
Book Reviews

R. COHEN-ALMAGOR. *The Scope of Tolerance. Studies on the Costs of Free Expression and Freedom of the Press*. London: Routledge, 2006. 277 pp.

The conflict between tolerance and freedom is a topical subject to discuss. The Israeli author of this book shows clearly that he has a lot of expertise in the field. He deals with the topic through analyzing different situations and experiences. The accent is mostly that of law and the analysed cases are often related to court. Because of the differences in law systems, it is questionable if this approach is very fruitful for fundamentally dealing with the topic.

In his first chapter, the author makes an attempt to draw an ethical framework. In this very Anglo-Saxon approach, the author does not succeed in presenting a robust and solid ethical point of view. A tighter ethical framework would have had the advantage of allowing the author to evaluate the different situations he draws in the next chapters more adequately. In the book itself, there are too few hard arguments for the different evaluative conclusions.

The different chapters deal with topics related to tolerance and freedom. Although his approach lacks an adequately strong ethical evaluation of the different situations, the book show us the meaning of the discussion. Interesting parts of the book deal with the right to privacy, the discussion of sensibilities and freedom of speech, hate speech in Canada, media coverage of terror, and other questions.

The book is nevertheless quiet interesting because of the different situations that it adequately presents. Although the basic ethical framework is weak, there are a few interesting statements and conclusions, in particular concerning the discussion on freedom of speech and the media.

Tomas Folens
K.U.Leuven

JIWEI CI. *The Two Faces of Justice*. Cambridge, Massachusetts, and London, England: Harvard University Press, 2006. 252 pp.

Ci's account of justice is perhaps one of the most in-depth discussions on the subject published in recent years. Showing an impressive understanding of the works of the major philosophers that have helped to shape western philosophy, Ci's work is an

attempt to address some of the frequently debated philosophical questions about the nature of social and personal justice, reciprocity, altruism, egoism, forgiveness, resentment, and virtue.

The author's approach is refreshing though demanding in terms of the philosophical literacy it expects from its reader. Ci attempts to bring together the objective and the subjective aspects of justice to show how justice is both an institution of society, which the law must seek to protect in order to ensure reciprocity between its members, as well as a personal disposition and human desire. The main argument of the book, therefore, as its title suggests, is that justice has two faces: one conditional, the other unconditional.

For Ci, the conditional face of justice includes the willingness on the part of an individual to follow certain norms, provided that others do the same. In this way, Ci succeeds in arguing that justice is not a superhuman philosophical construct that demands the strictest obedience; rather, it includes the need to have norms which individuals must follow in order to be good but which protect our common interests. Put simply, Ci's understanding of justice considers the human need both to protect the interests of others as well as our own. This means that justice has both an objective function (that is, ensuring that all persons agree to be just, even if it merely out a fear of reprisal by the legal system), and a subjective one (in the sense that individuals desire justice for themselves and feel a degree of resentment when this is not attainable). As the author explains, "In general...within varying limits, we demand of others for others, as well as of ourselves for others, something of the regard which we demand of others for ourselves" (14).

When the objective conditions of justice are met, Ci believes that individuals are more likely to be just of their own accord. This gives rise to genuine reciprocity, that is, "where personal interests and impersonal norms meet, where personal interests are mediated by impersonal norms and in being so mediated cease to be mere 'selfish interests'" (17). This means that norms ensure reciprocity between individuals on a formal level but that these norms do not exclude personal interests. Ci's account of justice, therefore, succeeds in renegotiating the relationship between justice as complete altruism or complete egoism. In Ci's philosophy, justice must be regulated by formal norms, but it ought not to exclude the fact that it is in all of our interests that these norms are in place. This is what creates a binding contract of reciprocity between persons, otherwise described as "the conditional willingness to abide by impersonal norms for the sake of mutual interests" (18).

According to Ci, a just person's willingness to be just is dependent upon other people showing the same willingness. The recognition that justice involves both a formal acceptance of a norm as well as the acknowledgement of each person's legitimate interest in fair-play and reciprocity makes his argument a challenging one for Kantian scholars. It would be difficult to see how Kant's categorical imperative, for instance, could be reconciled with Ci's two faces of justice. For Kant, one "should think...more of the sacrifices which obedience to duty (i.e., virtue) entails than of the benefits [one]

might reap from it, so that [one] will comprehend the imperative of duty in its full authority as a self-sufficient law, independent of all other influences, which requires unconditional obedience.”¹ In this respect, Kant’s work seems unable to account for the possibility that obedience to norms also involves a degree of legitimate self-interest. Although Kant acknowledges that one can have secondary, egotistical motives for being just, he draws a clear distinction between external obedience (law) and internal lawgiving (virtue). This precludes the possibility of bringing together the subjective and objective facets of justice and the human psychology that drives human beings to want to be just in the way that Ci does.

Ci’s ability to account for the two faces of justice is what makes his book so provocative and original. It prompts the reader to reconsider his/her philosophical stance vis-à-vis justice and to align it more closely to what we know about the psychological and moral make-up of human beings. Throughout his monograph, Ci seeks either to build upon existing philosophical reflections about justice or to suggest a way forward for some of the current philosophical debates about personal and social justice in Western societies. The impressive range of philosophical considerations and works mentioned in this book, Habermas, Foucault, Rawls, Schopenhauer, Kant, Locke, Mill, to name but a few, give it an exceptional intellectual richness for the philosophically experienced mind, but perhaps contributes to the risk of giving the inexperienced reader a little too much to digest.

The suggestions Ci makes are both compelling and new, but at times the philosophical jargon seems to detract from the possibility of making links between the philosophical theory of justice and how it is practiced by individuals in their everyday lives. There is no doubt that Ci’s work is very important, not only for philosophical considerations of justice, but also for political, sociological, and theological reflections on virtue, justice, altruism, egoism, forgiveness, etc. However, one wonders, for instance, whether Ci’s conception of the two faces of justice (conditional and unconditional) impacts upon the Christian command to ‘love thy neighbour’? If so, what are the implications for the theological as well as the philosophical community? Do theologians need to re-examine the significance of the expression ‘love thy neighbour *as thyself*’? If so, what kind of consideration should be given to the *self* in relation to *loving neighbour*? How is this assessed? How are Christians to maintain a balance between egoism and altruism? What are the legal and political ramifications?

It is clear that Ci’s book will provoke much discussion in a plethora of contexts. However, for its importance to be understood and appreciated to its full potential, others may need to take on the task of explaining its significance for their respective subject areas. This will ensure that Ci’s originality of thought is clearly visible to, and understood by, all who seek to understand the normative principles and psychological

1. Kant, “On the Common Saying: ‘This may be True in Theory, but it Does not Apply in Practice,’” in *Kant’s Political Writings*, ed. Hans Reiss, trans. H.B. Nisbet (Cambridge: Cambridge University Press, 1970), 64.

underpinnings of the human desire to seek justice for oneself as well as for one's neighbour.

Ann Marie Mealey

Trinity and All Saints College, A College of the University of Leeds.

JEANINE GRENBORG. *Kant and the Ethics of Humility. A Story of Dependence, Corruption and Virtue*. Cambridge/New York: Cambridge University Press, 2005. xi + 269 pp.

This book, an elaborated version of the author's Emory University PhD dissertation, fits within the growing attention recent decades have paid to the virtue-ethics line within Kant's ethics (about which Robert Loudon, Onora O'Neill, and Susan Wolf have also published). The author wants both to defend that Kant can be read as a virtue-ethicist, and that our age can still sensibly consider humility as a virtue. The two goals seem more closely connected than they appear to be at first. Only by conceiving humility as a good bearing toward one's own human imperfection, and in this manner identifying it with the humble attention that the reasonable law exacts, can it be rehabilitated. And only through this core of Kantian ethics, and by contemplating the only feeling granted a moral status by Kant, can his ethics be represented as a virtue ethics.

The centre-most chapter presents the Kantian virtue of humility, which is the bearing of a person who has the correct judgement of himself in the light of moral duty and who knows how to cultivate the feelings that belong to this. Such a person knows that he or she (just like all other persons) is bound and is thus capable of comporting oneself as a rational actor, but also that he or she is inclined (just like all persons) to continue on in a selfish direction led by desire.

Beforehand, four chapters prepare this central theme. The concept of virtue is placed and translated into the Kantian framework: virtue is the disposition through which one chooses to follow moral principles instead of the love of self to which most people are inclined. And humility is loosened from the standard conception, wherein it is based on a comparison of the self with the other (and according to which humility would mean that one feels oneself as inferior to others – a notion that inevitably leads to moral insincerity, because that delivers the paradoxical conclusion that one is superior to others when, or to the extent that, one feels inferior to others). Instead, humility is grasped as a bearing opposite to one's own rational, but dependent and corrupt nature.

After the central chapter, four more chapters work out the Kantian virtue of humility more closely. Self-respect does not conflict with humility, but is rather a necessary aspect of it. It is not a diminution of the self with respect to others, but rather characterized by a deep grasp of the moral equality of all rational beings. And it seems necessary for the self-knowledge that Kant describes as a duty that one has with respect to oneself and, in fact, for all duties that he has with the other, which are particularly developed with relation to the duties toward beneficence and thankfulness.

BOOK REVIEWS

Remarkable in a positive sense is that the author regularly argues by means of literary examples; for example, Cordelia in Shakespeare's *King Lear* and Aljosja and Starets Zosima in Dostoyevsky's *Brothers Karamazov* deliver models for the image of humility that she wants to display. Remarkable in a negative sense is that the Christian tradition, within which humility has played such an important role, is here treated only secondarily. St. Francis, considered an expert on the subject of humility, is not mentioned once. This is not to say that the book is not very interesting and helpful within its limitations, both due to the original manner in which humility is grasped and the manner in which the virtue ethic line in Kant is brought to the fore. That the book has limitations in so doing is, according to its central thesis, merely an introduction to an attitude of humility.

Paul van Tongeren
Radbout Universiteit Nijmegen
(Trans. John Hymers)

LAWRENCE BUELL. *The Future of Environmental Criticism: Environmental Crisis and Literary Imagination*. Oxford: Blackwell, 2005. x + 195 pp.

This book has appeared in a relatively new series from this publisher, the 'Blackwell Manifestos': of the first 20 announced volumes, most have, in the meantime, already appeared. These are generally books with a restricted scope in which current themes are discussed or confronted.

Lawrence Buell has added a small contribution to the series concerning 'environmental criticism'; this is his third publication in this field and is to be read as an introduction to the history, core themes, and the current state of affairs of this still quite new discipline. 'Environmental criticism' is neither environmental ethics nor philosophy, but forms the newest offshoot in the series of more or less fashionable disciplines that have emerged above all in America in recent decades, such as race or colour studies, gender studies, and all other sorts of cultural studies. Generally emerging in the social sciences, they develop into multi- or interdisciplinary programmes that establish their own journals and quickly receive official recognition in American universities. This new offshoot may not be confused with the environmental studies that we already know. Namely, these have emerged above all from biology, but partly also from rural and/or town planning and philosophy (especially ethics) and have already lead to completely accepted new academic disciplines such as environmental science. Environmental criticism, to the contrary, has emerged from literary theory (more precisely literary criticism, from which it receives 'environmental *criticism*') and tries at the same time tries to maintain connections not only with other 'cultural studies' (e.g., 'ecofeminism'), but also with the biological and environmental sciences.

In his first chapter, Buell describes the short history of this new discipline, which is only 20 years old, but which naturally has predecessors dating much further back until Emerson in the nineteenth century. In this short history, it has developed into a theory on the relations between literature and the natural (but in function of this, also the

cultural and technological) environment in which it emerges, wherein it plays, and wherein it is read, whereby these theories are generally driven by a practical engagement with the so-called environmental problematic. In the final chapter, the author provides his view on the challenges that the near future will pose for the discipline. In between, there are three chapters in which attention is paid respectively to the manner in which the natural environment is imaged in literature, to the reevaluation of place as a fundamental category in both art and experience, and the ethical and political engagement of 'environmental criticism.' In this last-mentioned chapter, we find, for instance, the discussion concerning eco-centrism versus anthropocentrism, such as we know it from environmental ethics.

With the exception of an illustration of already familiar discussions from literature and a connection with various more or less fashionable disciplines, this new offshoot of the tree of science seems not to offer that much new. For beginners in this field, this book provides a glossary at its end (pp. 134-149) with an explanation of technical terms in environmental disciplines: from 'anthropocentrism' to 'wilderness.'

Paul van Tongeren
Radbout Universiteit Nijmegen
(Trans. John Hymers)

PETER SINGER & RENATA SINGER (eds.). *The Moral of the Story. An Anthology of Ethics through Literature*. Oxford: Blackwell, 2005. xiv + 621 pp.

This book is not a study on the relation between literature and ethics, but a bundle of (fragments) of literary texts that have been selected and ordered according to ethical interests. In so doing together with his wife Renata, Peter Singer has put together a book that was probably not expected of him: the rationalism of the strict consequentialist Singer seems to have little to do with literary imagination and the manner in which moral sensibility can be refined. But Renata Singer herself has, alongside but not apart from her social and political activism and authorship, also published literary texts. Her first novel (*The Front of the Family*) appeared in 2002.

For the rest, the proposition that literature can function as morally sensibilising is only one of the positions that one meets in the discussion concerning the meaning of literature for ethics. In addition to a moral-pedagogical function, a heuristic function (as a laboratory of experience) can also be ascribed to literature. Others opine that literature itself must be morally judged and tested. However, this bundle does not concern this discussion and also does not stake a position in it. Indeed, the editors contrast literature with the typical manner in which examples are used in philosophy (especially analytic philosophy). In contrast to those, constructed for the sake of argument, literature offers a richer presentation of what human life and society actually contain. And the examples that the editors collect confirm this position, without any doubt.

After a short introduction, 79 literary fragments follow (varying in length from two to twelve pages), divided into 15 chapters, which are again grouped into three parts. An

ethical system issues forth from this manner of division: the first part concerns the relation of the individual with himself (with chapters on identity, sexuality and love, abortion, euthanasia, and duties toward close relatives), the second part concerns the place of the individual within larger society (with chapters, for instance, on labour, politics, war, environment, and religion), and the third part concerns meta-ethical questions (relativism, absolutism, duties, etc.). Each chapter has a short and clear introduction in which the editors indicate the ethical theme without removing the literature's eloquence. The fragments themselves are only introduced where necessary with a few sentences that summarize what had preceded it in the book in question. As would be expected, the choices are largely weighted toward English-language literature, but there are also texts borrowed from Greek tragedies, Dostoyevsky, Tolstoy, Ibsen, and a few others. At the end of the book, all the collected fragments turn up again in a very short discussion by the editors. In about a half page per fragment, they paraphrase the scope and pose a number of ethical questions: is this a responsible manner to deal with the situation? Would another manner of thinking bring about changes for the good? Is the importance of autonomy brought to light here convincingly? Is the protagonist correct in his choice of framework?, etc. That these paraphrases are collected at the end of the book and not taken up after each fragment respects the proper meaning of literature and avoids the possibility of turning the fragments into a fill-in-the-blanks exercise.

For the reader interested in education or ethics, this is a valuable anthology. Inevitably, the selection is indeed debateable (sometimes ethical prejudice plays too great a role in the selection of the fragments); it remains strange to offer great literature in fragments of a few pages; and the ordering of literary texts into an ethical system easily suggests a subordination. However, none of this detracts from the eloquence of the literary texts. They almost always give the ethical questions depth and unsuspected ramifications, which philosophical arguments seldom know how to reach. In so doing, this book reminds those interested in philosophy of the richness of thought that is to be found outside of philosophy.

Paul van Tongeren
Radbout Universiteit Nijmegen
(Trans. John Hymers)

TOMMIE SHELBY. *We Who Are Dark. The Philosophical Foundations of Black Solidarity*. Cambridge, Mass.: The Belknap Press of Harvard University Press, 2005. xiv + 320 pp.

On what grounds – and to what ends – are marginalised or oppressed social groups constituted *as* a group? Specifically, how should those who identify as black in the present-day United States conceive of their sense of solidarity, and what should be the guiding norms of such conception?

Tommie Shelby's *We Who Are Dark* offers a lucid and rigorous treatment of these questions. His argument rests on two initial assumptions: one, that there is indeed a

demonstrable sense of solidarity – that is, of “we-ness”– among those who identify as black in North America, and two, that identifying and/or being identified as black in North America is still the basis for continued socio-economic and political oppression, marginalisation, and exclusion. The question that follows from these assumptions is whether and how black solidarity could be instrumental in resisting and overcoming such oppression, marginalisation, and exclusion.

According to Shelby, there are two traditions of thinking about black solidarity in the USA. According to one tradition, this solidarity is founded on the ethnoracial and cultural distinctiveness of African Americans – a distinctiveness that is to be celebrated, preserved, and advanced. This is solidarity grounded in a “positive collective identity” (1). There is another tradition, however, according to which solidarity is grounded in a “common history of oppression and vulnerability to racism” (ibid.), which means that resistance against oppression is undertaken in the name of social justice rather than in the name of the self-realisation of an essential identity.

In chapter one, Shelby presents these two traditions of conceiving of black solidarity as coextensive with two types of nationalism: classical nationalism and what he calls “pragmatic black nationalism.” Classical nationalism has as its aim the development and self-realisation of a quintessentially black national identity, self-reliance, self-determination, and separatism. Nationalism so conceived turns on the belief that black solidarity is the proper response to a given way of *being* black. Pragmatic black nationalism, on the other hand, “is based on the desire to live in a just society, a society that need not be, nor even contain, a self-determining black community” (28). This mode of nationalism “does not require idealizing fictions about race, nationality or primordial origins, but simply recognizes that antiblack racism unjustly circumscribes the freedom and opportunities of millions in the United States and around the globe” (59).

In the chapters that follow, Shelby explores the strengths and weaknesses of the classical and pragmatic versions of nationalism in different contexts, and, in so doing, makes a convincing case for pragmatic black nationalism as a foundation for black solidarity that does not fall prey to the same practical and moral difficulties as classical nationalism.

Chapter two draws on the thought of W.E.B. Du Bois, specifically the latter’s analysis of the threat posed by class differentiation for the goal of emancipatory black politics. Du Bois’s concern is with the conflicting interests and commitments that characterise intra-group class differences, so that the black elite, who command many of intellectual and economic resources to further the goal of black emancipation, are co-opted by mainstream white America, which thereby leaves working-class blacks as vulnerable as before. Shelby agrees with Du Bois about the threat posed by such class differentiation for black solidarity and hence for black liberation, but he does not think it realistic or desirable to overcome this threat by fostering a commitment to a shared ethnocultural identity. It is not realistic precisely because the criteria for sharing this identity are contested from the outset – for instance, should inclusion be based on the so-called “one-drop rule,” or physical appearance, or participation in black expressive

culture? It is not desirable because a single, coherent and cohesive black ethnocultural identity can only be fostered by suppressing black diversity and hence the individual liberty and autonomy of individual blacks in the name of an essential, collective identity.

Instead of conceiving of black solidarity across class lines as the expression of blackness as an ontological category, Shelby argues that such solidarity can only be founded on shared political principles. While in chapter two, he develops an account of the form which black solidarity ought to take – identification with the group, special concern, shared values or goals, loyalty, and mutual trust – the chapters that follow examine possible candidates for such principles.

Chapters three to five explore the principles that underpin the “community nationalism” advocated by Malcolm X and the ideals of “Black Power” – both of which represent some version of political nationalism – as well as the principles that inform the various incarnations of black cultural nationalism. While he is careful to acknowledge the appeal that the principles of black self-help and political and/or cultural separatism have for those on the receiving end of socio-economic, political and cultural oppression, and marginalisation, he also argues the case against these principles. He again demonstrates that the assumption of a common black identity that informs all of these principles must either ignore or deliberately suppress the plurality of self-conceptions, concerns, and commitments among those who (also) identify as black.

What, then, would count as worthwhile political principles on which to base black solidarity? For Shelby, these are the principles of individual liberty, autonomy, and democratic citizenship, whatever other diverging goals commitments and identities black individuals might have. In this, he explicitly aligns himself with political liberalism (which should be distinguished from comprehensive liberalism) in its specific, Rawlsian sense (6-7). Elsewhere, Shelby adapts one of Rawls’s well-known distinctions to argue that black liberation is dependent on a “political” rather than a “metaphysical” identity.¹ The pragmatic black nationalism advocated by Shelby is indicative of political blackness in the above sense. Such nationalism is not an end in itself; in other words, its purpose is not to define, maintain, and advance blackness as an ontological category or to achieve voluntary segregation or some form of black self-rule. Rather, pragmatic black nationalism demands black solidarity as a strategy for realising the core liberal values of freedom and citizen equality in the lives of those who are vulnerable to racial injustice. The glue that sustains solidarity of this kind “is not the fundamental ends but the struggle to achieve them” (253).

1. See McPherson, L. K. and Shelby, T. “Blackness and Philosophy. Reply to Gannett, Outlaw, Taylor, and Velazco y Trianosky,” in *Symposia on Gender, Race and Philosophy*, Vol. 1, No. 1, May 2005, 1-5. This article is a response to various commentators on an earlier article that addresses many of the themes of the present book. See McPherson, L. K. and Shelby, T. “Blackness and Blood: Interpreting African American Identity,” *Philosophy and Public Affairs* Vol. 32 No. 2, 171-92. Both articles can be viewed at <http://web.mit.edu/sgrp>.

This is not to say that Shelby is advancing the rather vacuous claim that all who identify with the struggle for black liberation are automatically black in some vague, metaphorical sense. He is fully aware and supportive of a sense of a black “we” that is more than, although it certainly includes, a commitment to the struggle for racial equality. It is precisely for this reason that he conceives of black solidarity in terms of a pragmatic black *nationalism*, which involves “politicizing black *peoplehood* – thinking of black Americans as a nation within a nation” (254, my italics). The difference between Shelby’s conceptualisation of black peoplehood and the way in which it is understood in either classical nationalism or in its contemporary incarnation as identity politics is that the purpose of his notion of peoplehood is precisely “to bring about a society where it is no longer necessary for those who are dark to think of themselves as an independent political unit” (255). Classical nationalism and identity politics, on the other hand, are concerned with *maintaining* some notion of peoplehood.

Shelby argues, furthermore, that inclusion in the “we” of pragmatic black nationalism – membership of black peoplehood in a political rather than ontological sense – turns on a “thin” criterion of blackness, namely “one’s vulnerability to antiblack racism” (251). This stands in contrast to “thick” criteria of blackness, such as essential or normative racial, ethnic, cultural, or nationalistic specifications. This is not to say that some, perhaps many, blacks would not wish to identify themselves in terms of the criteria of “thick” blackness. Shelby’s point is not that they must be prevented from doing so, but that they *need not do so* in order to act in political solidarity with their fellow blacks: “Those with whom blacks should seek solidarity, then, are not necessarily those who exhibit a thick black identity, but those who stand firm in resistance to black oppression. Rather than being rooted in race, ethnicity, nationality, or culture, the group’s self-conception should be grounded in its antiracist politics and commitment to racial justice” (247).

A brief summary such as this fails to do justice to the scope, depth, and elegance of Shelby’s argumentation throughout his book. *We Who Are Dark* makes an important contribution to the field of African-American Studies in particular and political philosophy in general. The sympathetic yet incisive analysis of the problematic aims and assumptions that inform classical nationalism and identity politics is likely to find an audience both within and beyond the circle of scholars with a specific interest in theorising black identity. Moreover, while Shelby writes from within the dual traditions of mainstream Anglophone philosophy and African-American studies, and constantly enters into dialogue with thinkers from both traditions, he remains an original voice. His thoughtful engagement with thinkers such as Du Bois, Garvey, Delaney et. al. does not merely re-tread the conceptual pathways laid down by them by them, but mines their work for unacknowledged contradictions and hidden digressions. Despite aligning himself with Rawlsian political liberalism, his book is much more than merely a rehashed version of Rawls. His argument for solidarity for the sake of justice rather than for the sake of maintaining an essential ideal of blackness deserves consideration in its own right.

In conclusion, one might ask why, in light of the non-essentialist political ideals which he advocates, Shelby still finds it necessary to speak of pragmatic *black* national-

ism. Does the concept “blackness” still do any real work here? Perhaps the most compelling answer to this question is to be found in the remark by Du Bois that Shelby has chosen as an epigraph: “We who are dark see America in a way that white Americans cannot. And seeing our country thus, are we satisfied with its present goals and ideals?” The relevant insight here is that “blackness” / “darkness” represents the vantage point of those who are vulnerable to race-based oppression and disregard, from where it is possible judge the extent to which a society has lived up to the ideals of liberty, equality, and democratic citizenship to which it lays claim. Were these ideals to be fully realised in the future, it may well turn out that blackness has done its work. Until such time, it remains for philosophers such as Shelby to remind us – and by “us” I do not mean only citizens of the United States – that social justice is best understood from the perspective of the vulnerable.

Vasti Roodt
 Department of Philosophy
 University of Stellenbosch (South Africa)

GERHARD BEESTERMÖLLER & H. BRUNKHORST (Hrsg.). *Rückkehr der Folter. Der Rechtsstaat im Zwielficht?* München: Verlag C.H. Beck, 2006. 196 pp.

Since the drama of September 11, 2001, and the need for a harsh and effective persecution of (supposed) terrorists, the acceptability of torture has once again been discussed. Especially after Alan Dershowitz defended the position in 2002 that, after demanding a torture warrant, torture should be possible in certain situations, a fierce debate emerged. On the other hand, notwithstanding the fact that a broad consensus existed on the prohibition on torture even before the fight against terrorism, torture remained a reality in many countries.

In this book, thirteen German authors analyze the problems and possibilities of torture from their personal points of view. The core question of this book is: What would it mean for the democratic state if it gave up the prohibition on torture? Clemens Breuer discusses the history of torture and a possible exception on the prohibition; Mathias Hong states that only in exceptional situations can torture become a possibility, and that, even then, the torture argument can and should be criticized; and Heinz-Günther Stobbe discusses the topic in eight critical remarks. The Jesuit Norbert Brieskorn analyzes three different ways in which some people are trying to rehabilitate torture, and pleads for the necessity of a *jus post bellum*; Günter Frankenberg discusses torture as part of exceptional police law, and as phenomenon of the law of combat; and Jan Philipp Reemtsma has written a more general article about the debate on re-legitimization of torture. In their articles, Ralf Poscher defends the rationality of an absolute prohibition on torture, Hauke Brunkhorst lays down a link between torture and repressive liberalism, Klaus Günther discusses the possible live-saving aspect of torture, Heiner Bielefeldt tells why human rights should not be balanced, and Gerhard Beestermöller undermines some often used critics on torture, and builds up his own arguments why we should keep the

absolute prohibition. In the last two contributions, Felix Hanschmann discusses the new comment of Matthias Herdegen on the German constitution, Art.1 Abs.1 GG, and Andreas Fischer-Lescano returns to the reality of the Abu Ghraib prison and the charge against Donald Rumsfeld in Germany.

Despite the fact that all of the authors agree with the prohibition on torture, this book is a must for all who are interested in the discussion. The reader gets a good overview of all possible arguments against torture, examples of real situations in which torture is used, and a good insight in a recent German debate.

Wim Smit
K.U.Leuven

BERT GORDIJN. *Medical Utopias. Ethical Reflections about Emerging Medical Technologies*. Ethical Perspectives Monograph Series 4. Leuven/Paris/Dudley (MA): Peeters, 2006. 287 pp.

There is a persisting critique of medical ethics that the emphasis given to research into new treatments, particularly those involving the manipulation and destruction of embryos, gives an undue moral focus to ontological aspects of personhood, autonomy and rights at the expense of relational aspects of care, virtue professionalism and justice. There is an even wider critique that would regard both of these approaches as but parts of a wider whole, a broader canvas of medical humanities in which philosophy is only one of a series of disciplines called to illuminate dilemmas and *aporias* in the ethics of healthcare and well-being and in its assumptions and organisation.

It is within this wider canvas that Bert Gordijn's book promises, and in part contributes, a fascinating examination of the history and future prospects of the aspirations to free our human fabric from the constraints of ageing, disease, and other physical limitations. These aspirations encompass an ambiguity, carefully teased out by the author, as to whether the goal is to return to a former completeness or look beyond it to some post-human future. Do we, on the one hand look logically, if not chronologically, backwards to the pursuit of re-instating some presumed integrity or completeness of what it is to be a human being? Or do we look beyond the constraints of our *humanitas* to a set of new post-human possibilities, either of the sort imagined by military researchers working on powerful (and rather aggressive) cyborgs or some more politically correct variant? The tension between a *restitutio ad integrum* and the pursuit of *Utopia* provides an axis upon which the impact of the book's ethical analysis is carefully constructed.

The particular aim of the book, and its analysis, is however rather more limited than is suggested by the broad scope of its first three chapters with their fascinating insights into the history of utopian visions in medicine. The stated aim of the book is to counteract the danger of imagining that because some new medical treatment is conceivable it is thereby ethically desirable.

It achieves this aim by examining four particular medical research fields in admirably clear scientific detail and analysing them ethically. These four fields are tissue engineering,

bioelectronics, germ-line genome modifications, and interventions in the ageing process. Three conditions are identified as needing to be satisfied in order for each area of medical development to be considered ethically desirable. The objectives of the research must be worth striving for ethically. Developments of the research must contribute towards realizing these objectives. And thirdly, ethical problems associated with the research must be justifiable or surmountable. These three conditions have a rather fundamental role in the book's taut and refreshingly perspicuous architecture. No rationale is provided for the three conditions. Some might see in them the raw components of Aquinas' account of the just war: a good cause, a likelihood of success, and the harm not outweighing the benefit. It would have been good to learn their aetiology.

It is greatly to the credit of the author that complicated scientific issues of stem cell technology together are economically and effectively explained. The potential of different types of stem cells for generating new tissues are carefully presented and distinctions between undifferentiated stem cells (totipotent), embryonic stem cells (pluripotent), and adult stem cells (limited potential) are all explained in cogent and engaging detail.

In the ethical analysis of these issues, however, what this reviewer saw as the promise of the first four chapters to contribute to a wider ethical canvas began to fade. The vision of broadening the whole discourse of medical ethics, has, by the concluding sections of chapter 5, resorted into a rather more traditional account of the moral status of zygotes and embryos, not by any means an unworthy topic but not quite living up the promise of reflections about utopias.

Bioelectronic systems comprise the second research field to be examined. They range from relatively prosaic improvements in motor capabilities to futuristic accounts of cyborgs where innovative and advanced engineering projects are embedded within human beings to generate beings with, somewhat speculative, post-human abilities, of the sort than can leap over 20 foot walls with rocket motors in their legs. It is understandably challenging to draw ethical conclusions about such wide ranging interventions; and Gordijn wisely but unsurprisingly concludes that limited bioelectronic measures to restore lost capabilities are for the most part ethically desirable; whereas steps towards futuristic cyborgs are ethically questionable.

The third research field is germ line genome modifications, a key goal of which is the prevention of disease and the enhancement of our capabilities to the point where the ability to withstand negative emotions is sufficient to bring an end to war. This perhaps fanciful claim is a reminder of the book's persistent promise to cover a broad canvas. But there is perhaps a confusion here in the relationship between emotions and belief states. One's beliefs about certain people and one's intentions to act against them are not necessarily the result of awful feelings about them. On the contrary, one's terrible feelings about them might be the consequences of one's beliefs and intentions regarding them. But this is not to detract from the book's magisterial presentation of scientific possibilities of innovative germ line modifications nor from its closely argued ethical analysis.

The discovery in the 1960s that cells lose their capacity to divide after a finite number of divisions brought a sense of realism to our conception of ageing. Scientific

aspirations to implement the dream of the Mesopotamian ruler, Gilgamesh, in the third century BC to elude ageing and death, never quite recovered. Interventions in the biological ageing process comprise the fourth medical research field to be examined in the book. A project by the US Hasting's Center to identify the goals of medicine forms the criteria by which interventions designed to combat ageing. It is an example of book's rigour in maintaining a systematic framework of criteria and analysis in which all manner of arguments are carefully sifted.

The book is a carefully constructed analytic infrastructure in which criteria are presented and the affordances of medical technologies carefully scrutinised against them. Together with its excellent presentation of the science, it gives it a certain encyclopaedic character which makes the absence of an index particularly lamentable. The book's analytic rigour, together with its structure and its engagement in the history of utopian thought, is perhaps the great strength of the book.

It is also its weakness. In the plethora of technological affordance, argument, benefit, and penalty and in the elegance of the analytic framework, the reader might sometimes struggle to follow a sustained reflection or even to identify the author's passion beyond the laudable plea for ethical scrutiny to take place before, rather than after investment is made in a research field.

Certainly passion is not evident in the book's treatment of theology, which plays a rather uncertain role in the book. The 'playing God' argument against altering genetic material gets short shrift on the grounds that the existence of God depends more upon one's beliefs than on the results of intellectual debate. This is hardly a proposition that would appeal to the Congregation of the Doctrine of the Faith, let alone Aquinas! And yet there is a strange reliance on the theological arguments of the 1987 papal instruction, *Donum Vitae*, in justifying why an embryo should be attributed full protection from the moment it begins life as a zygote.

The author tells us in chapter 4, somewhat revealingly, that the book is subtitled "Ethical Observations." It is not. It is subtitled "Ethical Reflections." The ambiguity about theology is perhaps an example of the need for greater reflection in the book and less analytic observation.

But it is an important, readable, well-researched, and comprehensive contribution to the literature.

John Strain
University of Surrey UK

WIM VANDEKERCKHOVE. *Whistleblowing and Organizational Social Responsibility. A global assessment.* Hampshire/Burlington: Ashgate, 2006. 341 pp.

Presumably, the phenomenon of blowing the whistle, i.e., informing a third party about alleged malpractices within or by an organisation, is as old as malpractices within or by organisations. What is new, then, is the fact that recent decades have witnessed worldwide philosophical, political, and ethical discourses as well as legislative endeavours concerning whistleblowing. This book by Wim Vandekerckhove takes stock of these

discussions and legislations. In this, it is unique. Vandekerckhove situates discourses within the semantics (Luhman) of globalisation and CSR and he evaluates them within a framework of subjectivity (Foucault, Touraine). This type of professional craftsmanship makes the book somewhat harder to swallow for non-professional philosophers. However, its merits for ethics practitioners, such as ethics officers and top managers within organisations, and for stakeholders, such as labour unions and human rights organisations, are clear and considerable. That is because Vandekerckhove offers an exhaustive analysis of legitimisation constructs and legislative implementations of whistleblowing policies all over the world (as of 2005).

As to legitimisations, he focuses on the human rights of workers, societal responsibility of corporations/organisations, integrity, and risk management. As to implementations, he screens policies according to three elements: who is to blow the whistle, about what subject matter the whistle may be blown (either voluntarily or obligatory), and whom might receive the information. Rather unfortunately, in my view, Vandekerckhove does not explore as a fourth viewpoint the protection of the whistleblowers whom the discourses envisage and for whom legislations provide. It seems likely to me that the level and the nature of protection have ethical implications for the voluntary or the obligatory status of whistleblowing. Neither does the author relate to similar systems that have already been adopted within systems of organisational governance, such as, first and foremost, the internal and external signalling of quality management deficiencies. Organisations that have a strong culture on signalling quality deficiencies might very well prove to have no difficulties with and a lesser need to introduce whistleblowing systems. Indeed, as unmanaged risk and outright illegality are examples of severe deficiencies in quality, those organisations might be said to have already installed and legitimated whistleblowing policies *avant la lettre*.

These lacunae notwithstanding, Vandekerckhove's ethical analysis provides illuminating insights into recent developments, and the author succeeds in establishing patterns and trends. He finds that legitimisation constructs relying on the human rights of members of organisations tend to have disappeared in surviving semantics such as final *rationes legis*. Legislated systems tend to enclose the individual more firmly within the organisation rather than empowering the individual, whether employee or member of the organisation or accidental observer. A general tendency, then, is that organisations and / or corporations tend to reinforce themselves to the detriment of individual citizens and society at large. This, of course, is why NGOs are vigilant and labour unions reluctant towards adopting whistleblowing systems. Whether or not private organisations infringe upon human rights and whether or not states should provide for managed public disclosures concerning malpractice within organisational context are still open questions, i.e., they are only beginning to receive an answer in fact and practice. But what makes the book a must read for all practitioners that have to sell, market, oppose, lobby, or use a particular whistle-blowing policy or system is precisely the fact that by thus shaping organisational and societal practice, they are answering the question implicitly or explicitly. Because, as the French saying goes, "*l'organe crée la fonction*".

Jos Leys