This volume is not merely a fine survey and critique of a major pragmatist thinker, but an important contribution to pragmatism in general. Many of the topics covered in these chapters are highly significant for pragmatism’s continued relevance to epistemology and the theory of inquiry. Levi’s precise and penetrating replies are extremely helpful for clarifications of his philosophical motivations and his theoretical maneuvers. There will likely be no better resource for understanding Levi’s work and the potential for the line of pragmatist thought that he represents. Pragmatists who would further extend the ideas of Peirce and Dewey should carefully read to this most useful volume.

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In one of his early essays, “The Study of Ethics,” John Dewey remarked that “ideals are like stars; we steer by them, not towards them.” The point, of course, is that ideals are something that we use to help us get along in the world; they are instruments to help guide our actions and choices and goals, but they do not dictate, much less constitute, those actions and choices and goals. This is so for us collectively, as well as individually. But stars are not the only things we use to steer by. In the context of law, we use principles, among other things, to regulate our individual and collective behavior, to steer by, not towards. This simple and obvious point seems too-often lost for many legal theorists. This fine book by Michael Sullivan is intended to help us rediscover this point.

Sullivan’s book is pragmatist in both content and method. He not only spells out some basic pragmatist views and understandings of legal theory and legal philosophy, but also he practices what he preaches; he begins his task by looking at how and why the regulation of our behavior is couched today in the language of concerns over rights. By the end of the book, he proceeds through various conceptions of a pragmatist approach to law and legal philosophy, identifying and dismissing misconceptions over the first three chapters. Having noted a problem that needs to be addressed, and having cleared away some confusions and infelicities, in the second half of the book he moves on to offer his positive account and reconstruction of these issues.

Chapter One centers on the recent debate concerning “rights talk” and the claim by communitarians that liberalism (at least in the United States) has resulted in a harmful over-emphasis and mis-emphasis on individual rights. Sullivan counters these communitarian claims, but the focus for him is not so much on settling this particular issue, but on seeing it as the kind of genuine issue that calls out for a legal pragmatist response.

Chapter Two involves an analysis of criticisms made by Ronald Dworkin against a pragmatist approach to legal theory and legal practice. Taking a pragmatist view to be forward-looking and essentially one that attempts to solve the problem at hand, Dworkin claims that a pragmatist judge would be quite comfortable with ignoring legal precedent in coming to a decision. For Dworkin, if the point is to determine a given case on the basis of what would best foster the values and goals that are embraced, then past decisions would appear to be of minor
importance. However, this would run counter fundamental the working of law because it would undermine predictability in legal adjudication and, so, would not regulate our behavior effectively.

This sort of criticism is heard repeatedly about pragmatism in all sorts of philosophical contexts (e.g., “If the criterion of what is right or true or good or...is what works, then all kinds of things can be justified!”). Of course, as Sullivan rightly points out, this is simply a mistaken view of pragmatism broadly and of legal pragmatism particularly. Pragmatist judges, in being forward-looking, do not fail to look backwards; they do not ignore precedent or considered judgment from the past. (Not to steer towards the stars does not mean that one is not steering!)

Chapter Three looks at difficulties from a quite different perspective. Here, Sullivan considers the claims of Richard Posner, who takes almost an opposite position. Posner argues that theory is mostly a waste of time and energy, including pragmatic theory, which he dismisses as simply unhelpful (at best!) in the practical dealings of judges. (One sees why Dworkin makes some of the claims that he does.) Swiftly and deftly, Sullivan shows why Posner is not truly representative of any serious pragmatist perspective.

Having addressed these two misconceptions and mis-characterizations of legal pragmatism, Sullivan offers his positive reconstruction in the next two chapters. Drawing explicitly on Dewey, he addresses the issue of how to frame and understand, and even to engage in, legal philosophy from a pragmatist perspective. In these chapters he makes the case that, contra philosophers such as David Lewis, pragmatism places importance on ideals and principles, but, again, as instruments to help enable us to flourish in the world, not as transcendental structures or scaffolds. For example, rights are tools, but as tools they are a means for us to perform certain work. For some work, we do not need to use that particular social tool, while for other work we have found that we do; for some work they seem to be the best tool that we have found.

In his writings on education, Dewey noted that not just any experience is important, but educative experience is. In analyzing such experience, he remarked that there were two important principles to be considered: the principle of continuity (we are people who live in particular contexts and today’s experiences are part of a continuum with yesterday’s and tomorrow’s) as well as a principle of interaction (we are social beings and one’s experiences are necessarily and closely interwoven with the experiences of others). Although Sullivan does not use these terms directly, his own reconstruction of legal critique and legal review embraces them. Sullivan speaks of such issues with his phrase, American democratic subjectivity. As he states it: “[O]ur American democratic subjectivity embodies the aims of citizens expressed across a historically extended period. It understands the population of democratic citizens not with reference to a count of citizens at a single point in time, but with reference to how that population has expressed itself through popular votes and the actions of its representatives and institutions across a significant stretch of time” (pp. 116-117).

This short book (only 120 pages of text) is a very fine work. It is substantive; it is clear; it is fair; it is fecund. Sullivan has a J.D. degree to go along with his philosophy Ph.D., so he knows what he is talking about! This reviewer, at least, hopes that this book is not his last word on legal pragmatism, but his first. There are many issues within jurisprudence and within the philosophy of law that would benefit from serious legal pragmatist treatment, issues on, say,
punishment and responsibility or in legal epistemology (such as evidence and legal procedure). For those interested in legal pragmatism, other work includes Beth Singer’s work on rights, including her *Pragmatism, Rights, and Democracy* (Fordham University Press, 1998), Robert Westbrook’s *Democratic Hope: Pragmatism and the Politics of Truth* (Cornell University Press, 2005), and Cheryl Misak’s *Truth, Politics. Morality: Pragmatism and Deliberation* (Routledge, 2000).

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The purpose of this edition of Emerson’s most popular book is primarily pedagogical. The sub-title says it all: “A New Study Edition with Notes, Philosophical Commentary, and Historical Contextualization.” As such it is meant for readers who need help understanding anachronistic diction and historical references. If, as books like *The Twilight of American Culture* (2001) and *The Dumbest Generation* (2008) report, almost all of classical knowledge is unknown to students, then Emerson, who consistently invokes the likes of Plato, Aristotle, Cicero, Coleridge, Burke, and Byron, not to mention August Boeckh and Johann Winckelmann, would be impenetrable without Callaway’s diligent annotations. The only substantive change to the original text, published in 1870, is the modernization of the spelling. The abundant notes, located at end of page, are “to assist students and the educated public in a deeper reading of Emerson’s text as a contribution to American and to world philosophy.” Ah, but the price. ‘Tis a wee bit dear, as they say in Ireland.

The work itself consists of twelve chapters titled in sequence as follows: Society and Solitude; Civilization; Art; Eloquence; Domestic Life; Farming; Works and Days; Books; Clubs; Courage; Success; Old Age. These chapters are introduced by the editor’s essay, “Emerson and the Law of Freedom.” In it, Callaway explains that the Emersonian antinomies are never reconciled but stand in permanent tension due to the “law” of personal freedom. Recurrent themes and problems, which can be traced back to both Stoicism and Platonic Idealism, take their place beside and set limits to the universalistic rhetoric of which Emerson is fond. Likewise, raw and salty New England, where Emerson traveled and lectured, kept his feet on the ground while his head stirred the clouds. He gained strength from his writing and lecturing, which are physical activities when all is said and done. It appears that his earthbound destiny helped give rise to the element of cheerful wisdom in his philosophy, which he derived to a large extent from encountering diverse peoples in New England and abroad. Although the circumstances of these people vary immensely, Emerson says, their portion of happiness does not: “the beggar cracking fleas in the sunshine under a hedge, and the duke rolling by in his chariot; the girl equipped for her first ball, and the orator returning triumphant from the debate, had different means, but the same quality of pleasant excitement” (108). This democratic spectacle of mirth is something Emerson took to heart, and appreciated with portentous phrasing in his review of Walt Whiman’s *Leaves of Grass* (1855).

For a long time Emerson depended on and appreciated the subsidies of churches, schools, and clubs for his writing and lectures; this funding put a roof over his head so he could continue