, instead of, say, nineteen.<sup>21</sup>) If someone were to stare at a statement, or to repeat an utterance again and again and explain his doing so by saying that he was looking for the pain in the statement or listening for the pain in the utterance - would we correct him by saying that he took something literally that was meant figuratively? Or, would we simply say that he misunderstood? The claim that pain cannot be seen or heard is the result of a prejudice, an ancient prejudice at that, about what seeing and hearing come to, about the proper objects of the various senses. It is true I guess that 'pain' is not normally accepted as a candidate for completing the statement "I see \_\_\_." or "I hear \_\_\_.", but this does not entail that 'see' in statements like "I see that he is in pain" or "I see the pain in his face" is misused or modelled or mistaken. We can see more than colors and can hear more than sounds.<sup>22</sup> Only someone plumping for a particular theory of sight, and not someone who has appreciated the concept of 'sight', might think otherwise (*Zettel 223*). As Hanson and Ziff realized, there is more to seeing than meets the eye (and more to hearing than meets the ear). Thoreau calls this into view by underscoring that "his sight [had] been whetted by experience." Seeing and hearing are not always only states; they are also *often* achievements. We can and are taught to see and to hear. ("This is why I speak to them in parables, because seeing they do not see, and hearing they do not hear.") The eyes of critics of painting or the ears of critics of music are different in degree, and not in kind, from the eyes and ears of the rest of us. Statements like "I see the pain in his face" or "I hear the pain in his words" are in order as they stand; we do not need to explain them, or explain them away, by falling back on the literal/figurative distinction. Seeing and hearing are more complicated businesses than this distinction allows.

An expression of something - say, pain - differs from an expression for it in that (in painful circumstances) occurrences of the former are natural and non-occurrences unnatural whereas occurrences and non-occurrences of the latter are neither. Yelling or grunting or whining or exclaiming "That hurts!" is a natural expression of pain. Waving a red flag is not natural (nor is it unnatural); although it could be agreed upon as an expression for pain. Expressions-for are conventional in a way that expressions-of are not. If I accidentally drop a huge rock on your foot and hear bones break and see blood, your scream would be a natural expression of your pain. If you do nothing, not even grimace or whimper, I will think that something is wrong, that your reaction is unnatural. However, if we agree that waving a red flag is to be an expression for pain, and I then drop the rock accidentally and you wave the flag, I will not think your waving natural; I will think that you have remembered our agreement. If you do not wave the flag, I will not think your failure to wave it unnatural; I will think that you have forgotten our agreement. But expressions of pain are not things that can sensibly be remembered or forgotten. (Can babies forget to cry?) If I accidentally drop the rock and you do nothing and then, responding to my expression of worry, you claim that you forgot to grimace or whimper (or something), I will not know what to make of your claim. You may, of course, explain to me that you are a stoic sort of fellow and I may accept this as an explanation of what looked to me unnatural; but this is nothing like forgetting to grimace or whimper (or something); it

*Walden* is the expression of Thoreau.

## Endnotes

1. I thank David L. Norton, Iakovos Vasiliou, Rupert Read and Clif Perry for helpful comments on this essay. I also record my debt, first to the writings of Stanley Cavell and Virgil Aldrich, and then to those of John McDowell and Cora Diamond.

2. Ziff, P. *Philosophic Turnings* (Ithaca: Cornell University Press, 1966), pg. vii.

3. I have transposed into these remarks some remarks of Virgil Aldrich's. Cf. Aldrich, V. *Philosophy of Art* (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1963), pp. ix and 5.

4. Because it is so tempting to think that we could steal a philosophical glance behind our conceptual situation - a glance that would permit an account of it, or a justification - I note an argument of David Bell's (*Frege's Theory of Judgement* (Oxford: Oxford University Press, 1979), pp. 138-9):

Any acceptable philosophical account of human judgement must have a terminus. But for obvious reasons that terminus cannot be, or presuppose, those very discursive abilities which were to be elucidated. And so our ability to think, to judge, to manipulate concepts depends upon our performing acts which are essentially non-conceptual, and which are, therefore, inaccessible to philosophical analysis...There can no more be a philosophical account of [human judgement] than there can be a philosophical account of the human digestive process: both are non-conceptual, non-discursive processes. At this point one's philosophical spade is turned. Kant, having argued that the categories are the fundamental rules governing the creation of propositional unity, observes that 'this peculiarity of our understanding, that it can produce *a priori* unity of apperception by means of the categories, and only by such and so many, is as little capable of further explanation as why we have just these and no other functions of judgement' (B146). All we can say here is: this is what we do.

Bell argues that Kant, Frege and Wittgenstein all participate in a philosophical tradition that centers on the notion of judgement (cf. pp. 1-12 and *passim*). A secondary task of this paper is to scrape together more reasons for thinking of Thoreau as participating in that philosophical tradition. I say "more", because a theme of Cavell's masterpiece, *The Senses of Walden*, is that Thoreau does participate in the tradition. (On this tradition, see also James Conant's invaluable "The Search for Logically Alien Thought", *Philosophical Topics*, Fall, 1991, pp. 115-180). Frege, Wittgenstein and Thoreau are all "gifted composers of variations on Kantian themes" (Sellars).

5. This is another way in which Thoreau belongs to the Kantian tradition (cf. note 4): As Conceptual Appreciation, Thoreau's philosophy continues Kant's Critical Philosophy - and I don't think this twists "Critical" in a way disloyal to Kant's use of it.

6. Thoreau, H. *Walden* (New York: Modern Library, 1950). All quotations from *Walden* will be taken from this edition. I will identify passages (in the text) by noting the title of the chapter in which they occur.

more than 'He looks like my friend', and is not this entirely sufficient? Do you keep a card file in your head of all your acquaintances' facial and bodily characteristics, and thumb through it every time you see someone to find who it is?

10. Think here of the need for what Kant above (note 9) calls "a natural gift."

11. Some comments from G.A. Paul's essay, "Wittgenstein" (in Ryle, G. ed. *The Revolution in Philosophy* (London: MacMillan and Co. Ltd., 1957), pg. 96), are in order here:

Here is why Wittgenstein presents no method in philosophy; there is no method for inventing cases, no method for arranging them.

And there is no method for "*being struck by*" one fact rather than another...The fly in the fly-bottle may countless times eye the way out - and not be particularly struck by it.

12. Since my talk of necessary obscurity may seem unnecessarily obscure, let me say a word or two more about it. Another way of thinking about the necessary obscurity in Thoreau's trade is this: the obscurity embodies a knowledge of the unsayable. Stanley Cavell, from whom I have borrowed the phrase "knowledge of the unsayable," introduces it by noting that

The knowledge of the unsayable is the study of what Wittgenstein means by physiognomy. His continuous sketches of it occur in Part II of the *Philosophical Investigations* [in section xi]...(The World Viewed (Cambridge, Massachusetts: Harvard University Press, 1979), pg. 157).

So we can say of Thoreau's obscurity that it embodies a knowledge of physiognomy. But what does that mean? "Knowledge of physiognomy" looks to be a more drumly phrase than any I have used so far.

Wittgenstein uses the term "physiognomy" four times in *PI*: *PI* 568; II, vi, pg. 181; II, xi, pp. 210 and 218. The last three times he uses it, he uses it when talking about words. Wittgenstein's idea is that words have a familiar physiognomy, a face - that words "look at us" (pg. 181). At 568, after talking about the distinction between what is essential and inessential (in a game), Wittgenstein notes, parenthetically, that "Meaning is a physiognomy". I take this to mean that meanings, like words, have familiar physiognomies, faces. And I take this to mean that we can recognize a meaning, just as we can recognize a face. When I recognize the meaning, say, in a passage of music, I have seen its face, recognized it. This hooks up, in ways that I hope are obvious, with my construal of Thoreau as teaching his reader to recognize genuineness. *Walden* sketches the face, the physiognomy, of genuineness - first from one angle, and then from another. (For more on the notion of faces, of physiognomies, cf. Diamond, C. "The Face of Necessity", in *The Realistic Spirit* (Cambridge, Massachusetts: MIT Press, 1991), pp. 243-66.) Why does such teaching by such sketches involve knowledge of the unsayable? Well, part of the answer is that such teaching involves imponderable evidence; but another part of the answer is that we cannot detach the expression of genuineness from that which expresses it. The content of genuineness, we might say, is in the face that expresses it. This means that Thoreau cannot

ment of 'in'...has impoverished and caricatured philosophy into lopsided monism, impossible dualism, etc. ("Kripke on Wittgenstein on Regulation", pp.380).

20. "Philosophy has always turned on grammatical particles." William James ("A World of Pure Experience", *Essays in Radical Empiricism* (New York: Longmans, Green and Co., 1943), pg.45).

21. Cf. Austin, J.L. "Intelligent Behaviour: A Critical Review of *The Concept of Mind*" in Wood and Pitcher, eds. *Ryle: A Collection of Critical Essays* (Garden City, New York: Anchor Books, 1970), pg. 48. Austin ends the section I am echoing by asking "Why, if there are nineteen of anything, is it not philosophy?"

22. As Kendall Walton observes,

...[T]here seems to be no reason to suppose that there are any limits at all to the kind of empirical facts that can be known directly. Contrary to traditional philosophical doctrine...our knowledge of other people's minds is not usually inferred from their behavior and facial expressions...Which information we receive directly from sense experience and which must be inferred...does not depend on an intrinsic difference between two kinds of empirical facts, but on the practical conditions of ordinary life which determine our perceptual dispositions. ("The Dispensability of Perceptual Inferences", pp.363 and 368).

Walton's argument is strikingly like that of Austin's in *Sense and Sensibilia* (Austin makes his point in connection with language, not facts):

...[T]he question of truth and falsehood does not turn only on what a sentence is, nor yet on what it *means*, but on, speaking very broadly, the circumstances in which it is uttered...[F]or much the same reasons there could be no question of picking out from [a] bunch of sentences those that are evidence for others...What kind of sentence is uttered as providing evidence for what depends, again, on the circumstances of a particular case; there is no kind of sentence which *as such* is evidence-providing... (Austin, J.L. *Sense and Sensibilia* (Oxford: Oxford University Press, 1962), pg.111.

Aldrich is fond of reminding himself and his reader of a line from Aristotle:

...[I]t is important to notice that, for such matters, the decision rests with perception, to use Aristotle's phrase, though it is just as important to remember that perception is decisive *in context*. ("Behavior, Simulating and Nonsimulating", *Journal of Philosophy*, Sept. 1966), pg.457).

Note, too, the opening lines of Wittgenstein's remark quoted on pg.14: I can be as *certain* of someone else's sensation as of any fact.

23. Of course, after repeated uses, some expressions-for can become an expressions-of, although there is no algorithm available for capturing just what "after repeated uses" comes to. In some cases, after repeated uses, I no longer conclude (that, say, you are in pain), but see.

## Discussion Note

# When Avoiding Scholarship is the Academic Thing to Do: Mary Midgely's Misinterpretation of Ayn Rand

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### Grounds for Exclusion

Contemporary academia is a long way from being a free marketplace of ideas. The customs of discipline, speciality, and faction closely regulate who is allowed to participate in the intellectual disputes of the day. Those deemed unworthy are preferentially ignored. When they can't be ignored, they must be dismissed - the quicker the better.

Ayn Rand conducted her entire career outside the university, and preferred to present her ideas in novels. That is already a huge strike against her; taking the popular road excites distrust (if not envy) in most academics. Some labor is needed to trace the genealogy of Rand's ideas, and her closest living relatives in academia, the neo-Aristotelians, are distinctly *déclassé*. Her rejection of altruism and advocacy of *laissez-faire* capitalism are about as welcome in most Departments of Philosophy, as calling for the disestablishment of public schools would be in Colleges of Education.

Though the grounds for blackballing, and total exclusion from academic discourse, are overwhelming, Rand can't always be ignored; novels like *The Fountainhead* were and are too widely read. Pre-emptive swipes are necessary on occasion. One of these swipes is taken by British philosopher Mary Midgely, in a little book titled *Can't We Make Moral Judgements?*<sup>1</sup> Though Midgely is a career academic, her book is not, on the face of it, an insider's exercise. Written in plain language and directed toward a lay audience, it aims to combat the tendencies Midgely sees at work in contemporary Western societies, in which "Relativism and subjectivism tend to be used together as constituting a muddled, composite kind of immoralism..."<sup>2</sup> Though her project wouldn't agitate most of her fellow moral philosophers, it's unlikely to win her popularity in other branches of the humanities.

Why, one might naively ask, aren't Mary Midgely and Ayn Rand natural allies? Rand, after all, had zero regard for subjectivism, relativism, or any kind of moral excuse-making. She would have applauded Midgely's deft dissection of cultural relativism.<sup>3</sup> And among her memorable statements is "Judge, and be prepared to be judged."<sup>4</sup>

On the contrary, *Can't We Make Moral Judgements?* has Rand marching right up front in the anti-judgment brigade. In a chapter titled "Varieties of Subjectivism," two quotations from *Anthem*<sup>5</sup> nestle hard by utterances from those other "prophets of individualism," Friedrich Nietzsche and Jean-Paul Sartre. Indeed, we're told that Rand's "influential novels convey a quite extraordinary exaltation of moral solipsism - of a willingness to live as if one were the only conscious being in the universe."<sup>6</sup>

Where on earth did Midgely get this interpretation? Her reasoning runs as follows:

What Midgely has completely missed is that Rand's view of self-interest derives ultimately from Aristotle, not Hobbes. Just as for Aristotle, the person who practices the virtues is the true "lover of self,"<sup>14</sup> so for Rand it is the person who practices the virtues who is truly furthering his or her self-interest.

Incomprehension of the Aristotelian view of the self is widespread in contemporary moral philosophy, and in moral psychology, as well.<sup>15</sup> Such incomprehension shows up in Midgely's commentary, not just in her casual assumption that individualists must be Hobbesians, but in her taken-for-granted phraseology. She, like so many others, has absorbed Immanuel Kant's diremption between prudence and morality; consequently, behaving in any but the most narrowly "self-interested" way is automatically imprudent. Whereas for Aristotelians, prudence is a virtue.<sup>16</sup>

### Social Darwinism?

Midgely's second argument is not so fundamentally important, but equally wide of the mark. She wonders whether Rand was primarily inspired by Friedrich Nietzsche or Herbert Spencer. "There is surely a great deal of Nietzsche in [Rand's ideas], notably much from the crowd-hating Nietzsche."<sup>17</sup> Indeed there is, but Midgely fails to notice Rand's rejection of key Nietzschean ideas in *The Fountainhead*. It is not Rand's hero, Howard Roark, who exemplifies the Nietzschean will to power. It is Gain Wynand, the newspaper publisher who delivers his paper, and ultimately himself, "body and soul, to the mob."<sup>18</sup> Midgely is too busy derogating Rand's characters to make any attempt to understand them: Roark is "simply a comic-book hero," and the tragic Wynand doesn't rate a mention, since "the alleged strugglers after integrity are a most unconvincing bunch."<sup>19</sup>

At any rate, a passage in Roark's courtroom speech, which in Midgely's words praises the United States of America "quite uncritically, in the spirit of a flag-waving presidential candidate,"<sup>20</sup> alerts her that something non-Nietzschean is going on. Midgely thinks she knows what it is. It must be Social Darwinism, "the extra element that distinguishes most English-speaking individualism today sharply from its Continental forerunners."<sup>21</sup>

This is a strange attribution. Rand's rejection of so-called Social Darwinism is a matter of public record: "Herbert Spencer, another champion of capitalism, chose to decide that the theory of evolution and adaptation to the environment was the key to man's morality - and declared that the moral justification of capitalism was the survival of the species, of the human *race*; that whoever was of no value to the race, had to perish; the man's morality consisted of adapting oneself to one's *social* environment, and seeking one's own happiness in the welfare of society; and that the automatic processes of evolution would eventually obliterate the distinction between selfishness and unselfishness."<sup>22</sup> Spencer is mentioned exactly once in *The Fountainhead*; it is not Howard Roark who reads him, but Gain Wynand.<sup>23</sup>

Midgely describes Social Darwinism as "The myth that glorifies commercial freedom by viewing it as a part of a huge, self-justifying cosmic evolutionary process, and exalts it as the model for all social life."<sup>24</sup> What's more, she blames Adam Smith for making

secondary sources were already available, such as *The Philosophic Thought of Ayn Rand*.<sup>31</sup> Deeper delving has taken place in works published after Midgeley wrote, but there's no need to rummage through Rand's correspondence or plumb the Russian milieu from which she sprang to correct errors so elementary.

In the end, I think Midgeley deferred to some of the worst customs of her academic world. Because Ayn Rand maintained ethical and political views that Midgeley and other philosophers regard as obnoxious, she could not have made any reasons for those views worth analyzing. Because Ayn Rand was outside the mainstream, her ideas could have had no background or history worth researching. Because Ayn Rand was a novelist, she could not have written any philosophical essays worth reading. Midgeley did not try a scholarly treatment and fail. She never tried. From the start, she presumed that nothing in Rand was worth being scholarly about.

### **Beyond Unscholarly Criticism**

From a strictly intellectual standpoint, nothing more should have to be said. If you set out to refute someone you regard as a crank, you ought to be giving that crank a more careful reading than Midgeley deigned to give to Rand.<sup>32</sup>

From a sociological or institutional standpoint, much more needs to be said than there is room for in a short essay. Scholarship improves in a hurry when lapses are sure to get picked apart in the pages of academic journals. Naturally, then, it's important for those who do have a scholarly understanding of the ideas in question to respond in print to all misinterpretations, no matter how crude or poorly reasoned. But whether such responses will get past the gatekeepers at the more prestigious academic journals, and be seen by those who badly need to see them, is another matter. It's fair to say that so long as unscholarly criticism is professionally rewarded, academics will continue to practice it. Only basic changes in the customs that prevail in their workplace, and the incentives to which they are subject, will discourage academics from using bad scholarship for strategic purposes.

Nietzsche's ethics. It doesn't matter in this regard whether Rand's prior development included a distinct Nietzschean phase: Merrill argues that it did, whereas Chris M. Sciabarra, *Ayn Rand: The Russian Radical* (University Park, PA: Pennsylvania State University Press, 1995), pp.100-106, contends that it did not.

19. Midgely, p.115.

20. Midgely, p.117. She quotes a passage from p.715, wherein Roark refers to the United States as a country founded on the ideal of "a man's right to the pursuit of happiness. His own happiness. Not anyone else's." Will Bill Clinton or Bob Dole say any such thing in this election year?

21. Midgely, p.117.

22. Ayn Rand, "For the New Intellectual," in *For The New Intellectual: The Philosophy of Ayn Rand* (New York: Signet, 1961), p.37. How much first-hand knowledge of Spencer's writings this verdict was based on is unclear. A more temperate response by a philosopher of Randian sympathies is Tibor R. Machan, "Herbert Spencer: A Century Later," in Herbert Spencer, *The Principles of Ethics* (Indianapolis: Liberty Press, 1978), Vol. I, pp.9-19. Unlike Rand, Machan does regard Spencer as a genuine ethical egoist, and one of a non-Hobbesian variety, his sharpest criticisms are reversed for Spencer's determinism (cf. Rand's objection to Spencer's reliance on the "automotic processes of evolution").

23. *The Fountainhead*, p.419. When Wynand, then a teenage gang leader from Hell's Kitchen, sets out on a program of self-improvement, he begins by stealing a book from a wealthy lady on Fifth Avenue. It turns out to be by Herbert Spencer!

24. Midgely, p.117. Midgely evidently regards Spencer's ideas (and Adam Smith's) as even less worthy of scholarly attention than Rand's. On the distortive and exclusionist treatment that contemporary academics have meted out to Spencer, see George H. Smith, "Will the Real Herbert Spencer Please Stand Up?", in *Atheism, Ayn Rand, and Other Heresies* (Buffalo, NY: Prometheus Books, 1991), pp.239-250. Smith points out that Spencer was a Lamarckian, who believed in the inheritance of acquired characteristics, so the term "Social Darwinism" is a misnomer.

25. Midgely, p.118.

26. Midgely, p.118. When was the last time that the epithet "plutocracy" figures in any serious discourse about capitalism? Issues of substance *could* have been raised in Midgely's treatment, notably the lack in Rand's writings of an explicit "social philosophy" covering human conduct in voluntary organizations such as corporations (see, for instance, Roger Donway, "Responsibility without Duty," *IOS Journal*, 6(2), June 1996, pp.11+).

27. Midgely, p.150.

28. Midgely, pp.5-6, quotes three statements made by characters in *Devices and Desires* (New York: Knopf, 1990). Similar passages can be found in James's other novels.

## Review Essay

Tara Smith, *Moral Rights and Political Freedom*, (Rowman and Littlefield, 1995)

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Imagine that you are a rational egoist trying to persuade other rational egoists to accept a conception of individual rights that proscribes initiatory coercion and justifies a "libertarian" political regime. Assume for argument's sake that these rational egoists know their present economic condition, and have a "thick" Aristotelian conception of the good. What sorts of arguments would you make to them? In particular, how would you persuade the least well-off egoist to accept your theory, especially if she were inclined to associate her self-interest with a State-guaranteed right to sustenance, welfare, or regulatory protection? Paradoxical as it may seem, is it possible to persuade someone to accept a minimal or libertarian State on *self-interested* grounds?<sup>1</sup>

Though she doesn't put the issue this way, such questions set the agenda for Tara Smith's *Moral Rights and Political Freedom* (hereafter *MRPF*), an Ayn Rand-inspired attempt to marry an Aristotelian theory of value to a classical liberal theory of individual rights. Arguably, Rand's polemical and often hastily-argued writings present a promising sketch of such a theory. Unfortunately, as I shall argue, *MRPF* does not deliver on this promise. In section I below, I discuss Smith's justification of rights, and argue that her Aristotelian ethical commitments underdetermine her argument for a general right to freedom. In section II, I criticize Smith's theory of (political) freedom and suggest that its inadequacies stem from an oversimplified understanding of "positive freedom."

### I. Individual Rights and Human Flourishing

Moral rights, Smith argues, are the rights that persons possess qua persons (16). But what exactly are these rights? How is the concept of "rights" to be defined? Smith aptly notes that methodological confusion prevails on this issue in contemporary Anglo-American political philosophy. One can read the premier work on rights in this tradition - the major writings of Dworkin, Feinberg, Gewirth, Meyers, Nozick, Rawls, Raz, Thomson, and Waldron - without encountering anything like a univocal definition of the concept of rights by genus and differentia.<sup>2</sup> What discussion there is about definition trades on loose metaphors about "claims," "side-constraints," and "trumps," which are at best attempts to identify the *genus* of rights. But very few authors, whether advocates or critics of rights, have gone further than this.

By contrast, Smith insists on the need for a definition by genus and differentia. Unfortunately, however, she ends up giving us two of them. On p.18, she offers the following definition: "Rights are individuals' moral claims to freedom of action." Later on, rights become "authoritative claims that individuals are entitled to in virtue of the particular moral principle governing freedom of action in social contexts" (26-27). I prefer the first to the second of these definitions on grammatical grounds, but the second includes material not mentioned in the first, so as a working definition, I propose the following as

Applied to the human case, this entails that moral norms are rooted in an agent-relative theory of value, a fact which explains both the individualistic emphasis of rights and their normative authority. To be justified teleologically, a norm has to be shown to be conducive to some valuable *goal*. On the Aristotelian view, what is valuable is valuable *to* particular agents *for the sake* of their flourishing by standards defined by their membership in the natural kind HUMAN. So rights are individualistic because they are to be justified in terms of an agent-relative theory of value, and they are authoritative because that theory of value has a desire- and inquiry- independent basis in human nature.

What about our third question? What is the connection between flourishing and *freedom*? According to Smith, we need freedom of action because flourishing requires "productive effort" on the part of each agent, productivity requires "reasoned action", and this "reasoned action" requires "freedom of action." This "freedom of action" is violated by "physical force," and rights are defensive norms that protect freedom from force through the rule of law. Smith elaborates on this in what she calls a "straightforward" argument:

1. Human life requires productive effort.
2. Productive effort requires reasoned action.
3. Reasoned action is individual and self-authored.
4. Reasoned action requires freedom.
5. Thus if we seek a society in which individuals are to have a chance to maintain their lives, we must recognize individual rights to freedom.

As we'll see, this argument is much less "straightforward" than Smith suggests. For one thing, it is unclear what *kind* of argument it is supposed to be. What is the intended relation between the premises and the conclusion? The argument looks as if it were set up as a deductive proof, but I don't see how the premises entail the conclusion. At most, what 1.-4. prove is that human life requires a form of freedom which is individual and self-authored. That's perfectly true, but cursory attention to what Smith means by "rights" suggests that quite a lot is packed into this innocuous-looking claim. Smith seems to think that we need quite *a lot* of freedom of a very distinctive sort, and that this freedom can only be secured in fairly controversial ways. Unfortunately, very little of what makes Smith's argument controversial finds its way into her "straightforward" statement of her argument.

Smith thinks that rights protect freedom of action and justify a stringent ban on initiating force or coercion. That suggests that 4. is doing a lot of work in the above argument. In fact, to get from 4. to 5. Smith needs at least two intermediate premises of the following sort:

- 4.\* Freedom requires protection by means of a contextually absolute prohibition on initiatory coercion that, among other things, overrides a right to sustenance and all forms of paternalistic legislation, and without which, society would be led to anarchy or tyranny.
- 4.\*\* Anarchy to tyranny would undermine the conditions of social life.

How does Smith demonstrate this? As far as I can see, she simply begs the question by arbitrarily building the requirement of respect for rights into the conditions of flourishing. So she vigorously asserts that human flourishing just *does* require a principled commitment to freedom, that freedom requires a ban on initiatory coercion, and that this principled commitment is the *only* route to flourishing. She supports this by vigorous assertions to the effect that this principled commitment requires rights, and that the absence of "contextually absolute" rights will undermine the conditions for rationality and productivity for everyone, needy and able alike. This is a good *sketch* of an argument, but in the end, what Smith gives us is really no argument at all. It is easy enough to "prove" that some norm *N* is a "contextually absolute requirement" for bringing about goal *G* in context *C* if you simply assert that a principled commitment to *N* is the "select route" to *G* in *C*. This is just to repeat what we already knew: on an Aristotelian view, it's almost always true that a commitment to genuine moral norms will be part of the identity-conditions for the realization of flourishing. But the relevant question here is: why *is* a commitment to *N* part of the identity-conditions for the realization of *G* in *C*. Why *is* a commitment to an absolute ban on initiatory coercion part of the identity-conditions for the realization of human flourishing in human society? Apart from a few *ad hominem* arguments, Smith provides no credible attempt to answer this question.

I do not mean to deny that rationality and productivity are essential to flourishing, nor to deny that they require a principled commitment to freedom of action. I do not even mean to reject the ban on initiatory coercion. My point is that Smith seems unaware of the burden of proof required to establish these conclusions. We need to know why the freedom that is normatively connected with human flourishing is identical with the freedom that permits people to practice non-coercive injustices which are depraved and may lead to problematic social consequences. To put the point concretely: why is the freedom of action that is required for reasoned action and productivity *identical* with the freedom of action that allows people to waste their property, to become drug addicts, to engage in racial or sexual discrimination, to deny sustenance to the poor, orphans, and the disabled, and in general to be *irrational* and *unproductive*? Smith tells us that such irrationality and unproductivity are "byproducts" of freedom's teleological justification. But she overlooks the fact that if this "byproduct" entails serious costs for the survival and flourishing of some members of society, it is worth showing *why* the costs (to them) are worth the benefits of living by the norms Smith defends. To fail to do this is to open oneself up to the justifiable accusation that one's theory is a convenient ideological device to keep people in their place. Aristotelians have heard that accusation since Aristotle's justification of natural slavery in the *Politics*, and libertarians hear it every day. There is no way to put the accusation to rest but to tackle it headfirst.

Smith does not tackle the issue at all, in part because she never gets around to making the crucial connection between flourishing, productivity, and *justice*.<sup>5</sup> So she never raises the question whether a ban on initiatory coercion that denies people their means of sustenance is *just*, e.g. that it serves the common interests of all agents in a system of reciprocity that cannot otherwise be attained. The result is a theory of "moral rights" that dismisses the concerns of what I have called the "least well-off egoist" without having an entry for "justice" in its index.

























































































































































