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Book Review Philosophy Bites Again

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Philosophy Bites Again

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Twenty-seven short interviews with prominent philosophers on a wide range of subjects, *Philosophy Bites Again* (“PBA”) is indeed pretty much as it advertises itself – lively, intriguing, sometimes remarkably helpful, to even the most experienced of philosophers. But the “pretty much” is warranted because some of the entries are a bit disappointing, even by the forgiving standards one rightly brings to a collection of this kind. It is of course unsurprising that not every interview is as good as the best. In reading through *PBA*, the reader is certainly struck by something we all already know in the abstract: philosophers have wildly varying abilities when it comes to presenting their subjects in a way that is both clear and does justice to the complexity at issue. But other factors play a role in this variation across the chapters too. Sometimes one feels the subject just may not admit of all that much philosophical depth to begin with (the “Dirty Hands in Politics” segment would be a case in point). And sometimes the reason for a less than satisfactory interview is that hosts are too passive and just don’t press their guests with the right demands. If the philosopher before us presents the subject in the right way, all goes swimmingly. If the guest gives an unbalanced or biased account – nothing wrong with that, as such – Edmonds and Warburton generally do not do too much to counter it. Generally, as I say, their kindness as interviewers is benign and no harm is done. Once in a while though, one wishes for something more like what we have all seen from a moderator on a philosophy panel – just some general prodding to be fairer to the contrary intuition, or to say more in defense of the so far not very well defended view in question.

But let me be clear: the good here far outweighs the bad, and this is a very nice book under several quite different descriptions. It provides a very good introduction to the layman of what philosophy is all about. (Truly, if you are looking for a gift for that well-meaning relative who always, and sincerely, asks you what exactly is philosophy, this would be a surprisingly excellent choice.) It offers a good contribution to certain subjects of general interest in our intellectual culture today, such as animal rights, torture, and the nature of the self. And sometimes, as I say, it offers a nice addition even for the specialist to his or her sense of the subject. Let me say a little about some of the better ones first then turn to what were for me some of the disappointments.

One of the better, longer, segments is Stephen Neale’s on language and interpretation. Anyone looking for a concise, clear, and very persuasive account of the Grice-ian approach to language and meaning could not do better than what Neale offers here. Neale takes up the way a theory like his draws on notions of reciprocity, of mutually recognized intentions, very nicely. The reader certainly feels the force of this approach by the time Neale is done. Then, Neale is asked about legal interpretation and the appeals to “plain meaning” versus “interpretation” we often come across in that context. What

follows is a real tour de force on how our legal culture tends to misdescribe these ideas in the law. The idea that semantic meaning is a kind of blueprint, filled in or realized by the specific intentions of the speaker is very well laid out, and the myriad difficulties of applying this model to the legal context are taken up with great panache. A statute that, in light of its semantic ambiguity, might or might not support additional sentencing if a gun was used, in barter, to buy drugs, serves as an illustration, and I am sure that no one who reads Neale's analysis will ever forget it. Those skeptical that anything so abstract as philosophy of language might helpfully bear upon legal interpretation will be very impressed, as was I.

Galen Strawson does a very good job of presenting the murkiness that always seems to attend talking about the self as something we probably just have to come to terms with. Before some subjects (the explanatory gap is probably another) we just have to forgive ourselves for failing to make complete sense of it all. And he is excellent at presenting the views he himself does not like so much with fairness and respect. His gentle rejection of a conception of self that leans heavily on the idea of a "narrative" was, for this reader, a model of how one might separate oneself from views that dominate in our culture today in the most respectful way imaginable, and for excellent reasons.

Noel Carroll takes us briskly through a variety of explanations of how humor works with great clarity. Generalizations are appropriately modified, the role of deep psychological forces, such as confronting incongruity, exploring our own sentimentality, are considered and given their due. There is throughout this collection a deep strand of naturalism – philosophers very much want to connect their philosophical accounts to plausible accounts of evolution or our biological nature – and Carroll's remarks on humor do this with a very light touch. The connections are there, but they are not made reductively.

Sometimes a heavy touch is exactly what comes to be impressive. Gary Francione's defense of "animal abolitionism" (not using animals in any way, for anything, at all – even as pets) is without doubt the most unqualified view of anything I have ever seen in print. I recommend it for its single mindedness, for Francione's refusal to be distracted by anything that might even be taken to masquerade as a consideration counting towards the other side. That many people have found in their relations to pets or farm animals a satisfying way into their own emotional nature is just not taken up at all. (Take *that*, Temple Grandin.) But not since Peter Singer challenged us regarding our spending on frivolous things when others would benefit so much more from these sums has a public intellectual mounted so fierce a challenge to our everyday habits.

The sections with Daniel Dennett on free will, Frank Jackson on Mary, and Ned Block on consciousness are all fine, workable, and worth reading, if generally not all that exciting. Dennett and Jackson both seem a bit exhausted by the subjects that have made them famous. In Jackson's case, what comes to dominate his talk in the end is the story of how he came to change his mind about Mary, and why he no longer sees it as a counter example to materialism after all. With admirable self-deprecation, he recounts how he came to find his own appeal to these experiences when making his argument incompatible with his epiphenomenalism (something must be *causing* my memory of these things when I talk about them, he thinks), and he comes to think that accepting representationalism about perception makes it possible to redescribe the Mary story in a way that no longer comes tied to non-material fact talk, talk he himself pressed so hard, and for a while, so successfully, against materialism. Of course, "something happens" to Mary when she sees that tomato, (she can represent something in the world she could not before) but with representationalism in the background, Jackson thinks there is now no need to say she learns about a new fact or property. And rounding out the section on consciousness, Ned Block makes a very nice point several times in his talk – if consciousness really is a thing, and not something we will learn about *a priori*, then, we must expect we will be sometimes surprised by what we find when we investigate it.

And now to some of the less satisfying entries. It is very much to *PBA's* credit that punishment and responsibility get the attention that they do. In a way, these subjects have receded from the philosophical spotlight in recent years. Topics like the problem of consciousness, or how best to understand intentionality, or global inequality, or what it means to respect religious identity, occupy the philosophically ambitious today. And so, as I say, it is very much a good thing to see these almost old-fashioned subjects get here the consideration they so very much deserve. Victor Tadros speaks on punishment generally, and Nicola Lacey on criminal responsibility in back to back sections. But both are by turns misleading and incomplete. Tadros quite naturally, begins by rehearsing consequentialist and retributivist views. But readers beware: these are not at all satisfactory or accurate accounts. When considering consequentialism Tadros "does not think we could rule out the possibility" that "we could do more good than harm by punishing an innocent person." (153 – 154) I was quite surprised to read this. I thought it was understood, ever since Rawls made this point in "Two Concepts of Rules" (now sixty years ago) that institutions – such as *telishment*, in which we would inflict suffering on the innocent for allegedly good consequences – must be taken up and assessed *publicly*. It is certainly not all obvious that we could produce "more good than harm" when it is known that the bearer of such treatment is not in fact guilty of anything in the first place, and *nothing* follows, nothing at all, about a so-called justification story if we assume the truth of what we are doing is kept hidden. I was quite surprised Warburton did not

offer any form of this objection. Further, Tadros' characterization of retributivism was highly objectionable. For Tadros, retributivism is the view that the "suffering of offenders is a good thing" and that we should "take pleasure or satisfaction at the suffering of other people." (155) Kant would be aghast at this brute, intuition like characterization of retributivist justifications. There is no mention of the way retributivist conceptions grow out of a contract like view or a conception of reciprocity. Much as in a tort context, if you do not keep your contract, and damage the other party as a result, it seems reasonable to say that you then ought to make the other party whole, so the retributivist sees punishment in the criminal context as a response to the violation of an already agreed upon obligation, proportional to the wrongness of the intention. Tadros' hostility to any sort of retributivist justification leads him, rather shamelessly I would say, to claim there just is no good reason to punish at all besides deterrence. He will handle the so-called problem of punishing the innocent by simply stipulating that "punishment" (logically, as it were) must be of the guilty alone. Fine. But he quite fails to see how little this gives him. If we are driven solely by deterrence considerations, and we assume those punished will be guilty, the earlier problem now just presents itself as a question of *limits*. Someone guilty of non-violent drug use or prostitution is still *guilty*. If the only way to prevent others from engaging in this behavior is to sentence those we catch to twenty years, do we do it? I don't think so. Without retributivist intuitions about the wrongness (or relative innocence) of the *intent*, the whole enterprise is hopeless. Tadros' failure even to mention these considerations as possible reasons to move away from a wholly deterrence centered conception (which he clearly favors) was for this reader a real low point in *PBA's* presentation of an issue.

Less egregious but still annoying is Nicola Lacey's discussion of criminal responsibility. After a tour of various conceptions of responsibility, some requiring the intentional act to be expressive of character, and some not, she provokes the reader with the claim that "criminal law often holds us responsible for outcomes we cause even without these more muscular forms of responsibility, like negligence, let alone foresight, knowledge or intention." (150) When a clearly surprised Warburton asks for an example, she speaks of speeding tickets(!). While it is true that claims you did not do it intentionally tend not to matter in traffic court, this is for several reasons. First it is just not *credible*, when you are doing something as intentionally rich as driving, that you are unaware of your speed; as a result, we are rightly not interested in taking seriously any claim to the contrary along those lines. (It is sort of the same with perpetrating investment fraud over a period of time – it's hard to claim you were not aware of what you were doing.) And second, this is just *not* a central case of *criminal* responsibility. It is, for public policy reasons, a "strict liability" crime (handgun possession may be the same). Nothing interesting follows from the fact that, on the margins of criminal law, we treat certain acts more like torts, in which

we put parties on notice that they must be vigilant; being innocent of intending the harm here will not defeat the charge. And in these cases, unsurprisingly, the “punishment” is typically a fine, not imprisonment. It is again a disappointment to the reader the host was not a bit more demanding of the guest in the face of such claims.

Finally, a brief remark, perhaps partisan, on Rae Langton on hate speech. Langton furrows her brow and professes to find it “odd” that America has not adopted constraints on so called hate speech, because as far as she can see, “there is nothing in the Constitution itself that should really prevent the U.S. from having laws that were similar to those that are in force in Europe.” (201 – 202) Well, perhaps a look at the case law might dissolve the mystery. Nor does Langton, who can find no justification at all for American First Amendment jurisprudence, ever take up the tricky matter of disallowing hate speech but allowing the publication of objectionable ideology. Will we make it impossible to read *Mein Kampf* (or Nietzsche for that matter) or to see *Birth of A Nation*? If not, if that sort of thing is not going to be interfered with, then expressing certain remarks we could find *in* such works, outside of a context where they can induce violence, is not easy to prohibit either. Reflecting on these considerations might make American law seem less “unjustifiable.”

But on the whole, this is an impressive book. Not only is there a lot of variety, in subject matter and in the temperament of the philosophers who speak to these subjects, there is a lot for the reader even (perhaps especially) when disagreeing. Anyone considering presenting any of these subjects to an introductory class would be very well served by using the relevant section in this book, and anyone interested, as a professional philosopher, in these subjects will certainly come away stimulated. It is not common to recommend a series of brief treatments. We live an era that prizes the detailed argument the specialist can appreciate. But in reading *PBA* we are reminded of how much we prize to the point conversation on an interesting subject. It seems philosophers have a lot to say, of interest to any curious person, about the real world after all.