

JUSTICE, HUMAN NATURE, AND POLITICAL OBLIGATION. By Morton A. Kaplan. New York: The Free Press. 1976.

In *Justice, Human Nature, and Political Obligation*, Morton Kaplan, a political scientist at the University of Chicago, presents an analysis of the good, the just, human nature, political obligation, and their interrelations. Along the way he critiques Rawls and Toulmin, the state of nature theorists, and other familiar figures and schools of thought in ethics and political philosophy. To this more or less standard mode of inquiry and presentation, Kaplan introduces a new analytical tool—systems analysis. Accordingly, the finished product sometimes appears classical and traditionally systematic, lending itself to a relatively simple comparison with past efforts of political philosophers; sometimes, *avant garde*, elusive, and wanting in any clear philosophical relatives.

If humans and their political structures are viewed as homeostatic *systems*, as Kaplan argues they should be, they are not equipped to operate in their social and political contexts under some one basic rule or some few, fundamental principles of justice.<sup>1</sup> In one sense Kaplan's work can be seen as a conceptual apparatus to make way for such a view. And since Kaplan sees Rawls as holding to the opposing view, that one might isolate some basic rules, Rawls predictably emerges as an antagonist, and as point of fact, Kaplan's chief antagonist in the work; it is Chicago against Harvard in political theory. At the foundation of Kaplan's alternative theory of justice is his *test in principle*, a decision procedure of sorts, which makes inroads into his understanding of human nature and the substance of each of his four chapters, "Systems Analysis," "The Good," "The Just," and "Political Obligation." In addition, it is his test in principle which I believe should, and probably will, be the focus of further scholarship on the work. For these reasons, this review is organized into three sections. I describe first the test and then how this test in principle is related to the main areas of study in the book. Finally, I take a short, critical look at the test in principle.

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1. Morton A. Kaplan, *Justice, Human Nature, and Political Obligation* (New York: Free Press, 1976), p. 111. Hereafter, all citations to this work will appear in the body of this review as page numbers in parentheses.

## THE TEST IN PRINCIPLE

In Kaplan's estimation, a major problem in ethics is that of "legislating for one perspective entirely from the framework of another." (173) Kaplan apparently is suggesting that one may bring too much of his own situation and experience to bear on the solution of problems whose solutions require a data input more extensive or different in kind. The test in principle can circumvent this problem; it "permits an individual to detach himself from his 'accidental' setting in making judgments, but it is sufficiently contextual to permit meaningful moral judgments. . . ." (104) How does the test in principle accomplish this? In describing the dynamics of the test, Kaplan points out that one may "test" social, political, and moral choices in a manner similar to his method of "testing" individual choices:<sup>2</sup>

Consider a situation in which a man would be able to relive his past in thought. He could be confronted with each of the branching points of his major life decisions and allowed subjectively to live the alternative lives. If individual choices could be tested in this fashion, social and political and moral choices could be tested in analogous fashion by confrontations with different patterns of social, political, and moral organization under different environmental constraints. (94-95)

It appears that what Kaplan means by "testing choices" is that one evaluates or "tests" various courses of action, roles, life styles, i.e., "choices," by comparing them, one to another, so that he might make an ultimate choice: "After experiencing these alternatives, the individual would return to his actual situation. He would then have to choose in the present on the basis of the limited alternatives available to him. He now has a standard against which to judge his practicable choices. . . ." (95) We suppose that the test in principle provides not only an apparatus with reference to which one might choose, but also one that allows one to evaluate a choice once made. As an example of the workings of the test in principle, one might consider a Russian poet who has an opportunity to defect to another country and who has a "political choice" to make as to whether to remain in Russia or, if not, to which country to defect. Now Kaplan seems to place no rigid limitations on the scope of the comparisons made; it seems they may be of actual, possible, or probable choices. Thus our poet may compare the alternatives of defecting to a fascist state, a democracy, an anarchist state, or remaining in Russia, even though America is, as a matter of fact, the only likely place he might defect to; he may consider whether he would prefer to remain in Russia and be a poet or go to Canada and train as an M.D., unlikely as the latter may be. It is against this backdrop of comparisons and preference orderings of more or less relevant alternatives that the poet finally chooses from the actual alternatives. It is in this manner that the test in principle guides one's choice.

Kaplan does discuss further how one should arrive at his final judgment or choice and suggests at times that this further advice of placing oneself in

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2. The following quotation first appeared in Morton A. Kaplan's *Macropolitics* (Chicago: Aldine Publishing Co., 1969), pp. 42-43.

others' shoes is analytically separable from, and merely a supplement to, the test in principle: "In addition to the tests considered in *Macropolitics*, we might also seek empathetic insight into those with different psychological propensities, and enter it also into our judgments." (96) We may, as a result of this empathizing, realize, and be disturbed by the fact, that activity beneficial to us is harmful to others; (97) presumably this may lead to decisions different from those we may have made had the empathizing never occurred. Following, and on the same page as, this discussion of empathy, Kaplan concludes, "Thus we have essentially two different types of test in principle. . . ." (97) As the book progresses, however, one finds reference only to the test in principle, the suggestion being that Kaplan's advice to empathize is, as brought out above, supplemental to the test in principle, despite its being called, at one point, a test in principle.

#### HUMANS AS SYSTEMS AND THE TEST IN PRINCIPLE

With this understanding of the test in principle, we are now in a position to explore how it relates to one of Kaplan's insights regarding man's nature—that he is a *transfinitely stable system* that has the potential to employ the test in principle and learn more of his own nature through the use of this test. This needs some explaining. First, "a system is a set of interrelated elements sufficiently distinguished from their environment by certain regularities to serve as a focus of inquiry." (7) There are political *systems*, heating *systems*, and respiratory *systems*; the mechanism of a safe is a system as is an airplane's automatic pilot and man the wise. What is distinctive about the human system is that it not only can engage in purposeful activity—i.e., it can overcome obstacles to achieve a resting state as can the automatic pilot—but it can also select or substitute goals; this is what is meant by a transfinitely stable system. (20)

Kaplan's characterizations of the *transfinite process* and *transtability* further explain this feature of the human system: "The transfinite process is one of discovery—fundamentally of discovery of what it is to be human as this is illuminated by the test in principle." (100) And "transtability is the process by means of which men, in their learning of their humanity, become human and learn how to build a society fit for humans." (100) We suppose that the test in principle enters into the activity of a transtable system because such a system needs to make comparisons to select goals, and, as we saw, Kaplan's test demands that comparisons be made. Kaplan is making the further claim here that man finds out about himself as he makes such comparisons. As Kaplan puts it in his nontechnical vocabulary, ". . . our knowledge of our nature, of our society, and of our human and social possibilities increases with our comparative knowledge of these." (39) Accordingly, explanations of humans are context bound, (41) and any attempt to formulate covering laws for human activity is fatuous. (13)

Despite these restrictions on generalizing about humans, Kaplan is able to supply us with a rather impressive storehouse of human qualities, and, giving Kaplan the benefit of a doubt, we suppose he arrived at these by means of his comparative method. There is reason to think humans are autonomous, (172, 180) moral, (171) altruistic, (198) cognitive, and value producing. (246) In addition, humans need information, "identification,

membership, and ceremonial fulfillment.” (235) Even Kaplan’s complete catalogue of human qualities is necessarily incomplete, for the accumulation of comparative evidence is unending, and consequently our “knowledge of man and society is always partial.” (203)

#### THE GOOD, THE JUST AND POLITICAL OBLIGATION

With this initial discussion of the test in principle and human nature, elements of which permeate Kaplan’s work, we can now adumbrate more easily those elements of Kaplan’s theory of the good, justice, and political obligation, that are essential parts of the archetechtonic he is constructing, so that the structure of his enterprise can be grasped. His actual discussion of these, it should be noted, spans the larger part of the work.

According to Kaplan, a human system’s (say X’s) choice of goals is that system’s *good*, (82) and this choice is made via the test in principle. (183) When X claims that Y is a good for him, this is tantamount to his saying that he values Y, that attaining Y is one of his goals. But this does not imply that Y is *valuable* to X. It is only evidence that Y is valuable to X. (82) X may have had incorrect information when he decided that Y was of value. Y is valuable to X when X judges Y to be good with correct information. (82, 92)

Regarding justice, Kaplan claims in his chapter, “The Just,” that “the thrust of my argument in this chapter, as distinguished from that made by John Rawls, is that justice is related to values generated by human nature in actual circumstances.” (167) We recall from the discussion above that humans, by nature, are value producing systems. We now need to explore how this good is related to the just to understand Kaplan’s view of justice. That relation involves the individual’s perceiving that certain rules, or the just, are needed to allow for what he values and that certain institutions, in turn, are required to keep these rules of justice in force:

The individual sees his empirical circumstances, including the physical and social environment, as parametric “givens” on the whole. If he is reflective, he will then have a perception of what is good for him in this system; of the social rules required in general to maintain these goods, that is, of the just in this society; and of the institutions and practices required to maintain these rules, that is, of the good for society. More than this, he will reflect upon the differences between the different types of social systems in which he participates. (175)

The last sentence quoted above suggests the use of the test in principle, which Kaplan usually invokes whenever comparisons are made. And indeed it does have a role here; “the test in principle provides an iterative procedure that permits a weak ordering of different systems, (159) presumably from which the individual may choose.

Although there is no answer to the questions, “What is *the* just society like?” and “What is *the* set of rules of a just society?”, it is possible to sketch some general features of the just or of a just system of rules; in addition, one can make sense of the question of what the optimal set of rules at a particular time and social setting is. First, justice “is a regulative goal

toward which we strive." (181) "Justice does not exist in the abstract. It is called into being by human activity. Its scope is dependent upon the particularities of being. It represents a tendency to become, that is, to enter into a greater fullness of being." (245) Further, modern systems of justice have as a strength their generality, which "insures conflict among rules in their application to cases and requires a 'balancing' of considerations in the determination of particular cases." (178) Of the panoply of systems of justice, it appears that a democratic system is most just or optimal *at this time*, since it is better than any rivals (210) and it allows for the expression of fundamental features of man's nature—being moral and autonomous. (180-181, 210)

Kaplan's view of political obligation is derived from his more general view of obligation, which in turn draws on his theory of the good. If Y is good for X and X wishes to accomplish his good as determined by the test in principle, and he will so wish, he *ought* to accomplish Y. (183) One's particular obligation to support a political system rests not on any contract model involving consent, but rather the individual's interest in good institutions. (200) How does this fit the model above that links obligation with one's interest in, or his wish to accomplish, his own good? Society, itself, is a system and we can speak of what is good for this system. Further, man *identifies* with this social system; its goals are thus his goals; what is a good for it is a good for him and hence he wishes to accomplish its good as he would any of his goods; and if so, according to the general theory of obligation, he is obliged to accomplish these goods and in this consists his political obligation to "support" the system: ". . . man's interest in good institutions arises out of the complex interrelationships of the individual with social systems—that is, out of his existential identifications. . . ." (200) Of course the obligation does not obtain when the institution is not good, when its goals are not desirable: ". . . obligation lies in identification with the capacity of a society . . . to facilitate desirable goals according to contemporary understanding." (200) And we suppose that the recognition and selection of desirable goals or goods for society is done with the test in principle, just as the individual selected his own goals, since there is the sense in which society's goals are his through identification and thus lend themselves to evaluation in the same manner as any of his possible goals.

#### OBSERVATIONS ABOUT THE TEST IN PRINCIPLE AND THE WORK IN GENERAL

I believe that the primary observation to make about Kaplan's test in principle is that one never gets a precise formulation of the test. From this stems a number of related queries and observations. We might first note that Kaplan, in his discussion of the test in principle, is much like a legislature that offers information on the advantages of a new law, how it differs from other laws, how to apply it, what it is designed to accomplish, and so on, without articulating what this law is.

Now it may be argued that Kaplan has intentionally avoided an analytical or a statutory-like articulation of the test in principle to avoid the problems associated with such formulations, such as interpretation and their inability to account adequately for all situations that might arise, and especially because he rejects the view that a single rule or set of rules can handle prob-

lems of justice and ethics. (142-143) In fact, he likens such an approach to conceptual jurisprudence, whose advocates believed that courts merely applied legal rules to particular fact situations in a mechanical way, a school of thought that Kaplan considers discredited beyond dispute. (142-143) On the other hand, Kaplan does refer to the test in principle as a *standard* (95) and not simply as a collection of some pieces of advice. Further, would Kaplan have us reject his test in principle if one were to formally describe its advice? Are we to believe that, *in principle*, one cannot precisely verbalize the test in principle? Does Kaplan believe that because some decision procedure requires our taking a wide range of variables into account, that procedure eludes an analytical articulation? And as to Kaplan's argument that a single rule or set of rules is not suitable for human systems, this does not explain why his test in principle does not lend itself to a precise statement; at most it would explain why one should reject the test in principle were it stated as a single rule.

Probably the fact that this sort of uncertainty arises over the test in principle, which test I have attempted to show is central to an understanding of the entire work, is itself a shortcoming of the book. And whatever Kaplan's view is on the formulation of the test in principle, I believe that a more sustained discussion of this test may have helped Kaplan to avoid what appears to be a confusion that weakens his conceptual schema. Kaplan, we recall, argues that we learn of our nature through comparative information and makes the further claim that this is through the test in principle. While it is true that the test in principle has us make comparisons in order to choose and evaluate goods and systems of justice, it certainly does not follow that whenever we are making comparisons, or when we are learning of our nature through comparative evidence collected about man in different places at different times, that we are employing some standard of evaluation or choice, namely the test in principle. It would seem that Kaplan either needs to tell us more in specific about the uses of this versatile test in principle or make a narrower claim to the effect that man is limited, in deciding, evaluating, and discovering about himself, to using comparative information, which, in the cases of deciding and evaluating, is ordered by a test in principle. In other words, although it is not unreasonable to argue that the test in principle is closely related to man's nature, Kaplan's current formulation of this relation rests on a confusion.

The foregoing presentation and critique of Kaplan's book has focused, as pointed out earlier, on the systematic interrelations of the most significant claims and concepts that Kaplan develops in the work. The book, of course, has more to it and it is here, in these final comments, that I will further describe, observe, and evaluate aspects of the book in an attempt to further familiarize future readers with it. First, the work has Deweyan and Marxist motifs running through it: "Intelligent, creative, inquiring minds . . . are required if democratic systems are to work in a moral sense." (210) "As man comes to a fuller awareness of the meaning of his own existence, the insights gained from this knowledge produce a disposition to change the world: to leave the realm of necessity and to enter the kingdom of freedom, in Marx's words." (9-10)

Further, to the mind trained in philosophy, the work may seem unsophisticated at times. As we saw, Kaplan sometimes speaks of the nature

of justice as being an ideal, sometimes as having a tendency to become, without any supporting metaphysics. He offers a rather long and tedious critique of Toulmin's *Reason in Ethics* ostensibly to make more palatable, and remove doubts that might stand in the way of, his view on the good; yet he evades not only the issue of the logical function of this critique in the argument he is developing, but also the issue of what sort of argument, if any, he is constructing:

As he (Toulmin) has made the most celebrated attack on the objectivity of values, the reader—who experience leads me to believe, will favor Toulmin's position over mine—will have his doubts removed before the positive exposition begins. Thus, although I rarely use what philosophers call technical argumentation, I will have better prepared the way for my own discussion of objectivity. (x)

This leads to additional observations: that it is never clear whom Toulmin sees as his audience and, consequently, it is uncertain upon what professional standards the book should be judged. Philosophical issues and figures predominate the work. Kaplan's position is as a political scientist. Systems jargon is usually defined, although occasionally Kaplan uses undefined bits of systems jargon as if the audience, or some members of it, is well-versed in such lingo. The work, then, as mentioned at the outset of this review, is not without its ambivalences. But however it is ultimately classified and evaluated, and putting aside any shortcomings mentioned, philosophers will find Kaplan's attempt to systematically deal with the good, the just, and the obligatory pleasing; critics of Rawls may find an ally or leader; and many in and outside the community of scholars will find Kaplan's very smooth, insightful, and intensely interesting commentary at the end of his work of the roles of governors, the president, and citizens in a modern democracy worthwhile.

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