Barbara Herman’s Moral Literacy – The Best Kant EVER.

This is a remarkable book: remarkably impressive, remarkably subtle and imaginative, remarkably wide ranging in subject matter, and some of the time at least, remarkably maddening too. A modest, almost slender looking volume, it reveals itself to be, for the reader, as dense as plutonium. Barbara Herman is surely one of the most ambitious philosophers in moral theory today, and she pursues each of her many ambitions with a combination of good cheer and ferocity that cannot help but leave some readers panting and a bit out of breath. Like a drill sergeant in much better shape than you are who prefers not to dwell on this point lest you lose your motivation even sooner, Herman lays out arguments of great sophistication throughout *Moral Literacy* briskly and tirelessly. At the same time, we are never far from something else entirely: a kind of conversational intelligence that is unashamed to take up and be smart about the everyday. This has its risks. Sometimes Herman can sound like an affirmative action officer advising you on how to interview. Sometimes you cannot see where in blazes she gets the confidence to say the things she does. But on the whole, this is really the product of what is not only a first rate mind but a first rate sensibility.

So what is going on in *Moral Literacy*? Well, at least the following. Herman argues for a much more nuanced and character sensitive picture of Kant, one that not just accommodates but generates a distinctive set of (Kantian) virtues. She wants to argue for a very different picture than is usually in place of how we think of the conflict between desires and duty, not just in Kant, but generally, and connected to this, she wants to argue for a more nuanced and integrated conception of deliberation than the one she thinks dominates present day philosophy. She wants to argue that certain Kantian notions such as the idea of the Kingdom of Ends, usually thought of as hopelessly insular, as too tied to distinctively Kantian themes, actually have a great deal to offer us when thinking about moral pluralism and the tolerance of others. At the center of the book is a distinctive, very interesting idea of her own, that of “moral literacy,” which is developed with great skill, and it offers, she thinks, a very useful way to think about moral agency and what it is to be responsible in the face of our own limitations and moral change. The topic of “moral change,” the way history will generate new moral facts, is a subject of great importance to Herman as well. She thinks that moral change, moral pluralism, and what it is to be responsive to these things, is one of the great challenges of contemporary moral life, and she says a great deal about what it is to show sensitivity...
to difference that in turn could not be more sensitive. She has a very impressive chapter on Frankfurt and the will, credibly criticizing Frankfurt for being insufficiently responsive to the idea of objective value in his conception of the self. She has some interesting things to say about benevolence, and what it is we really should be worried about when we worry about others (autonomy, not welfare – which makes integrating this concern into our moral life elsewhere easier). Finally, as if all this were not enough, she is interested in the degree to which moral assessment has a place even within the demands of rough and tumble pragmatic politics, and she pursues this issue with a close look at the Truth and Reconciliation Committee in South Africa.

Clearly, I cannot take up and assess each of these projects, nor do I think would any reader really want me to. I mention this list – and one could probably, easily, add more to it – simply to give the reader some idea of the breadth and scope this book, and so the breadth and scope of Herman’s abilities. In this review I will confine myself to taking up the following themes: the Kantian account of character and deliberation Herman likes, her account of moral literacy, and the challenges liberalism, and moral agents generally, face in light of moral change and the demands of a pluralistic society.

**Kantian Character, Kantian Deliberation**

Whatever else Herman wants to do in *Moral Literacy*, she very much wants to challenge our overall sense of Kant. The familiar Kant, the Kant of harsh dualities – between say reason and desire, or between dispositions of character, and an abstract capacity to do the right thing “for its own sake” – is very much to be set aside. If we read Kant sympathetically, and in ways that are also driven by a kind of independent responsiveness to moral life, we wind up with a very different Kant than the one most of us routinely put forward to our students in our introduction to philosophy courses.

The key to getting Kant right, Herman thinks, is getting the right account of desires and motives, and so of deliberation generally, to begin with. Desires may of course start, in infancy, as more or less how the Humean might describe them, as brute affective states, outside the evaluative world, the *subject of* (later) evaluative response. But moral development is best thought of as a process in which desires are *shaped by* the values they achieve, or fail to achieve, through experience and reflection. As Herman nicely notes, once this process has been in place for any length of time at all, objects of desire will have morally salient qualities attached to them from the start – they are before us as “these sorts of things,” with this sort of moral stature, to begin with. We see, if we have been brought up at all well, sports cars and tennis rackets as *owned*, as not available for our taking. When, as treasurer, I do not pocket the funds of the PTA, it is not, as Herman notes, because I am not aware of the advantages of having the money; it is because I do not see these funds as in fact available. (22)

These are of course fairly transpersonal examples, but the point is easily extended to the desires that arise within our personal life too. Our connections to our friends and family, and so the various desires we have regarding them, are saturated with a kind of moral or evaluative status, perhaps not “from the start” but certainly after reflection, after some time. Conversely, responsiveness to the abstract principles of morality weaves in and out the very fabric of our personal connections too. “If I cannot attend to a friend because of the demands of some prior obligation, I need not view myself as subordinating friendship to morality, or as valuing friendship less, or differently. The way morality may make demands is part of the structure of a mature friendship; it is why we have
reason to believe a true friend will understand.” (22) A recurring theme throughout *Moral Literacy* is that before all else, we must have the right account of desires, which is to say, the right account of the *objects* that we want, the right account of how such objects present themselves to us – at least if our development has gone at all reasonably well. And, when we *have* this account, then it clearly becomes a mistake to think of our attraction to various objects as something that occurs in some brute way, the way say hunger certainly does, quite apart from morality, or outside of morality, that we then “turn to” morality to “regulate.” I think there is no thesis Herman is more anxious to discredit than this one, and the alternative view she favors is crucial not just to her view of Kant but to her view of moral life generally. Deliberation, Herman argues, occurs within a “deliberative field” in which objects of interest or desire for us have different degrees, or different kinds, of “moral salience” to begin with. When we see the deliberation this way, when we see the *content* of our desires as *shaped by* rational morality, then the “conflict” between “self interest” and “morality” looks very different from how it is usually presented as being.

Of course, I said “when the development has gone at all reasonably well.” But this is just to say: Kantian theory can, and should, take the improvement, the addition, that is undeniably there to be taken from more character driven moral theories, such as that of Aristotle. As Herman puts it “the pressures on Kantian moral theory arising from the challenges of virtue theorists have been entirely salutary.” (28) There is no reason in the world that the Kantian cannot “make room for character” (to use the title of Herman’s first chapter). And so the Kantian too can (now) speak of the right or reasonably responsive upbringing, the formation of the right habits – why not? But the Kantian does all this, speaks of character formation and having the right desires, without abandoning the “primacy of the rational principle.” The Herman-Kantian-virtue-story is one in which what gets formed is a kind of attentiveness to others as rational, autonomous agents, attunement to the way certain institutions (e.g. property) can reflect a kind of respect for persons and their autonomy, and so forth. The best response to the unsatisfactory dichotomies inherited from Hume, the contrast between desire and reason, and so by extension, between desire and moral authority, dichotomies continually rehearsed in contemporary philosophy, is the right blend of Aristotle and Kant. But when we see *Kantian* principles as rightly guiding moral development, we also get the most satisfactory account of how the content of these developed desires have for us the right sort of *authority*.

[If the motive of duty is not merely something enters into a balance of reasons but is instead part of the structure of the agent’s reasons in general, not only will the account of moral reasons look different, so does the account of self interest. The fully rational motive of self interest does not carry a presumption of independent authority in the agent’s deliberative field. It is not that the moral agent ignores her interests or her advantage. Rather her conception of self interest has developed, been shaped or altered, in a reason-responsive way. That is why some interests of a self can rebut a moral presumption: it may be permissible to break a trivial promise for matters of great personal importance, but only if the agent’s concerns have and are conceived of as having moral standing. (23)

This theme recurs throughout *Moral Literacy*. Don’t see the desires of the self as somehow at war with morality; don’t see morality as somehow alien to or set against the things we love. And further, perhaps for some surprisingly, it turns out to be the *Kantian*, and the repertoire of ideas that
the Kantian has at his disposal, that can effect this reconciliation best. Caring about others, caring about ourselves, is all best made sense of within the Kantian conception in which the desires we have are characterized as responsive to that which really does have value: autonomous members of the Kingdom of Ends, the happiness of others, or our own perfection. We have, with Kant, and only with Kant, the account of objective value that actually makes the best sense of our personal passions.

Once this orientation is before us, it is perhaps no surprise that it is then filled out with close attention to the circumstances of moral development, for us, now, in a modern, changing, sometimes confusing, pluralistic world. After all, if character development is important, if the right desires or dispositions and the like are important, let us then turn to the account of moral development that is not only congruent with Kantian ideals, but is attuned to the actual facts of the world as we presently know it. This Herman does, and I will turn to this feature of Herman’s argument directly. But first a more or less minor comment on the argument so far.

Herman’s approach to the nature of desire and deliberation expresses a kind of idealism or optimism that I find quite appealing. The central idea is that the values of the world, when properly attended to, shape our desires in such a way that our subsequent deliberations, while not necessarily easy or straightforward, are certainly not to be thought of as between morality and “something else.” When it comes to deliberation, we are like a parent with many children, different in all sorts of ways, who we love, (of course), deeply and in different ways too – the conflicts we have are an expression of how well our life has gone, one might say, not some tragic duality. But attractive as this picture is, and as unsatisfactory as Hume’s final philosophical picture may be, sometimes the way Hume says it is (sadly) just is right. Sometimes, it really is the case that what we want very badly is not shaped or integrated into our moral life or moral concerns at all, and this will be so despite the fact that we have been very well attuned to moral value for some time, and largely shaped by this fact in our overall development. Obviously (I hope it is “obviously”) people experience sexual desire this way all the time. I think some of the time the desire to strike out aggressively has this kind of status too: deeply felt, not for a moment thought of as integrated into what is valuable or right, and to be utterly opposed whenever it takes root. Sometimes, the role of morality really just is to deny a desire authority it would easily have otherwise. Impressively, Herman points over and over again to the ways in which we can have integrated lives. I think she is absolutely right to hold that we can approach this ideal, and right to chart this approach along the lines that she does. But whatever else we are, we are also fallen creatures, and while (Kantian) morality may well be a means by which we can and do achieve deep, almost profound integration with ourselves, it is no vast mistake of intellectual history that it is also in our philosophical tradition as a corrective, an antagonist, to those places where this project gives out, and to those times when we have become, at that moment, just beasts. Still, this is as I say something of a minor criticism. The conception of desire and deliberation that Herman defends is I think largely plausible – if not always as a fact, then perhaps as an ideal. And it is interesting to read Herman and reflect on the way in which a Kantian morality may be the most idealistic morality of them all.

**Moral Literacy, Moral Change, and Facing Difference**

Let me return, then, to Herman’s argument and take up two related subjects, which also illustrate how Kant, or at least, with how a contemporary Kantian, might fit in with the concrete moral world of today. These are: getting the right account of moral development and responsibility, and getting
the right account of tolerance or sensitivity to moral difference and moral change.

On the subject of agency, Herman gives herself a particularly interesting challenge: how we can both acknowledge that powerful causal stories form our moral disabilities, (such as habits of cruelty or psychological abuse when within intimate relationships of character), yet see ourselves (rightly) as responsible for the actions we do when acting out of these disabilities all the same? It is here that Herman develops her extremely interesting, original idea of “moral literacy,” which purports to offer a conception of moral agency that is right for this contingent, limited world, with its inevitably contingent, limited actors.

Before the challenges of pluralism and difference, we will need a notion of responsiveness on one hand, but also a criterion or test of acceptability, for not everything we take up, however sympathetically, will merit endorsement, will deserve a place in the kingdom of ends. And naturally, both of these projects express a more general one: showing that Kant really can speak to the hard, local, moral issues of today.

As a threshold matter, Herman argues (quite credibly I think) that we don’t need too much revisionism to make sense of how the Kantian agent may be located within a concrete social context. This is in fact explicitly, and straightforwardly, provided for in Kant’s theory through the role, and the importance, of the agent’s maxim. Our maxims of action provide all the particularity we could ask for, as they draw from and are informed by local circumstances and local identities. And the reach this local identity may have in our lives is very hard to exaggerate. “The more comprehensive the claims of a way of life are, the more pervasive its values will be in agent’s maxims. Consider the possible diversity of willings involved in child rearing practices, recreation, conjugal relations and caring for the homeless. Something as ordinary as choices in clothes may be dictated by slavishness to fashion, whim, religious discipline or cultural identification.”(34) In a nice aside, Herman wryly notes that commentators tend not only to stereotype Kant on this issue, but to condemn him or praise him depending on the kind of social fact he is said to stand aloof from: “One is therefore likely to be drawn to applaud Kantian morality where it rejects hierarchical or excluding social connections that we abhor, and then condemn it for heavy handedly refusing moral standing to connection per se, since there are areas, like community or the family where we find it attractive.”(52) Since we more than amply reflect our particular circumstances in our maxim formation, the problem cannot be whether Kant can sufficiently “accommodate” local identity; the problem is going to be whether we can generate good mechanisms to overcome local ways of thinking when such ways of thinking are parochial or blinding.

This is the challenge Herman will take up explicitly when taking up moral difference, pluralism, and tolerance. But the worry is everywhere the same, and for the Kantian, the solution, roughly, must be too. We must ask whether these ways of life, these maxims, these understandings: respect others as ends in themselves, or pass the categorical test, or treat agents as equal members in a community of rational agents, and so forth. The fundamental Kantian framework, the fundamental Kantian argument – empirical material, judged by reference to an impersonal, rational rule – is consistently deployed. And this brings me to a pervasive feature, and difficulty, in Moral Literacy.

Throughout the work, in every chapter, Herman’s attunement to the contours of everyday moral life is undeniable. Indeed, one of the pleasures in reading Herman is that you often feel you are realizing, for the first time, just how subtle such contours in some particular case may be. But such
sensitivity or attunement is also a bit of a Pandora’s Box for the Kantian argument; very dangerous once opened. My point is not simply that the characterizations she offers of various phenomena are not always beyond challenge; this is to be expected. (I find her characterization of pornography (110 – 113) extremely hyperbolic, for example, and I will take up various other examples, inevitably, in the discussion below.) My point is that, in seeing that this is so, in seeing that these normative characterizations of various practices are by no means obvious, or not without plausible rival, we also have to ask how dependent Herman’s various Kantian applications are upon a kind of unexamined realism, a sort of intuitionism, regarding moral facts. For me, this is tied to a systemic vulnerability in Kantian arguments generally. The supreme Kantian values, respecting others via “following a universal rule of practical reason,” being “reason responsive” in our moral life, being a creature “capable of initiating action by deriving it from her representations of the will’s own principle” (171) – and so forth – will all annex and depend heavily on underlying descriptions of what it is we are doing, or on what it is that is going on, before we turn to and take up this standpoint. And such descriptions will typically be normative in character, at least to some degree. This is well known to anyone who has ever taught Kant in a classroom. Is that maxim best described as a self interested lie, or a justified deception in the service of an ideal? Is that fundamentalist practice one that respects women, or denigrates them? To Herman’s credit, she never shies away from wading into hard cases and offering ambitious accounts one way or another, but she resists acknowledging what follows from her need to do so – the degree to which the Kantian argument relies on clarity or certainty here. Unlike utilitarianism which can try to circumvent such difficulties by reference to a (purportedly) neutral evaluative metric, Kantians like Herman must unabashedly traffic in rich, almost evangelical moral descriptions of the everyday. You see this in the work of Ronald Dworkin too. For the universalization arguments to work smoothly, the underlying phenomena put to the test must already bear the right sort of moral character. When such normative attributions seem unobjectionable, then, undeniably, the Kantian argument goes on to deliver a conclusion of great power. When that normative attribution is itself subject to challenge, tracing out the consequences of that characterization in the high language of Kantianism will add nothing to the argument. Perhaps this is one of the reasons why Rawls’ argument has proven so enduring and so powerful in our intellectual culture today – though Kantian in its conception of the person, it plays out within a very limited framework, drawing upon very few descriptions of institutions and features of social life, and the descriptions it offers of these are for the most part “reasonable,” (to use a favorite word in that argument); to that extent, non-controversial. The philosopher who would apply Kant to moral life overall cannot limit the subject matter in this way, and, as I say, to her great credit, Herman has no interest in doing so. She is a happy warrior, ready to wade in with her sword of description and offer shamelessly normative characterizations of more or less everything she sees when driving around Los Angeles. (How we respond to and treat the homeless, cruelty or abuse in intimate relations, insular third world cultures in the midst of urban America, pornography, black white relations generally, male female relations in the office – these are the cases she returns to again and again.) The problem is, as I say, simply that, in so far as one disagrees with the underlying account, or, in so far as there are good reasons to hold a rival account justified, the subsequent Kantian analysis of the issue, employing those terms, will fail to advance or resolve the argument.

If this is a problem that every Kantian must face, (or resist), let me now turn then to the themes, already mentioned, that are distinctive to Herman: the idea of moral literacy, what it is to come to grips with new moral facts, and how Kantian ideas may guide us when thinking about pluralism and
tolerance. The degree to which her arguments are vulnerable should there be reasonable
disagreement about the relevant underlying characterization is I think more pointed with respect to
her arguments regarding pluralism and tolerance, as opposed to her theory of moral literacy. But as
a difficulty, I think it is fair to say that it never entirely goes away.

“Moral literacy” is Herman’s term for “a capacity to read and respond to the basic elements of a
moral world”(97) …“a near universally available skill, yet one that cannot be deployed except in a
local idiom.”(79) The idea arises in response to two distinct needs that Herman will bring together.
Herman wants to see whether something like Kant’s idea of a distinctively moral motive can be
made good, given the understandings that seem natural to us when thinking about motive now, in
contemporary philosophy. She also wants to explore how we can make sense of agents bearing
moral responsibility for what they do, given the fact we are all, inevitably, the products of some
contingent moral education story or other, and so equally inevitably, sometimes blind or unable to
do what we should. In one of those terrifically insightful asides that run throughout the book,
Herman notes that Aristotle is both the natural figure in the background here, when taking up this
worry, and in some ways, absolutely the wrong one to follow:

It is not exactly a failing of Aristotelian theory that it lacks elements that render it fit for
the circumstances in which we find ourselves. It is not clear that it was intended in that
sense to provide guidance to contemporary Athenians either. Aristotle’s account of moral
character includes a piece about the social and material setting in which the virtuous
person is to live: a city of modest size with a particular kind of participatory politics, a
generous level of material well being, carefully controlled moral education, and a class
within which a man of good character could experience himself as an equal among
equals...As far as is humanly possible, the morally unexpected is legislated away...[By
contrast] if we are to hold agents morally competent across an extended range of
conditions of action, we do better, at least at the outset, thinking about moral character
and motivation as something that can arise through normal upbringing in quite diverse
circumstances, ones that may include some range of moral deformation, but do not, for
that, undermine our status as responsible agents or our responsibility for what we do. (96
– 97)

Enter the idea of “moral literacy,” a kind of minimal moral ability, the “basic capacity for
recognizing and responding to moral facts,” (93) “an ability to distinguish persons and things that is
responsive to [the] morally basic facts of injury, offense, and so on.” (100) While this will be
illustrated or filled out in particular contexts with particular examples (examples we would not
expect to be fully replicated in every culture), Herman thinks (plausibly) that since this is a
fundamental capacity of persons, it is pretty much available to all. And the important, further move
that this idea of moral literacy makes available to us is this: so long as we think of the agent as
attuned to these most basic facts, anywhere, in any domain of life, then we must see whatever
limits or blindness the agent also has as something which can be morally addressed, and so as
limitations for which the agent is rightly held responsible – which is exactly how we understand the
limits we have in any other domain where we also have a basic competence. Competence at driving
does not of itself make us good drivers. But if we are competent, we try to correct what we do
badly, and are responsible for where we fail. Herman puts it nicely, and pointedly, when she writes:
“We expect that a driver with a blind spot over her right shoulder will over time discover the gap in
her visual field, appreciate its danger and compensate for it… That the blind spot is a fixed feature of her visual field gives her a task, not an excuse.” (99) The man who grows up shaped by bad habits in intimate relationships and as a result of this takes pleasure in humiliation or abusing trust may not be able to effect a change. But assuming this is someone who does see basic moral facts elsewhere (and certainly this is usually the case), and who here expresses agency (we set aside the obsessive), then, again, though he may not be able to change, it is incumbent upon him “to change the angle of his encounters.” Herman wants to draw us all in to the net of moral effort – what we do badly, and do badly as a result of some causal story, becomes, as she says, a task, a project, not something set aside, seen as outside of agency because of some story that speaks of bad “moral luck.” Competence elsewhere makes us responsible here, even if our failure is the result of a causal story that began when we were children.

Further, this idea of minimal competence or minimal attunement to basic moral facts tracks the kernel of truth in the Kantian idea of the distinctively moral motive. Of course, most of us are far more than merely minimally competent. But all of us, however good, will fail to be responsive from time to time. Herman argues, plausibly, that the idea of minimal moral competence to see and respond to basic moral facts serves as a starting point for a more developed moral character and keeps a distinctive role in that character as a kind of fallback, or backstop, when fatigue or stress or other crises threaten to derail what is usually, otherwise, straightforward. It is this all of us have, even when we care very little, or are consistently drawn to the wrong sorts of things; it is this all of us can fall back on when we are not at our best or even overwhelmed. This, really, is the right way to repackage Kant’s idea that all of us are capable of acting morally, and that we are responsible when we fail.

I find this a very interesting proposal, a very interesting approach, and I think Herman is right about several important things. She is certainly right that we need an account of character development that is attuned to the ways most of us have our character formed in circumstances far less salutary than those presumed in the *Nicomachean Ethics*. And she is right that a causal explanation for a character defect does not automatically place what we do as a result of that defect beyond the ambit of moral responsibility. I also like her sensitivity to the fact that being able to do the minimal thing, being able to pay attention at all, is sometimes, in some circumstances, in fact a very hard thing to do, and even the most mature personality must have access to this capacity when other interests or mechanisms fail. But moral luck does not go away entirely. Whether certain habits are seen as limitations or bits of blindness that require work or resistance is not some always brute fact, bearing its moral character on its sleeve, but may well instead be a function of the culture, or even the subculture, in question. A tendency to aggressiveness may be no limitation in a certain sort of cop doing a certain sort of work, or in a father jealously guarding his daughter’s honor in the Middle East; the tendency to respect others and listen closely to what they say is annoying for those in the mafia. Does consent to the limitation of character in question make a difference? At one point, Herman says that “some desires,” like the desire to possess or sexually dominate, “have no standing at all.” (44) Suppose the object consents, enjoys it, wants the counterpart thing, what then? I am not saying consent is a magic wand that, once waved, makes talk of all normative assessment disappear. But my intuitions on this example at least do go that way – if the parties consent, it is not clear anyone has to “work” on any “limitation” at all. Can someone accused of having a “limitation” in one domain simply “fix” the “problem” by emigrating, by going where this quality is, if not a virtue, at least not one to raise any objections? If, as a policeman in Scarsdale, you are consistently
accused of being too aggressive (a tendency you have had, of course, since childhood), can you just join the Special Forces where suddenly, to your delight, no one ever complains? Here again, a kind of “closet realism” lurks in the background to the argument. The more we find the characterizations unproblematic, uncontroversial, the more what Herman does with such material is secure, and impressive. The more it is otherwise, the more it is merely impressive.

Unsurprisingly, Herman’s argument regarding new moral facts will be analogous in some ways to the one just rehearsed – whatever limitations we may bring, because of our upbringing or our culture, to the challenges posed by social change and the new facts that such change puts before us, we nevertheless can, as moral agents, always do at least the minimally right thing. But because in this case, we are wrestling with the project of handling certain differences in perception between people, or groups, and figuring out how to treat others, despite these differences, as equals in a moral community, other issues and concerns are implicated than those that arose when thinking about character and pathology. Or: what “the minimally right thing” is will have a very different sort of content here. As always, Herman pays great, close attention to the phenomenon before her, and her observations about moral change and moral differences in a pluralistic society are well worth attention in their own right.

Like certain other Kantians, Herman is dissatisfied with a merely pragmatic justification for liberal tolerance and the liberal state. (Ronald Dworkin in Law’s Empire also comes to mind.) “Tolerance” between different groups alone is not enough – certainly not enough for Herman – if it is understood simply in terms of mutual wariness, mere accommodation between otherwise disinterested parties. Further, this sort of “tolerance” can easily go along with a kind of contempt that in turn prevents full enfranchisement (this is an undeniable insight: think of the “tolerance” many would say they have for homosexuals and how quickly such tolerance gives out). The very word leaves a bad taste for her: “one tolerates what one dislikes or disapproves of” she says. (31) (I don’t think Herman is right about this: I tolerate Punk music with a kind of easy going affection.) Herman wants to articulate a different conception, and believes the Kantian idea of the Kingdom of Ends has a role to play in it. Doing so will also fit with her project of showing that Kant’s concern with seemingly abstract values, like our rational autonomy, may – indeed must – be filled in with concrete local content.

And anyway, Herman feels people are right (at least presumptively) to want to see the values they live by find some place in their civic life too. The typical liberal argument “paid insufficient attention to the fact that the values governing people’s daily lives are not ones they are willing to cabin off from decisions that affect the culture in which their lives take place.”(29) Yet, though the desire to see one’s (local) values in one’s civic culture is understandable, perhaps even reasonable, and such local values will certainly sometimes clash, we need not assume that all encounters between incompatible value systems end in “mutual opacity and exclusion.” The idea, and ideal, Herman favors is two fold. There must be mutual interrogation and engagement, sensitivity, for example, to the way things like “harm” and “benefit” are often relative to, or rooted in, a particular, culture and its particular history. (And instead of “culture,” one can equally well here say “race” or “gender” – her discussions of sexual innuendo in the workplace, or the failure of American history to come to terms with lynching are excellent examples of this point.) On the other hand, the place of local values in civic culture must be mediated by certain regulative Kantian requirements. Only if such local values, or locally rooted claims, can admit of “translation” into suitably “autonomy
respecting” terms will they have a rightful place in shared public culture. “Local values can support objective moral judgments only insofar as they are mediated by moral principle (specifically the categorical imperative).” So we may wish to accommodate the importance of family values in some local culture, but if “family values” support, in this case, spousal rape, then such local culture fails the “translation test” and this culture can claim no authority. “Values that cannot accept translation have no legitimate deliberative place.” (45) Thus a different, less sullen, conception of the tolerant liberal state is advanced, and we see in this case a nice example of how the specific, the local, on one hand, and a general Kantian concern for persons as autonomous agents as a regulative principle over such values on the other, may fruitfully coexist.

Of course, this idea of what does and does not admit of “translation” into Kantian terms is not always so clear. Some examples are of course intuitive. If respect for the autonomy of others means anything, spousal rape must be excluded, to be sure. Similarly, there could be many possible conceptions of property, and all of them could accommodate or advance some conception of rational agency, but a conception that excluded blacks from being property owners would have to be ruled out. (43) But once examples like this are set aside, difficulties of application, of clarity, will surely, and easily, arise (does insisting on the chador respect women? Is it acceptable to withdraw the Amish child from school at sixteen? Can an African American school seek public funding and exclude women?), and offering a general conception of “acceptability” seems too much even for Herman’s formidable powers of description. Here is Herman’s stab at doing so: “A given [local] institution, - of say property or family life - satisfies this role [of expressing the Kantian idea of rational agency] if it makes the expression of rational agency possible (for those within the orbit of the institution) and when the connection to the conditions of rational agency is or can be an essential part of the cultural understandings of the institution (its structure and requirements).”(44) The heck you say, Barbara. I wholeheartedly invite the reader to apply this translation test to the examples in the parenthesis above and tell me the results.

Further, even when a conception does fail, what then? It is not at all clear. Of course, as good liberals, we will want to prevent spousal rape (if we are lucky enough to have the spouse complain), but that’s a fairly easy case; a transpersonal harm, dear to liberals everywhere, is at the center of our concern. Consider by contrast Herman’s own example (very intelligently elaborated) of two communities demanding local control over education, one because it seeks to preserve its language and customs, the other because it wants to protect its children from exposure to material that presents other value systems in a favorable, or even neutral light. (49) The moral values here are significantly different: seeking partial separation from a dominant community is fine, unthreatening, but the values of the second community promote “parochial intolerance” and so “does not carry moral weight.” I applaud Herman for the example and for the frankness (and truth) of her judgment. But as I say: exactly what follows? Perhaps this is a good reason to deny such a community control over public funded education, but we cannot prevent them from withdrawing from the public funded world and pursuing these “intolerable” values in private school. With enough oil money in the background, what is the difference? The intolerable goes forward exactly as if it were otherwise.

And connected to these last two points, I must also make another. Of course, throughout this review, I have been anxious to point out that, to the extent the underlying normative characterizations are not obvious, various aspects of Herman’s Kantian project will run into difficulty. But here, to some extent motivated by my discussion of the last example, I want to make
this point against Herman in a more threshold way, and quibble a bit with her characterization of the difficulty her Kantian approach to liberalism is supposed to solve. It is not obvious to me that mutual disinterest is always so bad, or that engagement is always so nice. I really just don’t want to engage with the Evangelicals. I really don’t want to talk to them. I really don’t want to understand a myriad of other beliefs either, and the beauty of the liberal state, as I understand it, is that I don’t have to, and need not. My hunch is that those on the other side of this fence feel just fine about this too. Herman offers us a definite alternative political vision, and it really could not be elaborated upon with greater sensitivity or intelligence. (Nor sometimes, it must be said, with any greater vagueness either.) But it is not clear to me that the “problem” she addresses, here, is really a problem to begin with. It is for some, to be sure – those with Kantian ideals. But I do not think there is some neutral account of the liberal state that will unambiguously endorse her view of it, as a failure, or as incomplete unless altered in this way, as opposed to my view of it (or Mill’s). And so I do not think this characterization of hers in fact captures how it actually feels for many either.

I have made several criticisms here, and so it seems only right that I conclude by taking up a sub-theme in Moral Literacy I found particularly impressive. When cultures change or when cultures become deeply pluralistic, inherited habits may lead us astray. What was once innocuous or even charming may have now become condescending, or insensitive. Pluralism, or the belated expression of long held grievances, may make it not enough that we be “sincere.” The coach who continues to use stereotypical expressions at practice is sincerely interested in his African American athletes; the boss who keeps the Playboy calendar on the wall sincerely thinks of himself as a good boss and good man. As Herman notes, in an ethnically homogeneous world, where stable background institutions usually insure against misunderstanding, sincerity and “good intentions” would probably almost always be enough. For us, it is otherwise, and we must be alive to the possibility that our maxims – as we formulate them to ourselves – do not constitute the final word. That our actions may not in fact be benign despite our meaning well is just a possibility we must be alive to, now, in this complex world we live in. And this then becomes a deep part of what it is to respect others, to attempt to include others in one’s moral concern. I find this a terrific, undeniable and very deep point, the sort philosophers are often the last to see.

As I hope I have made clear by the various things I have said, and the various tones of voice I cannot help but take on when saying them, this is indeed an unusual, special work, and Herman has, I think, a very original and impressive philosophical sensibility. Very ambitious, not always transparent, it is distinguished by its relentless and largely credible attempt to make Kant’s argument as rich and as good as possible, and by its consistent intelligence about everyday moral life. If it fails to own up to where it is driven by ideals rather than facts, this is, in the end, a forgivable limitation in the insufficiently pluralistic philosophical world of today.

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