



Review

Reviewed Work(s): Plato by Robert W. Hall

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Legitimation of Social Rights and the Western Welfare State: A Weberian Perspective. By Kathi V. Friedman. (Chapel Hill: University of North Carolina Press, 1981. Pp. xii + 269. \$24.50.)

This "Weberian perspective" would place welfare benefits securely within the legal frame of democratic constitutionalism, removing all stigma from welfare, assuring recipients dignity as full citizens, yet providing legislatures both a clear conscience in and a legitimate procedure for reducing expenditure on welfare or eliminating it altogether. Friedman's purpose is thus to articulate the public philosophy the welfare states of the West so clearly need and lack. She has written a wonderfully frank and ambitious essay. Using Max Weber with insight, Friedman sheds a cool light on current controversies and may help us conserve much heat wasted upon them.

Friedman hopes that Weber's fully rationalized modern state will prove to be the perfected welfare regime (pp. 43-61); where his path crosses her hopes, Friedman lets him quickly pass, and for brevity so shall I. Her turn to Weber makes sufficient sense because she aims to unite illusionless realism with a firm commitment to transcendent principles of human dignity (pp. 5, 49), an aim Weber shared. More specifically, he was realistic about "administration," a pejorative for him, as Friedman shows (pp. 26-27). His sociology of law gives historical depth to her critique of those welfare modes that create in recipients a habit of dependency (pp. 87-102), although she is oddly unconcerned with dependency on welfare (as distinct from those who administer it). Personal dependence on officialdom was an evil to which Weber was keenly alert. Friedman is at her best in showing that modern liberal politics was designed to eliminate it and in sharpening the enmity between the promise of constitutional democracy and the reality of welfare subjecthood (pp. 103-120). Her remedy (couched in Weber's terms but nowhere affirmed by him) is to transform welfare into entitlements and then into social rights, secured as integral to the dignity of citizenship (pp. 23, 47-48, 84, 88, 103, 121-139). Discretion and policy (along with "khadi justice") would be removed from the administration of welfare, which would then *ex hypothesi* approximate rational-legal "adjudication" (pp. 30-34, 168-169, 210-212).

Friedman's candor about her remedy is refreshing but leaves me wishing that welfare could remain a political football. To begin with, "social rights cost a fortune" (p. 138) that only a free market economy can supply. Created by redistributive legislation when the economy is fat, they must be destroyed by law when it is lean (pp.

154-162). Her concern is to have them destroyed legitimately, according to the same impersonal rule of law that precluded dependence on administrators. The Executive cannot be the executioner of social rights because Friedman wants to insulate welfare from the personalized presidency. The Judicial is incompetent, for "the effects of court decisions upon the costs of redistributions could be lethal: such decisions could kill both the court's own authority to elaborate social rights and the goose that lays the golden egg," the market economy (p. 161). So Friedman would first make welfare approximate a constitutional right and then let Congress alone destroy it. Congress as we know it? Practical objections aside, there are deeper problems.

Friedman's quest begins by creating rights out of needs and full citizens out of the needy. It ends by legitimating the necessities of a market economy to such an astounding extent as to justify legislatures in revoking social rights and reducing some full citizens to (what must now appear) sub-citizen status. Once rights can be so redistributed, all rights would seem to become conditional, in principle equally subject to creation and destruction by legislatures so long as procedural constitutionality is followed (see pp. 157-159). No procedure can be so impartial that it will not hurt the needy when rights based on needs are abrogated. Yet on Friedman's construction the procedure will be legitimate despite its unmistakable partiality. To cancel social rights, a Congress would have to decide that we are not "our brothers' keepers" (p. 25), but given such sentiments, it would only have to fulfill Friedman's requirement of procedural fairness. Her democratic constitutionalism, despite much talk of dignity, knows no inalienable rights. Does the quest for legitimacy for the welfare state require us to lose our hold on human rights by which the legitimacy of governments can be judged? Friedman is right: she has in hand "a real paradox," and the attempt to unravel it leads back "to the natural law tradition in Western rule" (p. xii). Perhaps Weber stands farther from that tradition than Friedman thought.

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Plato. By Robert W. Hall. (Winchester, Mass.: Allen & Unwin, 1981. Pp. 168. \$22.50, cloth; \$8.95, paper.)

By its description of itself as "the first full-length study of Plato's political thought to be published in English in over sixty years" Robert W. Hall's *Plato* invites a demanding comparison.

Since it was first published in 1918 Ernest Barker's *Greek Political Theory: Plato and His Predecessors* (Methuen) has been the standard work on Plato's political theory. For many years, however, Barker's lucidity, charm, sound judgment, and scholarship have had to compensate for the increasing datedness of his work.

In the highly factionalized world of classical scholarship, Hall's approach is conventional. He locates the concerns of Plato's political theory in the problems of fourth-century Athens. Chapter 1 is devoted to political background, while chapter 2 covers the changing intellectual currents Plato faced. Hall races through the political contents of some of the earlier political dialogues in chapter 3. He discusses education and justice in the *Republic* in Chapters 4 and 5 and then devotes chapters 6 and 7 to comparative discussion of the *Republic*, *Politicus*, and *Laws* before closing with a chapter on Plato's political heritage. Hall makes no attempt to deal with many traditional problems in Plato scholarship. He does not discuss the relationship between the Socrates of Plato's dialogues and the historical Socrates. Socrates as distinct from Plato is not discussed, and Hall does not deal with the political contents of the *Apology* and *Crito* because he believes them to reflect the historical Socrates.

Perhaps the most serious obstacle Hall faces is limited space. Forced to fit the constraints of Allen and Unwin's "Political Thinkers" series, he tries to write a small book on a large subject. (Barker's book is almost three times as long.) Hall is therefore forced to compress, especially the early chapters. For instance, he has 12 pages on the political backdrop, in comparison to Barker's 46. The resultant exposition would often make laborious reading for someone not thoroughly familiar with the subject matter. Compression is apparent elsewhere as well. For example, the theory of forms, about which one would expect Hall to be expansive, is relegated to only a few pages (mainly pp. 26-27), and many other subjects that one would expect to find are not discussed.

In exploring the central themes of the *Republic* and *Laws*, Hall presents a sanitized Plato. He stresses the similarities between the two works and Plato's deep concern in both for the intrinsic value and autonomy of each individual. Accordingly, in his account of Plato's political heritage Hall emphasizes Plato's contributions to the natural law tradition and to theories of the moral personality. Hall seems aware that his view of Plato is not widely held (e.g., p. 153), and I find his presentation somewhat selective and unconvincing. For instance, his defense of Plato's concern with "negative freedom" (pp. 139-142) employs an odd version of Isaiah Berlin's concept, while not discussed is Plato's suggestion (at

Republic 407c-e) that someone who is unable to fulfill a role in the ideal state might as well be dead. However, in fairness it should be said that these questions are controversial, and Hall's views not entirely without textual support.

In sum, Hall's approach is conventional although his views are not. But even though his opinions are interesting and worthy of consideration, Hall's book is not overly successful if assessed against what it was meant to achieve. The reader wishing for an informative overview of Plato's political theory is still better served by Barker.

GEORGE KLOSKO

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Bentham and Bureaucracy. By L. J. Hume. (New York: Cambridge University Press, 1981. Pp. xii + 320. \$49.50.)

As its title and price indicate, Hume's book is a specialized study of the historical evolution of Bentham's thoughts on public administration through an explication of his major works on the subject. Hume's writing is characterized throughout by close attention to detail along with copious footnotes and references. The author is concerned especially with Bentham's *Panopticon* and *Constitutional Code*.

Hume explains that the major theoretical hurdle that Bentham had to overcome in his efforts was to reconcile the tradition of liberal individualism, inherited from the eighteenth-century Enlightenment milieu, with the unprecedented demands of political sovereignty created by nineteenth-century developments in modern statehood. According to Hume, Bentham's solution to this problem was to reject the conventional Western notion of a separation of powers between three equal branches of government in favor of a system that subordinated the functions of the executive to those of the legislature.

On the supremacy of the legislature, that branch most accessible to popular sovereignty, Bentham apparently stood firm. Indeed, as Hume points out, Bentham's interest in bureaucracy was stimulated originally by his attempt to formulate extensive "efficiency-oriented criteria" (p. 53) through which the executive could maximize its role as administrator of popular initiatives. From these beginnings Bentham was led ultimately to create a complex approach to bureaucracy stressing "uniformity, clarity, order and consistency" (p. 239), with application to even such specifics as the architecture of ministry buildings and offices. Hume finds in this approach significant antecedents to the contemporary theory of "scientific