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Review of Action and Ethics in Aristotle and Hegel

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and nuanced analyses, dazzling formulations that are the despair of any translator, a provocative and original philosophical genius. But however fascinating and concrete these analyses, they will not lay to rest the anxieties of his critics. Phenomenologists in the Janicaud style will continue to see this course of meditations as steered from the start by a theological *sens*. But considerations of phenomenological method aside, one wonders in the end whether the Cartesian allusion is not too strong, whether the attempt to situate the intermittence and repetition of the lovers' condition within the loving arms of eternal love is not to do too much. Why not concede that as a phenomenon love is irreducibly finite, fragile, and unstable, a risk taken by lovers whose mortality and lack of eternal assurances is what makes their love so precious? The lovers fear that this night may never be repeated or, if it is, that someday the repetitions will simply cease and dissipate into entropic dust, and that is the reason they embrace each other so tightly. It may be there is more to love than that, that something eternal has loved us before we love, but if so, that is a faith one holds in the face of phenomena that give us no assurance about that.

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Pendlebury, Gary. *Action and Ethics in Aristotle and Hegel: Escaping the Malign Influence of Kant.*
Burlington, VT: Ashgate, 2005. Pp. 208. $99.95 (cloth).

In recent years there has been a resurgence of interest in Hegel's philosophy, much of which has focused on his attempt to simultaneously criticize and extend different elements of Kant's project. Nonetheless, Hegel has not been well understood by most philosophers working in ethics. In this lucid and thought-provoking work, Gary Pendlebury argues that there is a deep and important congruity between Hegel and Aristotle that is of central importance for ethics. The unusual title of the book suggests two related questions to the reader. First, in what way is Kant's influence malign? Second, what in Hegel's and Aristotle's thought will enable us to escape this influence? Pendlebury's provocative answer to the former question focuses on the assumption that minds are essentially individual. His answer to the latter question sketches the normative implications of the idea that we are essentially social creatures.

Pendlebury devotes much of the first two chapters to identifying how modern philosophy (including Kant) has shaped contemporary ethics. Given the title, the reader might expect to find a reprisal and defense of one or more of Hegel's critiques of Kant. But Pendlebury is here not interested in, for example, the formalism critique as such. Instead, he targets an assumption that he takes to lie at the foundations of modern philosophy, from Descartes, through Hume and Locke, and all the way up through Kant. This assumption is that minds are essentially individual, and so introspection is the best way to determine what should count as legitimately normative for us. Pendlebury has in mind the following: Descartes withdrew to his study, intentionally isolating himself and turning inward to look for a source of certainty. In this solitary reflection, he

determined that the faculty of reason, but not the force of desires, is the source of normative authority. Pendlebury's claim is that contemporary ethics is still in the grip of some version of this approach. My desires, my volitions, and my reason are all essentially within me, and so to understand my actions (and how I ought to act), introspection is in order.

Pendlebury's discussion of this inward turn is thought provoking, suggesting as it does that much of contemporary ethics rests on a mistake. But what exactly is it that is supposed to be mistaken (or malignant) about the method of introspection and the assumption that minds are essentially individual? Pendlebury's view is quite stimulating, but many readers will be unconvinced that this assumption is mistaken. His contention is that it effectively "abstracts morality away from the social, historical, political context from within which needs and desires are pursued, the context within which individuals conduct themselves" (39). This has resulted in the development of a gulf "between moral debate and moral life" (195). But what exactly is problematic about abstraction in ethics? Pendlebury suggests that he, following Charles Taylor, takes "action" to be a primitive concept that cannot be explained in terms of more basic concepts like beliefs, desires, and volitions. Even if we grant this, it is hard to see what is problematic about discussing, for instance, abstract concepts of freedom and justice without reference to particular contexts. Pendlebury claims that the problem is that such abstractions "do little to contribute to an understanding of the nature of the moral problems that confront people in everyday life" (14). This may be a fair charge, but it is hard to see how focusing on context generates results that are more (legitimately) action guiding.

The second part of the book (chaps. 3–7) is concerned with showing that Aristotle and Hegel provide the resources for developing an approach to ethics that does not begin with introspection. While the book does include several substantive discussions of Aristotle, Pendlebury concentrates primarily on demonstrating that Hegel, as he was influenced by Aristotle, articulates a coherent approach to ethics. Accordingly, I focus here on two principal features of this approach rather than on his interpretation of specific passages in Aristotle and Hegel.

The Hegelian/Aristotelian approach begins with the idea that we are essentially social beings. This could have several different meanings, and indeed Hegel has sometimes been thought to claim that only the community and the state legitimately determine what counts as normative. Pendlebury explicitly rejects this idea, following Hegel in repeatedly insisting that positive law, for instance, is not justified by the mere fact of its existence. But the question in which Pendlebury is interested goes a step further: what role do norms and laws, whether justified or not, play in our practical lives? He attempts to answer it in part by way of analogy to rules: norms and laws play a role in action that is like the role that rules play in games. Games like chess have certain rules that are intrinsic to the game, and each of those rules presupposes the general concept of a rule. Norms and laws supposedly play a similar role in our practical lives: whatever their particular content, our ability to act purposively is structured by their presence. Although this emphasis on rules might seem rather un-Aristotelian and un-Hegelian, the point is that communities provide the context in which something can count as a purpose or a reason for someone. The meaning

of the claim that we are social animals is then that to be individuals who act for particular ends, we must also be members of particular ethical communities who learn to set such ends and deliberate about them.

Articulated in this way, however, the idea might not seem particularly controversial. There is no reason, in principle, why Kantians or anyone else must be committed to denying that we only learn to deliberate, set ends, and act by being situated within communities. But there is something more controversial at stake: does our status as social creatures have normative implications? This is a crucial question, but Pendlebury moves through his discussion of it too quickly to provide a convincing answer. His claim is that just as playing a game requires that we have the general concept of "rule," acting purposively requires that we have the general concepts of "law" and "norm." Even granting this, a further step is needed to show that particular laws and norms are an "inherent and central feature" of our actions (62). His contention is, then, that being the sorts of agents we are depends on our being members of particular sorts of communities. If so, then our agency is a historical achievement rather than a natural fact about us, and so the method of introspection can provide only limited insight into what it means to be a (flourishing) agent. This view is central to Hegel's project, but it is also a contentious claim that requires further justification.

The most rewarding sections of the book are those that challenge the idea that reason and desire are radically distinct from one another, each having independent sources and roles in our lives. According to a familiar conception of agency, desires are essentially forces within us that we (like other animals) experience largely passively, whereas reason is a special faculty that is uniquely identified with our volition and agency. Pendlebury contends that this understanding of the difference between reason and desire, though broadly Kantian, more generally results from an application of the assumption that minds are essentially individual. When we introspect, passions and desires appear undependable and uncontrollable, always open to doubt. And so Kant, Descartes, and the Rationalists look to reason to supply us with certain knowledge. Even Hume, who famously denies that reason and desire can be distinguished in this way, nonetheless accepts the general idea that desires are forces within us that arise outside of the influence of reason.

Pendlebury's contention is that reason and desire are not essentially distinct as such a picture of agency suggests. First, given that we often have reasons to act on our desires, it can be impossible to distinguish what is rational from what we desire. But this difficulty in disentangling the two need not mean that they are not in fact distinct. So Pendlebury's further claim is that thought is "implicit" in our desires and feelings (109). Like other animals, we have needs and urges. But our rationality is not simply a faculty layered on top of a basic set of motivational impulses like icing on a cake. Instead, we experience even our most basic needs only as filtered through thought, and this is what makes us uniquely human. Part of what this involves is critically reflecting on our desires, forming second-order desires and volitions. But, at a more basic level, the idea is that even first-order "wanting and desiring are very much rational attitudes," that is, they are attitudes that are constituted in part by thought even though they may not turn out to be justified upon reflection (136). As Pendlebury puts it, reason

should not be thought of as "some sort of extra appendage, distinct from the needs and desires, rather than pervading those needs and desires" (180).

This view has implications for how we understand the nature of agency, as well as volition, *akrasia*, freedom, and human flourishing. Pendlebury addresses each briefly, making use of key passages in Aristotle and Hegel to develop a complex account of the relationship between reason and desire. Building on Jonathan Dancy's idea that what motivates us is the content of our beliefs, not just believing as such, Pendlebury sketches an account of desire as essentially intentional: "People do not just 'want' and 'desire'—they want and desire something" (136). He seems to stop short, however, of endorsing a view like Scanlon's that, when we desire, we see that we have apparent reason(s) to act in some way. But the discussion would benefit in several places from further engagement with contemporary literature that argues that desires are cognitive.

Throwing light on significant elements of Hegel's ethics which have until recently been poorly understood, Pendlebury's book is a welcome addition to the literature on desire and agency. Not only students of Aristotle and Hegel but also anyone interested in these issues will find much that is valuable in the book.

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Reiff, Mark R. *Punishment, Compensation, and Law: A Theory of Enforceability.* Cambridge: Cambridge University Press, 2005. Pp. 262. $70.00 (cloth).

Most people who have passed through Vermont would probably be surprised to learn that, except in a few towns, public nudity (but not indecent behavior) is perfectly legal. The reason for the surprise is that people in Vermont generally go about clothed much as do their neighbors, even during the state's (short) summer. In fact, the only reason I know that public nudity is legal in Vermont is that some teenagers decided to undress in a parking lot in downtown Brattleboro during daylight and openly lounged there as shoppers went to and from their cars. Someone complained to Brattleboro's Select Board. The board, while not favoring public nudity, did not immediately pass a law against it. Instead, it discussed whether a law was necessary to keep public nudity under control. The discussion reached the *Boston Globe* (August 23, 2006). Brattleboro's Select Board had confronted a particular instance of Reiff's subject. They did not ask whether public nudity violates some social rule; they were sure that it did. The question before them was how best to enforce the rule. Board members were sure that few people in Vermont would go about in public naked even on a hot day. What they had to decide was whether the number going about would remain so small that the rule would continue in force—without a law—even after the teenagers were known to have violated it.

Reiff's book is as ambitious as it is important. The book's title understates its ambition. The title promises a book about punishment and compensation as means of enforcing law. The book delivers considerably more in at least two respects. First, though legal enforcement is a central focus of the book, its subject