

ELEUTHERIA

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Message from the President

Francis Peddle

The Institute held its second annual meeting of the Board of Directors on September 16th. The Board reviewed generally the activities of the Institute during the past year. Significant donations from two benefactors were gratefully acknowledged in the minutes.

The Board voted at the annual meeting for Dr. Lowry to take over the office of Vice-President. Dr. McCormick retains his position as a Director. I will remain in the offices of President and Secretary-Treasurer.

The Board resolved that the membership fees for 1990 should remain at \$15.00. However, anyone making a donation in excess of this fee will have their entitlement to *ELEUTHERIA* extended on a *pro rata* basis.

The Board also decided to offer **LIFETIME MEMBERSHIPS** in the Institute for two hundred and fifty dollars (\$250.00). A description of the intent of this offer is included in this mailing and is also available upon request. Lifetime members have the same privileges as current members.

A Resolution of the Board dated December 19, 1988, formalizes the Institute's policy with regard to the receipt of charitable gifts of books for a library on speculative philosophy. Donations of gifts in kind, such as books, that are under \$1000.00 in fair market value will be officially receipted by the Institute for purposes of tax deductibility if they are itemized, available for prior inspection by Institute staff, and relevant to the discipline of speculative philosophy. Donations of books over \$1000.00 in fair market value will have to be independently appraised at the donor's own expense before official receipts will be issued. These conditions on charitable gifts in kind are in accordance with Revenue Canada guidelines and policies. A copy of the full Resolution is available upon request.

The goal of putting out a publication, *ELEUTHERIA*,

in our first full year of operation was achieved well within budget. The presentation and content of *ELEUTHERIA* has been favourably commented upon by both members and non-members. While this publication will continue to be the Institute's informal medium for the exchange of views and information relevant to speculative philosophy, it is also our broader intent to provide within its pages a comprehensive critique of the narrow conceptualizations of philosophy common in modern thought and in the professional practice of the discipline. Within the confines of *ELEUTHERIA* this critique will primarily take the form of book reviews, commentaries, exchanges, occasional pieces and short essays.

Institute publications are also a good way to promote membership and generate financial support. Extra copies of *ELEUTHERIA* are available to members who wish to distribute them to interested parties. If any back issues are required, please specify in the request.

Members of the Board have been quite active recently. Dr. McCormick has had another manuscript accepted by Cornell University Press entitled *Modernity and the Bounds of Art: Eighteenth Century Origins and the Realist Backgrounds of Aesthetics*. This book is a sequel to *Fictions, Philosophies and the Problems of Poetics*, which was published by Cornell in 1988. The latter was the subject of a special session of the annual meeting of the Canadian Society for Aesthetics, which took place during the Learned Societies Conference at Laval University in late May and early June of this year. At the same conference I presented a paper on "Hegel's Philosophy of Music".

In early August I attended the Henry George Sesquicentennial International Conference at the University of Pennsylvania in Philadelphia and presented a paper entitled "Philosophies of Taxation in Contemporary Society". Henry George is one of the great American economic and social philosophers of the nineteenth century who has been unfortunately bypassed by mainstream socio-economic scholarship. His *Progress and Poverty* has, however, had a considerable influence on the

philosophy of economics and has engendered a world-wide movement of students and scholars devoted to fundamental reform in such areas as public finance, land reform, environmental policy and the sound use and equitable allocation of natural resources. George's elegant articulation of his philosophy in terms of natural law and non-utilitarian moral principle put him at odds with the modern scientific development of utility theory and the subjective theory of value. As utilitarianism, refined and unrefined, dissipates its moral force and practical efficacy towards the end of the twentieth century, it is probable that George will once again become a widely known author and guide for genuine thought and action in both philosophy and socioeconomics.

In the Foreward to the 1946 edition of *Brave New World* Aldous Huxley goes beyond the two alternatives to which he previously adhered: "...If I were now to rewrite the book, I would offer the Savage a third alternative. Between the utopian and the primitive horns of this dilemma would lie the possibility of sanity - a possibility already actualized, to some extent, in a community of exiles and refugees from the Brave New World, living within the borders of the Reservation. In this community economics would be decentralist and Henry-Georgian, politics Kropotkinesque and cooperative". Huxley goes on

to talk about a "higher utilitarianism", which is in fact speculative philosophy where science and religion are united in a teleological principle that avoids the autocratic distortions of unreflective scientism and frenetic religiosity.

George provides that urgent synthesis of deep moral thought and feeling with a practical and viable agenda that is utterly lacking in contemporary philosophy. Indeed, one of the great paradoxes of modern philosophical realism and pragmatism is that it offers no programs, no beacons, no well-built highways to social and moral betterment. In giving up systematic thought, first principles, and a comprehensive teleology, modern philosophy sought to achieve the permanently workable and relevant. This project was, however, flawed *ab initio*, due to the assumption that rational thinking could only work well in practice on the basis of theories wholly dependent upon and articulated out of the practical, the commonplace and the everyday linguistic milieu. It was inevitable that appearances and relative determinations would gain prominence in all realms of discourse. The result has been theoretical chaos, moral digression and a deepseated inability to recognize that it is a pathological condition for rational beings to believe that all theory must be a function of practice, situation and ongoing historical revision. speculative rethinking of "modernity".

ON GOVERNMENT: CRITIQUE AND COMMENTARY

James Lowry

Surviving Confederation: a revised and extended version of "Newfoundland in Canada" (1984) by F.L. Jackson (St. John's, Harry Cuff Publications, 1986), 160 pp.

I

Canada is presently immersed in a struggle to find its soul, or as some would have it - its

identity. This is a crucial question for Canadians, because it lies behind the question of what Canada's Constitution should be. For a Constitution does not come from the head of Zeus, as Athena, fully grown - it arises out of a people's sense of what they are and how they want to be. There is both an element of the past - from whence they came - and an element of the future - whither they wish to go - to the making determine their present being.

If a Constitution bespeaks a people's self-understanding, so its formation indicates the depth of its rationality. A people's identity may be, after all, many things - their religion, geographical situation, language, culture, economic power - and these may be disparate, inchoate, and at odds. Older nations, if we may call them such, like Rome, Byzantium, Austro-Hungary, and younger ones, as the United States, the Soviet Union, Canada have the peculiar problem of an immense multiplicity in the religion, geography, language, culture, and economic well-being of the individuals which are to make up the nation's people. If such a nation is to be more than a country - more than a place to live - more than blood and soil endlessly divided - it must be held together by an *ideality* that can *transcend* the *accidents* of historical and religious and linguistic origin. It is such an ideality that can be called a people's "spirit", and it is a Constitution written with the *rationality* of this spirit as *universal* that can provide the context of such a people's fulfillment.

Such an ideality is rare. In a sense one sees it culturally among the Greeks, but they could not find a political form to go beyond the polis or city-state. With Rome a political form grew from a single city, from Roma on the Seven Hills, to a great Empire - held together by the ideality of *republican* law, and finally severed on the imperial anvil of secular force made unbearable by barbarism and the Christian ideality of a sacred city, in another life, far away - a City of God.

Our modern states are the result of this sacred city becoming secular. Yet this result is such that Christianity is not always clearly seen as the soil of their birth. America was founded by pilgrims of many Christian stripes and by Deists who espoused a theism without revelation. These founders never questioned the necessity for the State to be based on the morality of Religion. The Declaration of Independence is at once as theological as political. The Soviet Union is founded on an equally moral fervour, but it is an atheistic one that has consciously lost touch with any eternal roots - a fervour for Humanity without the guidance of Providence. And at once

it evidenced a terrorism, as witnessed by Solzhenitsyn and others, more encompassing than that ever seen in France, where for a time Reason lost consciousness of its origin - of its birth to self-consciousness, as evinced by Plato in his *Timaeus*, in reflection on the wondrous harmony of Heaven's stars. Canada is not the United States, nor, most thankfully, is it the Soviet Union. But the country's unity is as questionable as that of America before the Civil War and probably more so than a Soviet Union now rent with the national prides of *Völkessgeister*. It is not a little likely that the Russian spirit will not shrink, no less than did the American, if its unity is threatened - and use force.

Canada seems altogether different. It seems unthinkable that Canadian unity could ever be the result of force. Each Province takes for granted - if we may be permitted to think of a Province as a being - that it could leave Confederation. And it is by no means clear that one or more or eventually all will not. The problem is, of course, where will they go - what are a provincial people's options in the Confederation of the Canadian people?

II

It is in relation to this question - that of the Canadian Confederation experiment - that we may turn for a moment to F.L. Jackson's populist paean for the soul of the Newfoundland people. A native of the province, and a professor of philosophy at Memorial University, he is powerfully exercised by the somewhat unique and distressing circumstance that Newfoundlanders were once, not so very long ago, the citizens of an independent and free state (for three years in the 1930's), only to give up their freedom *voluntarily*. Various external reasons are given for this misfortune - colonial power, crooked politics, the banks of Upper Canada - yet the real reason, as Jackson grudgingly knows, is that the half a million or so souls living on the outskirts of the Continent did not have the spiritual force, the maturity of a self-conscious identity, to *create* their freedom. What our author fights with throughout his book is the reality of Newfoundland as a

geography inhabited by what he calls a "nature people".

The topic is interesting on several points - not the least is the fact that the rest of Canada, as well as Newfoundland, is, according to Jackson, at the stage of "adolescence". By this he means without a really determinate identity. Newfoundland is the paradigm in this tale of woe - for Jackson states that Newfoundland "as a truly viable and successful society has never yet existed". The options for Newfoundland to "come into its own", as he terms it, are three, and are coincidentally also those of the other provinces: (a) they may try to go it alone - separatism; (b) they may try to become a "state" in the great republic to the South; or (c) they may try to forge a viable confederate government. For Jackson the Newfoundland option to go it alone has failed and the idea of becoming a state is unappealing as Americans are too revolutionary for his blood. This leaves the problem of Confederation and the viability of its Canadian form.

How Confederation can be viable is not, according to Jackson, unimportant. In his view it could be a paradigm for the world, if only the principle of "shared sovereignty" could be understood. It is at this point, the point at which one hopes for some real determinateness, that readers will find themselves most let down.

Professor Jackson lets them down for a number of reasons. Most of these are coincident with the deplorable present state of what may be called "university", "academic", or even "professional" philosophy. To begin with, Jackson says he is against the modern world because it is technological, humanistic, relativistic, materialistic, worshipful of the primitive, and without spiritual values. Yet his book is without a definite plan. Its form is a loose series of chapters, made up of an even looser string of essays divided by asterisks. Its style is journalistic and idiosyncratic, punctuated by caricature (deplored by the author) and unrelenting vitriol. Rhetoric and psychologizing mostly take the place of argument in a series of negative, critical, disjointed, and generally descriptive statements, which either give a

superficial idea of the problems of our time (real enough), or artificially pick out historical tidbits and place them in an artificially constructed puzzle, the point of which is to reduce all forms of modernity to abstract oppositions. This procedure could be interesting if Professor Jackson were to heed Hegel's warning that a negative infinity only ends up as a negation of the finite, as it is a progression which simply "remains with the expression of the contradiction which the finite contains", *Enzyklopädie, 1830*, [para.94]. Unfortunately, Jackson's personal alienation is so complete that he is unable to provide the kind of determinate argument and rationally methodical working-out of the problematics he detests which could solve the problems and reconcile his spirit.

A couple of illustrations will suffice to clarify the point. Jackson is against multiculturalism. For him it makes culture irrelevant. The implication is that culture is not irrelevant because some cultures are better than others. Yet Jackson does not say what would be the determinate culture that could satisfy his longing for an end to modernity. Aristotle and Hegel were not such shrinking violets. They overcame the *natural* human instinct for intellectual indecision and inertia, characteristics unfortunately typical of academic philosophers, and actually stated and worked out what they thought. Professor Jackson must do the same if he is ever to be taken seriously.

We are told that what makes Canada different from and superior to the United States is that it was kept separate by "pragmatic colonial patri-cians". The implication is that these pragmatists had in their soul something that is definite. Jackson should work this out. The mere statement of it is indeterminate. He should more fully understand the difference between "pragmatic colonial patri-cians" and the spirit that can write a Magna Carta or a Declaration of Independence, of the mental effort involved in formulating for the first time a *rational* Constitution, with separation of powers and checks and balances against human nature (the Calvinist influence) - this is the *real* sense of revolution. Jackson should

be less cavalier in his supposedly dialectical juxtaposition of the United States and the Soviet Union. But to do this he would have to give up historical sophistry and the unphilosophical pride of casuistry posing as reason, and understand how Washington, Jefferson, Lincoln in their presidential and biblical assumptions differed determinately from Marx, Lenin, Stalin. No doubt America is a long way from its origins, and is becoming more and more immersed in the secularity of our time. But this fall from grace is very different from a necessity of origin and has much more to do with the rise of science, historicism, and *unrestricted* humanism postdating this origin.

Professor Jackson does not approve of the unalienable Rights of individuals, yet he gives no cogent arguments as to their alienability, and seems to miss altogether that as universal such rights cannot be simply personal. As for the humanism whose spectre he so deeply fears, he should realize that the true problematic of humanism is not just that it is a rejection of Divinity, but that it is *also* a rejection of Nature and of the Creation as such. Humanity stands *between* divinity and nature in an *hierarchy* of care and stewardship. This is the nub of contemporary environmental issues which Professor Jackson seems, sadly, not to grasp.

As for the Canadian Constitution, Professor Jackson becomes mixed-up in an anachronistic boondoggle of his own making. On the one hand he takes it as a mighty spiritual fact that *somehow* Canada is made up simultaneously of nation-provinces and a central government (apparently unnameable as not, so he claims, federal) that allows for democracy. But Jackson is unable to formulate this amalgam's principle of unity because he cannot find anything about it historically. There is no profound *theoretical* work similar to the Federalist Papers - only a vague pragmatism. And despite his advice to go back to origins, which he does not determinately describe, he admits Canada is an adolescent in search of an identity. That Jackson is profoundly desirous of far-reaching reforms to make sure that Grand Banks fish are "Newfoundland" fish

and not "Canadian" fish implies that Canada ought to be in search of a Constitution as well as a soul. A conclusion which gives him more in common with Trudeau than he would like to admit.

The actual issue in all this is that in *Surviving Confederation* Professor Jackson has expressed more negativity and vitriol than philosophy, more rhetoric and sophistry than argument, more antithesis than thesis. The reason for this is that Professor Jackson's *Heideggerian Victorianism* is not a carefully crafted speculative philosophical position, but a species of *moral psychology*. Everything positive, reconciling, determinate is left in a state of vacuity and is vaguely expressed as a *piety* towards spirit. Canada's opportunity to formulate a Constitution, to formulate a government for *our* time and place can be a true development of Spirit - an authentic continuation of the *divine theodicy* as understood in the older language of Providence. Instead of fuming abstractly as a would-be passenger on the train of history passing by, it would be a mark of maturity to learn how to become an engineer, how to build and to guide to a rational destination. It will be necessary to give up *fantasizing* a romantic past not present, but then this is the nature of the transition from adolescence to manhood, of indeterminateness to *actuality*. If Professor Jackson could bring himself to negate his negations, he could reconcile his alienation and that of his readers in the activity of actual rather than merely historical philosophy.

Surviving Confederation does not give up such fantasy or negate its negations, however, and is, therefore, an object lesson in the *failure* of contemporary philosophy. Genuinely speculative political philosophers, like Plato, Aristotle, and Hegel, for whom metaphysics is a *prerequisite* for practical understanding, could not but be extremely disappointed. For they realized, as Professor Jackson does not, that *pragmatism*, however patrician, and, in Jackson's language, "anti-revolutionary", is *incapable* of understanding rational government. Contemporary philosophy, however much it may *talk* about the useful or *pine* for the pietism of monarchical sovereignty, has

lost the ability to think with speculative rigour.

This is due mainly to an *ennui* that is *incapacitated* by the idea of historical accumulation, whether it be that of Anglo-American analytic worship of scientific empiricism, the endless finitude of European phenomenological description, or the historicizing romanticism of wishing for another age. It is easy to infinitely piece a puzzle together if one has lost a sense for the puzzle itself. The picture becomes endlessly changeable or arbitrarily absolute. In *both* cases, because the work is assumed to be already done, it is *never* done. The changing picture of empiricism cannot be finished, but assumes a finished object. The romantic absolute is the product of an idiosyncratic *personal* subjectivity for whom the picture is always the same regardless of the relation of the pieces. Thus, both can enjoy placing the pieces without regard to the whole, which *remains* unknown and unknowable.

Because these forms of *pseudophilosophy* get caught up in an endless empirical search in the immediacy of Nature or History, the form and style they take cannot be other than an endless series of small-scale sallies, which, because articulated as either experiments or articles (be they in single or book form), hide under the umbrellas of communal preening or caricature. In short, contemporary academe, and Jackson is typical of this phenomenon, has *lost* its philosophical nerve. Such a malaise of the spirit has neither the desire nor the capacity to work anything out from beginning to end, and thus cannot ground its thought in a thoroughly determinate metaphysics. The result in politics is terrorism, environmental destruction, and anarchic individualism. In philosophy the parallel result is the rhetoric of *secondhand* emotion, experience, thought - a lot of talk about science, about religion, about history - but it is *mere* "talk", merely the articulation of sophistry *without* the authenticity of a metaphysics *carefully* conceived piece by piece with empiric and spiritual *accuracy*.

Just this careful philosophical craftsmanship is what the great philosophers of the speculative

tradition made it *their* spiritual effort to do - and it is an effort ever *necessary*. Its lapse is the problematic of modernity - its *continuation* the hope that modernity can be transfigured into a *global rationality* in which the ambiguity, tentativeness, and emotional idiosyncrasy, so characteristic of the contemporary currents of philosophy, are *properly* subordinated to the universal integrity and determinateness of Reason.

The tragedy of *our* time, mirrored in its terrorism, its destructiveness of natural equilibrium, its rapacious immediacy, is unfortunately also that of Newfoundland itself. For in Newfoundland, a small society with but a single university, philosophy *could* have made a difference. Had Professor Jackson moved every fibre of his being to develop a *speculative* philosophical culture in his department at Memorial University through appropriate hiring, and by being an exemplar through the industry of study and publication, the founding and leading of a strong graduate programme, and the initiation of thorough undergraduate instruction for the young, Newfoundland's history, present and future, might be different. Had he realized that economic freedom is the *result* of political will firmly conscious of its social freedom, he would have wanted to stretch himself to ensure that Newfoundland would be a *centre* for speculative philosophy, and not, as it has become under his apprenticeship and guidance, a repository of the unreflective contemporary philosophical cultures of central Canada, Europe, and the United States. No doubt the cause of this *inaction* is the lack of spiritual vision, the lack of an authentic commitment to speculative reason, that shines throughout *Surviving Confederation*. But it is a *tragedy* for all that - a tragedy for Newfoundland, for its young and its politics and its freedom, and - according to Jackson's protestations - inevitably, a tragedy for Canada as a whole.

III

Whether or not the tragic state of affairs in Newfoundland and in Canada can be averted one cannot say. If it is to be averted, the spirit of the

people through its provinces and central government will have to be *educated* to understand that the writing of a Constitution must be a *rational* exercise in which pragmatism must be limited. How the country's unity in difference or shared sovereignty should be made determinate will have to be *consciously* the result of a thinking which does not *shrink* from struggling *anew* with the conceptual necessities of government and its grounding in a public morality rooted in private faith. Such a thinking *must* be speculative, and it must be *more* than an effort of historical romance, however empirically or philologically advanced such a romance may be.

As with Aristotle, Thomas Aquinas, Hegel and others of the *speculative tradition*, an articulation will have to occur which is *definite* about the unique determinations of our time and place, even as it transcends it. For Aristotle, the Greek civilization was true over against the barbarism of all other peoples; for Thomas, the Catholic Faith was the only true faith; for Hegel, Lutheran Protestantism and the Germanic (germanische) culture was an apotheosis. None of these philosopher's historical conceptions are equal to the speculative needs of humanity as spirit, yet the process of their arrival, their effort at rationality - at the actuality of philosophical form is *paradigmatic*. What is *universal and alive* in these historical conceptions is not their adherence to the particularity of historical instantiation, but to the eternal efficacy of their rational discovery of eternity. A "nation-state" can *no longer* be thought the ultimate category of government. We must *now* rise above abstract patriotism and the general cult of blood and soil and tribe and language. This has *always* been the teaching of the great religious teachers - of Christ and Buddha. The ultimate question of humanity is not how is freedom to be realized here and now in the secularity of a state, but rather how can a political form be just and stable enough to *provide a context* for the *showing of eternity* in art, religion, and philosophy - how can there be a temporal form of existence which can *sufficiently* reflect the divine activity of creation in order that spiritual life *transcend* its historical limits.

That such a form will have in the end to be *global* is clear for the *first* time in *our* time and place. What the form must be as instantiated is not so clear. The actual conceptual underpinnings must be carved out. Prior historical forms can help, but cannot be appropriate without modification. Indeed it cannot be certainly *predicted* what form will finally be appropriate. It *can*, however, be known that it will have to be a form which *recognizes* the *inherent limitations* of any political form in so far as that political form does not recognize that there is an ultimate divine activity - in older language, a Providence - which is the *foundation* of law, of justice, of the freedom which flows from their conjunction.

While *religion* in its pure transcendental forms can reveal this knowledge, and *art* can manifest its truth symbolically through material form, only *speculative philosophy* can understand both the theoretical (conceptual) and practical (political) relation as historical instantiation. One of the most important tasks of speculative philosophy in the present age is to formulate *for the first time* how the principles of consent (popular sovereignty) and of rights (divine law) can be instantiated in a form of government that can transcend the accidents of material history. The history of speculative philosophy in this regard has so far failed in this task in that it has been too profoundly undemocratic in its bias, *not yet* understanding how the *idea of individuality*, which is its *most* advanced metaphysical concept, can be understood as other than exceptional in its historical human manifestations (Jesus of Nazareth the Christ, Siddhartha Gautama the Buddha, the World-Historical Figure, the Charismatic Leader). A clearer understanding of what individuality *really* means, of what its actuality *is* as the fundamental principle of being, can lead to a true understanding of *how* Life, Liberty, and Happiness can be properly reconciled with the actuality of the universe; of *how* the Divine Individuality, as triad of persons and nature, and the *parallel* individualities of *imaged* humanity, and the *manifest* chain of beings in nature are *already* reconciled divinely and *potentially* so temporally. These conceptions are complex and

not easily discovered and understood, but then they are the *provenance* of the most difficult of the sciences - of speculative philosophy as first philosophy - or, as we can *now* term it, of *metaphysics* as the *completion* of metaphysics as a natural theology not yet actual.

The major problems of our time are historically *new* as particular, but yet are in principle the *same* problems, when known as universal, that have always plagued humanity - the *hubris* of the Greeks; the *evil* of the Bible; the *immediacy* of one-sided irrationality when, as philosophy only can understand, the Will and the Reason are misrelated, and the proper subordination of will in *rational hierarchy* is temporally sundered. *Our* task,

perennial *and* historical, is to know the theory and to then have the will to practice it. *The knowledge must be speculative.* Just as Aristotle and the great figures in the tradition, we must *ourselves* stretch *our* every nerve to pass under the lintel of the oracle at Delphi yet again, and to return intoxicated, *not with* the negativity of alienation, dispirited that we must make the effort of philosophy not yet completed, *but with* the *reality* of the heady wine of spirit, that we *can* think the actuality of Being and thereby be *stewards* of the beings entrusted to our care. If we do this, we will have fulfilled our appointed task - the task *ever* set before us - the perennial task which the artists, prophets, poets, and philosophers have *ever* taken on as a *gift* divinely sent.

REVIEW AND COMMENTARY

THE CONCEPT OF "NEEDS" IN THE SYSTEM OF PHILOSOPHY?

Francis Peddle

Meeting Needs by David Braybrooke (New Jersey, Princeton University Press, 1987), 344 pp. Hb 37.50, pb 12.50.

Few "isms" in the history of modern philosophy have attracted as much analytical scrutiny and scholarly inquiry as "utilitarianism". The chameleon of utility theory shows up with great diversity in current discussions about education, values, rights, justice, professional ethics and social policy formulation. The theory itself, however, has become largely amorphous - overladen with ingenuities, fine distinctions and interminable debates. Usually, however, it is passingly assumed to be the proper approach before one gets into the particulars of the issue in question.

The history of utility philosophy since the Enlightenment has been an aspect of the more general and ongoing shedding of the meta-

physics embedded in natural law in favour of the intellectual determination of what will most profitably benefit the happiness and well-being of the individual as well as society. The growth and development of utilitarianism as a moral thought-world has been an integral part of the modern critique of traditional philosophy. This critique, both wide-ranging and profound, observed ethical desuetude and unacceptable arbitrariness in hierarchies of being which determined and justified orders of human organization that permanently enriched some classes of people while condemning others by nature of their birth, and other contingencies, to poverty and social impotence.

A morality based on consequential foresight and directed towards the maximization of personal well-being was the ideal practical agenda to adopt in an age where material gain, freedom, equality and progress were rapidly

becoming seen as both individually and socially achievable. The calculations and manipulations of science fitted well into these developments. Modern science demonstrated the accuracy of its articulation of natural and phenomenal laws through precise astronomical and mathematical predictions. The efficacy of science in the conquest of nature ensured the displacement of the older systems of metaphysics and cosmology. A new and more strict empiricism and logic based on meticulous observation and classification became intellectually authoritative. Utilitarianism was to be the bridge between the precise sciences and progress in social and human organization. If ethics could become as predictable, as neatly categorized and as fine-tuned as geometry and physics, then the amelioration of human squalor, disease and misery was only a matter of time.

Originally, utilitarianism, as espoused by such authors as Bentham, Locke, Hume, Helvetius, Shaftesbury and many others, extended ethical thought from the individual to society by means of an inherent enthusiasm. The egoistic and the altruistic were held to exist side by side in human nature. The advancement of the common good and the promotion of the greatest happiness of all by all was equally the promulgation of the particular well-being of each individual. The early development of utilitarianism in the Enlightenment was not, however, simply a function of cool ratiocination, even if Bentham's "felicific calculus" seems to be an unfortunate excess of the quantitative ideality which pervaded this period. Hume, for instance, saw the promotion of those virtues which advance the common good as having their source in sympathetic feeling. Likewise, Shaftesbury, in, for instance, the *Inquiry Concerning Virtue or Merit*, while still a utilitarian, places the origin of the moral in feeling. His moral philosophy is premised on a harmonious cosmology in which aesthetic feeling and ethical thought are united in the experience of the divine life.

Post-Enlightenment utilitarianism moved steadily away from a focus on the generation

and cultivation within the individual personality of those moral and intellectual virtues which would lead to progress in society to an overriding emphasis on the ethics of society itself. Reflection on moral issues in Anglo-American philosophical culture in the twentieth century became primarily a form of social scientific ethics. The simplicity and revolutionary enthusiasm of the earlier utilitarianism was replaced by sophisticated conceptual machinery. Formal analytic reflection on the utility of various social concepts all but pushed aside philosophical inquiry into the nature of the ethical personality. And if such inquiry was initiated it quickly fell victim to the psychologizing of the day and the empirical examination of the human mind and soul conceived as epiphenomenal. The downgrading of individual ethics based on an absolute principle of the moral was paralleled by the rising dominance of a scientific ethics in which relative standards and prevailing social conventions, or the "normative", determined the nature and boundaries of ethical discourse. The result was a diminution of the power of the individual ethical will, animated by an elemental sense of the moral, and an elevation of social consensus as the decisive arbiter of moral conduct.

A cursory look at the attitudes and institutions of modern culture will reveal that the relocation of the source of ethical authority in the judgements of society rather than the enlightened individual is virtually complete. The vast increase in the rules and regulations governing both private and professional behaviour is symptomatic only superficially of a more complex and integrated society. To a greater degree, however, it is a haphazard filling by the collective of the moral void created through the supplanting of individual ethics by sociological utilitarianism.

Another indication of the determination of twentieth century utilitarianism by the counter-individualistic ethics of society, is the divorce of private from public and professional morality. Politicians face righteous electoral indignation if personal views taint policy formulation.

Similarly, professionals are only liable for opinions, advice and acts given and executed professionally. The development of social ethics has done much to drain modern ethical thought of a foundational vitality. Authoritatively moral and proper actions are now only done within the narrow confines of precedent and previously characterized fact situations.

A natural outcome of these trends has been the considerable growth in "applied ethics" in recent decades. Setting aside the obvious pleonasm, it is under this rubric that one today finds a cadre of ethics experts and professionals, who generally have something of a "multidisciplinary" background, and who give advice and counselling within the context of various case scenarios and situational crises. The "professionalization" of ethical doctrine is pervasive because so too is the sense of the collective. All moral decisions are left to precedent. They are prestructured by external codes and policies to which the individual has an abstract relationship. The question facing contemporary moral philosophy is whether or not an ethics, and subsidiarily a social philosophy, so conceived can contribute in any meaningful way to the maintenance and enhancement of the civil order?

Meeting Needs by David Braybrooke, a professor of philosophy and political science at Dalhousie University, is firmly rooted in the tradition of modern scientific ethics, despite a somewhat deceptive chapter called "Utilitarianism without Utility" wherein "equality-in-meeting-needs" supplants utility theory, and the other classic imponderables of utilitarianism - happiness and satisfaction, as the basic prerequisite for the preservation of the body politic. The general structure of Braybrooke's concept of needs is quite straightforward and can be briefly summarized in terms of an explication of the List of Matters of Need, the Minimum Standards of Provision, a Criterion, and a Principle of Precedence. Unfortunately, the aloof bureaucratic ambience of the author's prose makes opaque and inaccessible what is at times embarrassingly mundane and

obvious.

The definition of "needs" is not as logically tidy as many would undoubtedly like, primarily because Braybrooke seeks to articulate a philosophical discussion of needs - a project tritely understood as the generation of a series of hypotheses - out of their everyday, commonplace usage in a language such as English. The interest of the author is more in developing a normative rather than an explanatory concept of needs, though his contextualization of the articulation of the concept within ordinary linguistic usage negates from the beginning the possibility of developing a sharp enough delineation of it to be a comprehensive and meaningful guide in the choice of social policies. The overall orientation of the book is primarily descriptive and artlessly realist - "no niceties for me...but what the city needs" (Aristotle, *Politics*, 1277a19-20, citing Euripides). This absence of ideation, of moral oughts, virtues and enthusiasms deeply sourced in a vision of the order of nature and mind, dims just about to extinction the philosophical importance of the work. We are dealing here with a distributional theory of social goods and services, cautiously and qualifiedly presented as covering an area that has been woefully neglected by philosophers. One is left, however, at the end of the book with a solid confirmation of first suspicions - such neglect is the correct approach if socio-economic policy is to be advanced.

The arid construction of the conceptual apparatus of this book proceeds as follows. There is a List of Course-of-Life Needs, inclusion within which must not be on the basis of preferences, wants, wishes or adventitious interests. Braybrooke selects lists provided by certain authors and organizations and refines them into a bipartite "List of Matters of Need". The first part deals with the usual needs related to physical functioning such as the need for food and water, exercise and in general "whatever is indispensable to preserving the body intact in important aspects". The second part covers those needs that are related with

the functioning of people as social beings, such as education, companionship and so on. There is a noticeable absence on the list of intangibles, some might say spiritual needs, which are difficult to quantify and can hardly be lushly provided for by the state. This exclusion, of course, follows from the basic *nisus* of the book - the sociological justification for a collectivist distribution of already existing and available social goods and resources.

The List of Matters of Need, for which there are Minimum Standards of Provision that are conditioned by the people who have the concept of needs, can be expanded on the basis of the Criterion of what is necessary for the normal and underanged functioning of people in their less than poetic capacities as "parents", "householders", "workers" and "citizens". Needs are thus narrowly delineated by prevailing social types and relativized to language and available resources. There is no place in this work for the needs of prophets and revolutionaries. Available resources are nowhere clearly defined, but presumably the author is referring primarily to the usual economic notions of labour supply and capacity. Braybrooke's "Principle of Precedence" dictates that for the purposes of social policy determination the basic needs of a Reference Population "take priority over their preferences or anybody else's". The Reference Population is further defined as "self-governing subsets of the linguistic community", or, to use Braybrooke's better left unsaid, "Selfgovliset", which refers to national governments. The operation of nation-states in the provision of basic needs supposedly gives "realism" to the Principle of Precedence.

The globalization of the economic order and the systematic abuse of basic human rights by most countries in the world, as catalogued *ad nauseam* in the *Annual Report* of Amnesty International, is more than enough to undermine any theory of social choice that is even remotely dependent for implementation on the current structure of nation-states. Many governments, today, tend to create and rigidify,

rather than diminish, obstacles to the provision of their needs by individuals themselves. Tax policies which confiscate the usufruct of labour, and which encourage the monopolization of the distribution of access to nature, or the passive factor of production, are a subtle, but pervasive, example of how nation-states undermine morality, its more blatant negation being the institutionalization of administrative torture in many parts of the world.

The articulation of the course-of-life needs, and a Minimum Standard of Provision for them, out of a given linguistic community, social convention and available resources within a national entity seriously truncates the universality of the concept of needs. The author would undoubtedly find it uncomfortable to generalize from a determination of how the concept of needs works well for English language users in Canada to how it works well for all human beings. Ethical doctrines based on a social typology must, by their very nature, eschew a morality that comes forth from thought and a universal humanity. For the ethical typologist of society no doubt comparative research would have to be undertaken of each "Selfgovliset" and careful empirical examinations made of the various uses of the concept. Would we be left, however, with anything but the rather obvious conclusion that the need to excrete (item #3 on the List of Matters of Need) is not adequately met in Bangkok because of a poor sewage system? *Meeting Needs* could help us identify those needs that are not minimally secured for many people and give us a modicum of guidance in doing a triage for the socio-economic system of any given country. This is fundamentally an empirical evaluation of the distribution of already existing resources and a necessary prolegomenon to a low level factual discussion of the actual condition of this or that society or culture. It is not, however, a philosophical inquiry into why human organization in the modern world has taken a form which so manifestly prevents the meeting of the basic needs of most of the world's population and which creates gargantuan inefficiencies in the use and allocation of natural and human

resources. This is the broader and more elevated undertaking which must be made by philosophy, otherwise it is indistinguishable from the social sciences and the generally unremarkable musings of social planners and engineers.

In order to give a comprehensive account of the concept of needs Braybrooke allows that the determination of the structure of the concept in the List of Matters of Need, the Minimum Standards of Provision, the Criterion and the Principle of Precedence is capable of expansive use. Additional needs can be derived from basic needs and have precedence as such over preferences. Braybrooke gives an account of the derivation of needs from conceptual connections, scientific laws and empirical generalizations. In the ensuing discussion on derived needs and conventional determinants of the concept one is left with a dizzying sense of what Hegel called the "bad infinite". Braybrooke is rightfully cautious about "relaxing" the concept of needs, but nevertheless defends himself in the dialogue between the Author and the Reader, which follows this chapter and all others, by saying that he is merely trying to grasp the complicated practice of the use of the concept of needs in social life.

This response is tiresomely indicative of the tenuousness of the author's enterprise. Most people in ordinary social life are not explicitly aware of how they use the term "needs". The degree of awareness will also vary widely. Braybrooke is embroiled in the conundrum that persistently reduces ordinary language philosophy to the always invited, but never paid attention to, *raconteur* at afternoon teas. The would-be socialite takes the ordinary uses of words, gallantly attempts to elevate them to levels of refinement that should guarantee a conspicuous moment of adulation, but alas is thwarted once again by the immoveably prosaic.

It would be unfair to say that Braybrooke shies away from all issues that are distinctively philosophical. There is a chapter on "The

Place of Needs in Reasoning About Justice", and a few ruminations on liberty in a later chapter when needs meet the agents from Chaos - "preferences". Order is only temporarily restored with a distinction between "strict final priority", i.e. those needs which must always take precedence over preference, and "role-relative precautionary priority", - needs which conditionally must take priority. That I may have a preference for liberty so all-consuming that the provision of any need is irrelevant is, of course, the great *bête noire* of all social planners. Braybrooke manages, however, to give those so consumed this bit of agreeable social interaction: "Planners will seldom in reality be all the same people as citizens. Even a Selfgovliset small enough to meet in plenary session and vote on policies might be too large to do the committee work required to arrive at definite plans. Probably all of the Selfgovlisets that are in the world are too large to find a place for every citizen on some committee of planners or other. Planners will be at best a small subset of citizens".

Braybrooke's "surrogate" utilitarianism relies heavily upon "Censuses of Needs" to replace the various utility calculi that were the object of much consternation in the older welfare economics. The Census Notion supposedly is "the basic device for bringing evidence about consequences to bear upon the choice of policies". Presumably the measurement of the degree to which a social policy choice brings about the provision of a basic need is accurately captured in a census of the Reference Population. Within the context of scientific ethics the Census Notion, with its emphasis on distributional consequences, could very well be, in certain social policy choices, a better endowed successor to the traditional maximization of utility criteria. But we nevertheless encounter here the same problems as in all social surveys and mathematizations of the human condition - there is necessarily no room for the measurement of the transcendental. How can dignity, human convictions, moral enthusiasms, oneness with others, refined sentiment, fullness of being and noble altru-

isms possibly be evaluated and duly reported back to the central office by the temporary help randomly recruited for the decennial census or vividly seized in the census questionnaire?

The defences mentioned by the author for the Principle of Precedence and strict final priority against the charge of paternalism do little to illuminate the deep tension in modernity between the ideal of freedom and that of equality. Freedom from worry about basic needs is normally looked upon today as fundamental to its actualization. Economic output and independence - not having a boss - is the Procrustean bed upon which freedom, paradoxically enough, is usually violated. The concept of self-realization has necessarily become interwoven with satisfactions only materially envisaged because modernity sees the transcendental as a figment of personal subjectivity. Why some may put a higher "value" on no goods at all, or the most frugal provision of them necessary to maintain existence, or simply reject all the needs on the second part of the List, rather than merely engage in a comparative evaluation of the pre-given List, does not appear in this book as an alternative that could be the result of a more self-transcending life. Herein lies the central failing of modern social philosophy and its over-involvement with consequentialist ethics - it does not and cannot give us a vision of the moral that expands our identification with all of humanity while at the same time laying the groundwork for the self-perfection of the individual in art, religion and philosophy.

Meeting Needs gives us only a passing hint that social and political philosophy have a history. The book is nevertheless a thoroughly historicist document, mired irremovably in the shifting sands of social conventions and heated struggles, negotiated and coerced, over the distribution of social goods and services. Its bleak prescriptions for the organization of humanity reveal little sensitivity to the modern derangements which are partially brought

about by the over-organization of human subjectivity and the inevitable absence of thought which accompanies this. The concept of needs can have no autonomy, despite the elaborate scaffolding developed for it by the author. It must forever collapse back into the murky non-philosophical world from which Braybrooke attempts to resurrect it.

The concept of needs will never work well, even if embarrassing needs, the claims of the worldwide reference population and medical care are recognized as merely special cases of breakdown. It can never work well, and does not occupy a place in the system of philosophy, because it does not embody, nor does it acknowledge, a philosophy of ethical individuality. Only in such philosophy is to be found the simple, non-controversial and absolute foundation of the civil order. The philosophical revelation of the concept of individuality is one of the highest undertakings of speculative mind. The self-disclosure of ethical individuality in the articulation of personal and supra-personal moral responsibilities is the speculative interrelation of the various conflicting elements of ethical life such as resignation, enthusiasm, self-devotion, devotion to others, self-perfecting, humanitarianism, life-negation, life-affirmation, rationality, mysticism, necessity, contingency, universality, particularity, pessimism, optimism and so on.

A speculative understanding of history does not give us a definitive knowledge of its pattern - linear, circular, or some combination of both. Nor does speculative philosophy tell us definitively that the interrelation of the eternal and the temporal is at this point in time the most perfectly conceptualized. It does tell us decisively, however, that the speculative inquiry into these interrelations, into the general principle of the moral, into the universal and abiding nature of mind, is the insuppressible task of philosophy despite the many detours the discipline has taken in contemporary institutions.

ACCOUNTABILITY IN THE PUBLIC FUNDING OF RESEARCH

Francis Peddle

In the previous issue of *ELEUTHERIA I* reported on a submission Dr. Lowry and myself made to the Social Sciences and Humanities Research Council of Canada (SSHRC) regarding procedures in its Standard Research Grants program. The Council's letters of May 3 and August 11, 1989 to the Presidents of Learned Societies confirms that most of the recommendations of the Courtney Committee have been adopted. The Spring 1991 adjudications will now be on the basis of person-based evaluations, i.e. according to the track record and research production of a scholar and not on the basis of a project description. New scholars, or those without track records, who are defined by the Council as being within five years of having completed his or her highest degree, and who have not previously held a research grant, will be judged on a project basis. Realizing, however, that this definition of "new scholar" is rather restrictive, the Council has allowed for "the inclusion of applicants who can demonstrate that their careers have not followed a conventional university pattern and that they should be considered 'new scholars' for adjudication purposes". The onus is therefore on an independent scholar to show that he or she qualifies to be considered for a research grant. The Council has also decided to maintain the existing policy that no appeals are allowed on substantive grounds. The Program Committee will consider ways of "improving the assessment process" in recognition of the fact that the quality of assessments has been a matter of ongoing concern in the academic community.

A problem with these policy initiatives at the Council, which is the primary granting agency in Canada for research in the humanities and social sciences, is that they do not complement each other. In fact, they appear to be the result of policy development that is *ad hoc* and merely reactive to the current research environment.

There is not at present an overriding vision or ideal underlying policy formulation at the SSHRC. This is, however, more significantly a question of paralysis of imagination in the universities which is then reflected in the internal structure of the Council, since it takes its policy orientation primarily from the academic community, and is for all intents and purposes an organ of the universities rather than of the intellectual life of the larger community.

A good example of conflicting policy directions at the Council lies at the very core of the adjudication process. The adjudication committees have absolute discretion with regard to who gets awarded a grant. External assessors, for the most part, are well aware that their input into the adjudication can be wholly ignored or taken into account to a widely varying degree. Many people are therefore of the view that the adjudication process is very much a lottery. The result is often less than satisfactory assessments which reflect more the evaluators' first impressions rather than a careful analysis of the project. In addition, scholars sometimes receive competent and illuminating assessments that are at times completely dismissed by the committee. This is a continuous source of frustration among applicants. It should be remembered that in many cases it is one or two members on the adjudication committee, and often it is just primarily the member representing the applicant's particular discipline, that make the crucial ranking which determines whether or not a grant is to be awarded. This effectively puts absolute discretion to dispense grants in the hands of one or two people.

The policy of not allowing substantive appeals from decisions of the adjudication committees, which is unlike procedures in the Natural Sciences and Engineering Research Council,

therefore has a negative effect on the peer review process as a whole. It is the specialized evaluation of supposedly well-chosen external examiners which comes closest to genuine peer review in the adjudication process. By not allowing substantive appeals, the SSHRCC is degrading the peer review process.

The absence of substantive appeals in the Standard Research Grants program may also, at some point in the future, run afoul of administrative law in Canada. In this regard a significant test case is now before the Courts. In *Toronto Independent Dance Enterprise v. The Canada Council*, Federal Court of Canada, Trial Division, June 20, 1989, (unreported), *per* Rouleau, J., it was declared that the Canada Council is not a "board, commission or other tribunal" within the meaning of s.2(g) of the *Federal Court Act*. This ruling is consistent with the narrow scope the Courts have traditionally given to judicial review in Canada. The Federal Court also dismissed the application on the grounds that the organization was granted a fair hearing by the Canada Council and that TIDE did not have a reasonable expectation of receiving a grant on the basis of previous grants awarded.

The primary finding of the judgement is that the Canada Council cannot be reviewed by the Federal Court. It was stated by the Court that creation by the government and distribution of public funds is not determinative by itself of whether an agency like the Canada Council is judicially reviewable. The Court noted that the Canada Council was given absolute discretion to develop its own standards and procedures. Secondly, the denial by the Court of the applicant's reasonable expectation of receiving a grant on the basis of having been given previous awards delimits the application of this doctrine in Canada, following the precedent of *McInnes v. Onslow-Fane*, [1978] 1 W.L.R. 1520 (Eng. Ch. D.). The judgement is to be appealed to the Federal Court of Appeal.

If the jurisdiction of the Federal Court to review "arm's length from government"

agencies like the Canada Council is expanded in the TIDE appeal, then this will have significant implications for adjudication procedures at the SSHRCC. The Canada Council and the SSHRCC have similar constating documents. Both are Crown corporations and are thus creatures of statute under the authority of Parliament. The SSHRCC is within the ambit of the Ministry of the Secretary of State. For purposes of judicial review, it is difficult to say whether the Federal Court would treat the SSHRCC differently from the Canada Council. It may or may not be significant that the SSHRCC, unlike the Canada Council, is defined as a "departmental corporation" in the *Financial Administration Act*, R.S.C. 1985, c.F-10, s.2 and Schedule II.

Granting absolute or even wide-ranging discretion to a quasi-governmental agency to develop its own standards and procedures is a quite different matter from giving absolute discretion to individual committees and people to dispense public funds. The former is far less likely to result in arbitrary decisions and unfairness because these procedures will ordinarily be developed and monitored within the total context of the agency and its clientele. Furthermore, it is essential that the arts, culture and humanistic study be supported independent of political interference. Individual absolute discretion, however, creates the possibility of biased decisions going unchecked, especially if the agency as a whole is declared unreviewable by the Courts. Biased decisions will obviously undermine public confidence in the program. Such decisions are also ultimately a misappropriation of public funds.

Judicial review of administrative agencies is not a well developed area of administrative law in Canada. There are, of course, the usual competing interests of cost efficiency and over-bureaucratization versus the possibility of unfairness and the provision of equal access to benefits which are provided by the state. It is commonplace historically that governmental and quasi-governmental agencies will become dominated by a particular orientation or

group, while others will feel marginalized and done an injustice because of this group's monopolization of the peer review process or the personal and regulatory knowledge necessary to maximize benefits from the agency or department.

Philosophically, this could be looked upon as the ever present dialectic of innovation and prevalent tradition. The crucial institutional role of the Courts should be to ensure that this

tension is properly balanced and mutually complementary. Given the national importance with respect to culture of such agencies as the SSHRCC and the Canada Council, it is to be hoped that the Courts will sufficiently widen the scope of judicial review, irrespective of the merits or demerits of any particular case before them, so as to maintain and enhance these institutions as equitable and open conduits for the provision of public funds to the arts and humanistic culture in Canada.

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