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Elizabeth H. Wolgast, *The Grammar of Justice* (Ithaca: Cornell University Press), xiii + 219 pp., \$29.95; paperback text edition, \$9.95.

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The Grammar of Justice is a set of very readable "essays" over half of which are here published for the first time. Each essay addresses a topic that is recognizably ethical; but unless one thinks of grammar in a very broad way one might not readily associate some of the topics with the title of the book. Even the uninitiated, however, can appreciate the title in the final (and culminating) chapter, in which a sense of justice is described as emerging within the context of a form of life. On the way to that summation, the reader is advised to replace or at least to counterbalance those accounts of justice she calls "atomistic" with a more contextual, community-oriented account. She finds a precedent for such an account in ancient Greek culture as a whole and in Aristotelian virtue theory in particular. One also discerns close similarities with Rousseau's *Social Contract*, especially in a chapter on "The Governing Self." It is presumably in Wittgenstein, however, that she finds clues which lead her to argue that we derive our sense of justice not directly from ideals but contextually and incrementally as we respond to instances of perceived injustice.

In this reactive learning process our thinking, she says, is focused on certain negative concepts. These negative concepts (notably, injustice and wrongdoing) are, in her view, more realistic than that of justice; and, as an added advantage, they do not commit us to any inflexible (e.g., Rawlsian) concept of justice. In the course of defending this negative nominalism Wolgast introduces a number of cautions to anyone who is presumptuous enough to think justice is just a matter of applying the rules to cases as they come up. For example, in recognizing the cognitive and contextual limitations of punishment, she wisely warns that "(w)e need in the end to concern ourselves not only with the frailties of offenders but with those of punishers as well." As articulated from essay to essay, her negation-oriented approach to justice depends on three principal theses: (1) that injustice rather than justice is the originary concept; (2) that we come to an understanding of what is just by responding actively to occurrences of injustice; and (3) that these responses, however ineffectual, may be as close as we can come to justice.

For Wolgast, humans do not come equipped with a ready-to-apply justice model but at best construct one incrementally as they negate instances of its (perceived) opposite—like the blind men who combine their individual data to postulate an elephant, except that for Wolgast they would perceive only non-elephant bits. In contrast to the "atomist" tradition, she allows the mind no direct acquaintance, empirical or otherwise, with justice. Nonetheless, she contends, it is empirically, perhaps intuitively, easy to spot a red hot case of injustice. This recognition is neither an

Aristotelian inference nor a Sartrean experience of the lack or absence of some known entity. Injustice is, Wolgast claims, a contextual given to which we need to respond; and in responding we come to know—or perhaps to create—yet another aspect of justice. (Bypassing the foundational Latin noun ‘*ius*,’ she claims [p. 133] that ‘injustice’ is derived etymologically from ‘*iniuria*.’)

In contrast to her epistemological interest in negativity, Wolgast’s ethical focus is on affirmation. She reluctantly grants that rights have a place in a world where harmonious community is lacking; but she recommends that we lay greater stress on responsibility. Talk less (if at all) about children’s/patients’/pregnant working mothers’ rights and talk more to those whom the community has put in positions of responsibility. On the other hand, she asserts, deeds done only in performance of one’s role are not unqualifiedly good; good deeds are by definition only those done out of role. Corollary: no institution or agent acting in its behalf is virtuous. This Kantian-like constraint on virtue theory is softened to some extent by (non-binding?) appeals for compassion. The community at large should be sensitive to the complaint of any offended subgroup, e.g., women who perceive pornography to be an offense against them; their complaint deserves to be taken seriously (but not necessarily supported) by the community as a whole. Similarly, people being punished are not excluded from but remain members of the community, hence should be treated with respect, as is a child being punished by a (good?) responsible parent.

As witness recent monographs by Michael Sandel, Virginia Held and Haskell Fain, as well as by virtue theorists, Wolgast’s tendency to associate ethical foundations with a community is not unique. But, perhaps ironically, her appeal to a negative—indeed, an emotive negative—epistemology of justice illustrates all too clearly that most obviously troublesome challenge to a communitarian ethics. Merely to describe anthropologically the mores of a group is one thing; to imply, or simply assume, that that group’s mores have ethical weight is quite another. It is not enough to say that moral education is (*pace* Skinner) just a matter of learning familial no-no’s. The long trusted rational man may be suspect, but so is “the community” without further qualification. A community may be racist, sexist, xenophobic, bloodthirsty, or, alternatively, many commendable things. So in and of itself it is not any more reliable a criterion of righteousness than the much maligned impartial observer. Moreover, if left undefined it might be a nation state, a monastery full of contemplative monks, some native Americans on a reservation, an international drug cartel, or the imaginary breeders in Margaret Atwood’s *The Handmaid’s Tale*. So Wolgast might do well to grant the concept of justice at least as much apriorism as she does food cooked by recipe or machines built according to design (p. 9). For, she cannot expect everyone to be content with no court of appeal between the community and that awesomely remote court she calls “cosmic justice and divine punishment” (p. 168).

This is of no little import because for Wolgast justice-as-we-learn-it has to do only with corrective (or, more narrowly, criminal) justice. Nowhere does she speak of distributive justice, not even when discussing

the theories of justice of Aristotle and Rawls—in spite of the fact that children mastering their “form of life” do on occasion express hurt if they do not receive their fair share of available good things. One wants to believe that Wolgast would not leave all concerns about social welfare up to the negatively emoting responsible parent who is also a responsible citizen; but she does not preclude that possibility (see, for example, p. 95). She might expect communities to espouse some preferred values and principles; but she allows herself no systematic way to justify such a preference. In any case, she does not tell us by what values or principles her community of active citizens is guided, so we have no way of knowing whether to cheer them on in their endeavors or to devote our every waking moment to plotting their overthrow. If perchance our moral sentiments inclined us to the latter project, we could not count on Wolgast’s support. For, she tells us, we cannot justify the decision of those who tried to expedite the death of Hilter; to do so, she says, “would be to commit the fallacy of supposing that two wrongs make a right” (p. 158).

In short, Wolgast, like other proponents of a community-centered ethic, has not found a way to tame rather than be eaten by the lion of ethical relativism. Her pleas for compassion in the face of cognitive limitations are both wise and well-reasoned. But to one who wants to transcend uncritical acceptance of the values of a community, any community, she offers only the mixed message that we should respect persons and trust aversions that are commonly shared.

Hans-Georg Gadamer, *The Relevance of the Beautiful and Other Essays*, Robert Bernasconi, ed., trans. by Nicholas Walker (Cambridge: Cambridge University Press, 1987), xxxiii + 191 pp., \$39.50 cloth, \$10.95 paper.

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This collection of essays represents, according to the editor, a further development of Gadamer’s views on art and aesthetics *vis-à-vis* those already expressed earlier in his major work on hermeneutics, *Truth and Method*. [1] None of them had been published in English before and most are translations of lectures and essays appearing in his *Kleine Schriften*. [2] A major exception is “The Relevance of the Beautiful,” the title selection which constitutes the first part of the book, and which originally appeared elsewhere. [3] In the Foreword Bernasconi explains the highlighting of this article thus: