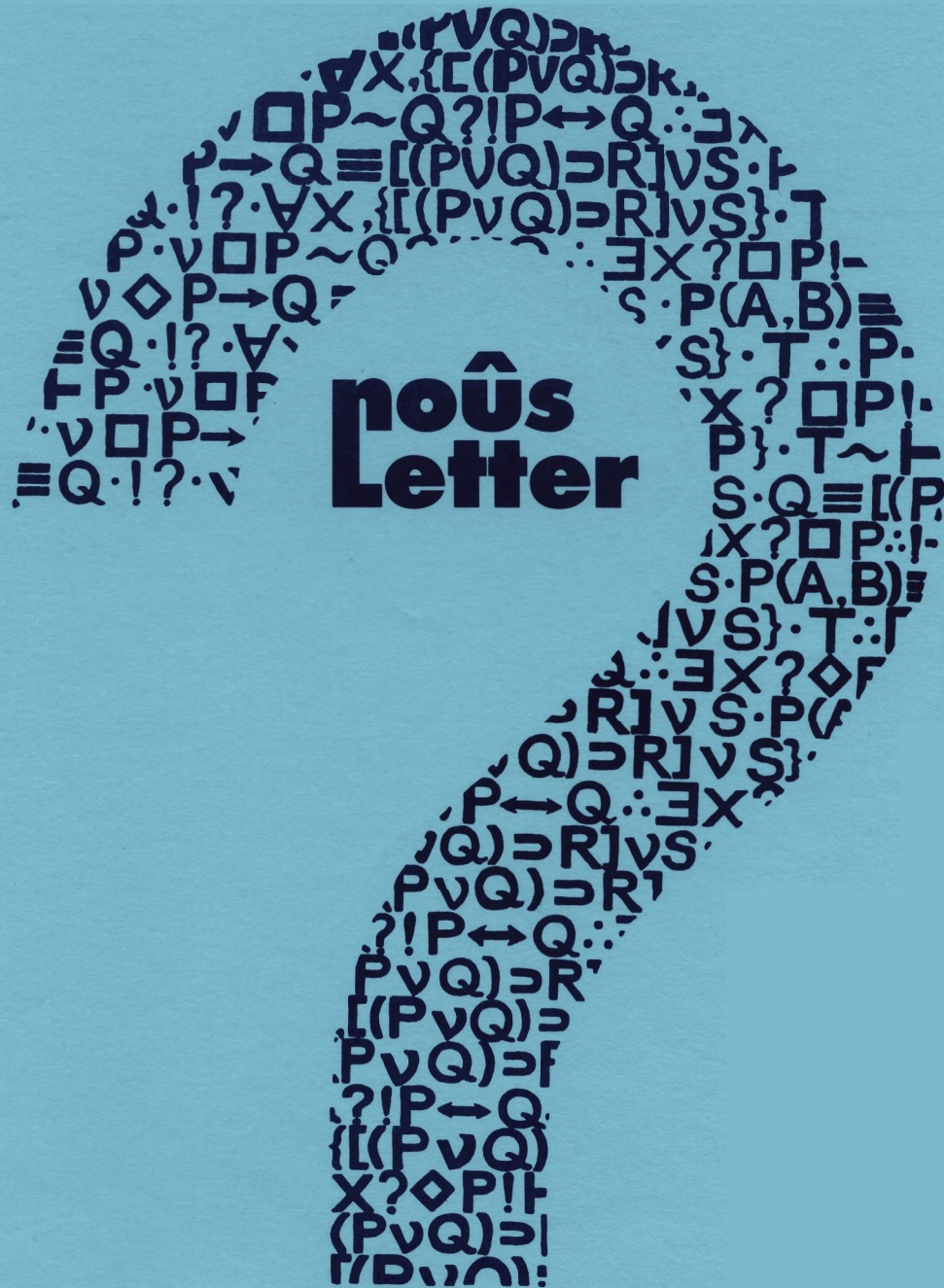


STATE UNIVERSITY OF NEW YORK AT BUFFALO



# NOÛSLETTER

No. 4

March 1992

## **M** ITCHELL FRANKLIN: A TRANSCRIPT OF HIS TEACHING.

Mitchell Franklin came to teach in the UB Law School and our department after his retirement in 1967 from the Tulane Law School. Many of our graduate students of that period were enthralled by his distinctive style of teaching. At Tulane he is as fondly remembered as at Buffalo. It is our good fortune that one of Professor Franklin's students at Tulane, Harry F. Connick, now District Attorney of Orleans Parish, recorded Mitchell's closing lecture in Contracts on January 15, 1959, and recently Mitchell's wife Virginia kindly gave the Department a copy of the 1989 issue of Tulane Lawyer which contains a transcript of that recording. Although in this lecture he is teaching law, not philosophy, his former philosophy students will surely find the style familiar. The following excerpt will, we hope, give the flavor:

Professor Franklin: From a civil law point of view, would there be any difference between the relationship between the parties in Krell v. Henry and the relationship here? Yes, Mr. Little?

Mr. (now Judge) Little: I think so because of the difference in considering the lease as a bilateral or unilateral...

Professor Franklin: Be clearer than you are.

Mr. Little: Well, actually in the Krell case, I think you get around the whole idea of the...

Professor Franklin: You don't get around. You avoid, you overcome, you refute, but you don't get around anything.

Mr. Little: They avoid the idea of a lease by calling this a license to view. I think that if they would consider it as a common law lease that the result might be different.

Professor Franklin: Different from, yes. Different from. I think that's probably it. Here we have a little bit of feudalism in New Mexico with its civil law heritage, at least in the way of people. Here we have good old Ivanhoe leases, common law leases, and Mr. Little is pointing out we didn't have a lease in Krell v. Henry, we had a defense of an action in trespass. Those of you who are civilians who leave this state or country can always remember that in many situations which

we call bilateral contracts, you merely have, in the common law, a defense to an action in trespass, i.e., a license. Fantastic, isn't it?

But, clinging to this case, we are here in the area of common law lease and the purpose of the lease is subject, one would think, to all of the criteria of dissolution which we have been encountering, that is, change of circumstances. We think they're significant enough in the light of the interest we have in the security transactions. But here the scale is tipped very heavily against terminating the relationship on the ground of impossibility. Why? Mr. Little says it is a common law lease.

Throughout the course, we've seen that the common law lease does not behave in accordance with principles of general theory of contract law. So here the court so says. So here we do not find the consistent application of the thought we had in Krell v. Henry, which I think is probably a justified decision. Let's read the discussion of the court, Mr. Wessel, beginning with the fourth full paragraph. Is Mr. Wessel here?

Mr. Wessel: Yes, sir. The fourth paragraph: "We need not determine whether the doctrine of 'commercial frustration' can, under the circumstances, apply to a worthless business, as we have concluded that ordinarily it does not apply to demises of real estate, and, if at all, then only as limited hereinafter. It is held by the English courts that the doctrine has no application to any ordinary lease of real property."

Professor Franklin: Mr. Wessel, you must mispronounce these words like a lawyer. Yes, a problem of this kind then arose out of the war and also in regard to the introduction of the prohibition amendment. What was that, the Eighteenth? The Eighteenth Amendment. The good old saloon keeper found himself deprived of a livelihood. Note this court, however, advances to a certain extent beyond medieval thinking, beyond the common law idea of the lease and the theory of the risk involved. It goes a bit further and tries to justify this decision. The idea here, possibly, is that some related business might be opened.

At first sight, that seems unsatisfactory, but if you remember what we did in the Reading pipe case, Jacob & Youngs v. Kent, where you got a pipe that is just as good even though the contract called for a different kind, and if

you remember what I said about cy pres yesterday, such thought is not completely to be rejected and has some merit considering the interest that we ought to have, which we haven't found by the way, to consistently adhere to, interest in the security transactions. Then you have one of those pious remarks at the end which should make your spirits sink, if it is addressed to the lessee: "It is just, no doubt, in the best interest of the landlords for them to voluntarily shoulder (split infinitive) a portion of the burden and that it is being done generally we are advised." When the court gets into that level of this discourse, you know you've lost. Remember the cases after Mansfield on moral consideration: when the court praised the interior conscience, you know you've lost in the exterior tribunal. And, of course, it is the exterior tribunal that should be the concern of the course.

So much then for this and we could end here. I just want to repeat some of the thoughts that, uh-Well, there's one thing more that I might mention before we do that. I want to say something about the examination. A couple of days ago an article of mine arrived from South Africa dealing with--it finally got here, that's why I'm mentioning it--dealing with the whole theory of alienation, and my essay, which you don't have time to read for this examination because it won't help you. I want to call your attention to it. It's called "The Significance of Stoicism in Roman Law in the Development and Outcome of Hegel's Theory of Alienation."

Let me quote one paragraph from what I've written here because this may be of interest to you: "Certainly the tasks in the law in regard to the fulfillment of contracts under all legal regimes are disposed of from the point of view of the alienated will. In the Anglo-American common law, the problems of failure of consideration are controlled by theory or practice, which conceives of the wills of the subjects of the contract as wills for other as alienated wills."

And please remember what a role Justice Cardozo played in this. It's he who gave us the Reading pipe case, which is, of course, an example that I am now talking about, and he who in a way gives us the theoretical basis for this in the molasses cases which we discussed a day or two ago. Cardozo is either the implicit hero or villain of this as you choose.

I go on to say, "In civil law, the role of causa after the conception of the contract is similar even for jurists whose theories of the role of causa in perfecting the contract are inadequate. Under Article 1188 of the French Civil Code, we dispose of the problems of defective fulfillment under a theory of the implied resolutive condition, and it is the alienated will which is recognized. This is also true in an Anglo-American contract law theory which treats matters performance under a theory of precedent and concurrent conditions." In the earlier part of this paper I had a field day, I

think or hope, showing how the objective theory and so on is consistent with the theory of the alienated will. Well, so much then for this work.

Let me in conclusion remind you of the examination tomorrow. It is tomorrow, isn't it? I think it's at 9:00. I'm giving you six questions. That means you have ample time to do all of them, and, as you already know by now, or should know by now, an equal distribution of time among them, in other words, a planned use of your time is desirable.

The limitation with regard to space in this case, is three pages. Do I have to explain what three pages mean? I'll venture that I'll get some answers that are more than three pages. I always do. I just refuse to read, in the interest of my responsibility to those who behave correctly, refuse to read more than those three pages. And please don't behave with what I call "bad faith" by writing in the margins or writing between the lines. After all, if I set a limitation, I ought to resent any efforts to overcome it, oughtn't I? So, don't write in the margins. There are spatial limitations in this examination to three pages, meaning if it were in a book, pages, for instance, 10, 11, 12.

Please write with material that can be read. We are all victims of the ballpoint pen, I know that, but I found eight or ten papers in the prior examination which were written in pencil or with ballpoints which were so fine, so light in effect, that I couldn't read them. I'd hold them up to the light and so on. I can't very well do that without feeling a certain amount of resentment against the anonymous student who's doing that to you. So please use blue books unless you type, use a legible writing material, keep within the space limit, and please note carefully the responsibility that is put. For instance, in one question I'm asking for information and also for a theoretical discussion. Well, give me both if I've asked for it.

Come in with scrap paper, discover everything you want to discover in the way of problems, and, incidentally as a secret, I've often found that the answer to one question is suggested by the reading of others. Read the whole examination before you do anything. That's a matter of elementary guerilla warfare tactics. Outline your thought and carry it through. That explains why you have this formalism which you find in all examinations in which you are called upon to state the conclusion at the beginning. That's an indirect prod. Don't write until you know where you're coming out, i.e., you have to write the answer first by hypothesis, you've thought of everything. So those of you who give me judgements for A and you cross it out in such a way that I can see it at the end with B, replace A with B, have not made a good impression. It's not a thoughtful approach.

The postcards should be addressed, and they should have the name of the course on the back. I don't think I should have to write the word "contracts"

in a hundred times. There's no need for it when you can do it. So, write "contracts" in. You don't have to put descriptions or flattering words on the postcard either. The flattery can come, oh, a year or ten years from now, something like that. Forget it for the time being.

## C ORCORAN'S TRAVELS

Prof. John Corcoran gave a paper on the history of logical methodology at the History of Logic Conference held at the University of Texas in April 1991. Later in the month he spoke about "The Birth of Logic" at the Society for Ancient Greek Philosophy in Chicago. In May he attended the Conference on Aristotle's Logic, Science and Dialectics at Kansas State University where he delivered a paper titled "The Founding of Logic." In June Corcoran, along with Prof. Richard Vesley of the UB Mathematics Department, were representatives at the Gödel Colloquium in Neuchâtel, Switzerland sponsored by the Swiss Logic Society. Corcoran's topic was "Unprovability and Undecidability." Vesley spoke on a new proof of Gödel's theorem. Later in June Corcoran gave two lectures at the University of Santiago de Compostela in Spain; one topic was "The Birth of Logic" and the other was "Further Meanings of Implication." He also gave a lecture at the University of Barcelona.

In November, Corcoran gave two presentations of "The Founding of Logic" at the University of Western Ontario and the University of Toronto. In December, he gave a lecture entitled, "The Nature of Proof," to a combined audience of philosophers, mathematicians and computer scientists at the University of Kentucky. In addition to these outside presentations, Corcoran spoke three times at UB: twice to the Buffalo Logic Colloquium and once to the Cognitive Sciences Group. "Founding of Logic" is forthcoming in Ancient Philosophy and "Birth of Logic" is due to appear in Agora, in Spanish translation by Dr. José Sagüillo, a former student in our department.

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## K ah-Kyung Cho's Article Revisited

"Ecological Suggestibility in Heidegger's Later Philosophy" was an article Professor Cho first published in the Allgemeine Zeitschrift für Philosophie in 1986. It is research into the "ecological" implications of Heidegger's 1929 lecture entitled "Basic Concepts of Metaphysics," a work in which Heidegger defends the

"own" dignity and rights of living species other than human beings--fifty years before the awakening of the current global ecological consciousness. Cho's article stirred quite a few souls:

"The best thing I have come across during the past couple of years." (Samuel Ijsseling, Director of Husserl Archives in Louvain).

"Truthfully, I have been hoping that someone finally brings out this side of Heidegger's thinking." (Hans-Georg Gadamer, Heidelberg).

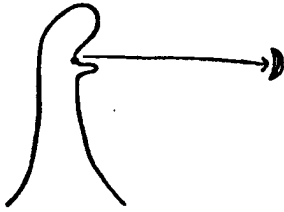
"One of the most important and welcome publications of recent years." (Helmuth Vetter, Vienna. Reference is to Cho's book, Bewusstsein und Natursein of which the above article is a chapter).

The Art Gallery of Saarbrücken specifically sponsored a symposium "Nature, Art and Technology" in October 1989 stimulated by Cho's book, using a passage from his article as the motto of the entire symposium.

The book, Bewusstsein und Natursein, (Consciousness and Natural Being) is being translated by Japanese scholars. The article cited, however, came out already in a separate Japanese translation in the "Collected Papers" of the Ohtemon Gakuin University of Osaka.

In October 1991, Cho was one of four foreign scholars (Paris, Minsk, Padua, Buffalo) invited to speak at the Heidegger Society in Messkirch.

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*This is my best reproduction of Barry Smith's infamous diagram of intentionality.*

*-- Michael Gorman*

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#### GRACIA AND THE APA

Professor Jorge Gracia has been appointed Chairman of the Program Committee of the Eastern Division of the American Philosophical Association. Recently he was also appointed Chair of the newly-formed Committee for Hispanics in Philosophy. He is the first chair of this Committee.

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#### WELCOME!

We wish to welcome Eileen McNamara, the newest member of the Philosophy Department staff. Eileen joined us in the fall as Secretary, plunging in fearlessly and competently during a difficult and hectic time. Thanks Eileen, welcome and may you join Marie and Judy in at least twenty years with the Philosophy Department.

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#### JUDY NEWS

*To all who have been following Judy's progress since her illness in the fall, SHE'S BACK!! Just in the nick of time, too. She's been courageous, good-humored and remarkable during her recuperation, and we needed her back to get the department in shape and running smoothly and to keep the vile file in order...Welcome back Judy, from all of us!*

**\*YOU CAN TELL THIS BOOK  
BY ITS COVER!\***

Explanatio philosophico-aesthetico-mystica: A reading of the cover of J. Gracia's *Individuality*.

*The pillar missing from the classical building stands for the missing element of classical philosophy, viz. the study of individuality. The pillar stands out, emphasizing not only its individuality but also the author's thesis that existence (Lat. existere, to stand forth) is the principle of individuation. The pillar's shape is of course itself a pun, representing both "I" for individuality and the "I", the individual self.*

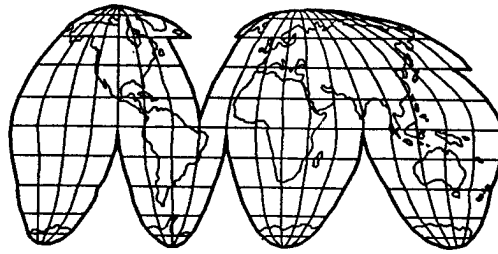
*The two half-merged clouds symbolize the question of the identity of indiscernibles; they also, perhaps, allude ironically to Aristophanes's The Clouds.*

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#### STEINBERG PRIZES AWARDED

This year two winners were selected to receive the Steinberg Prize. First place went to Doug Smith for his essay "Doxastic Rationality and the Ethics of Belief," and second place was awarded to Anthony M. Petro for his essay "Cognitive Science, Intentionality and Dennett." Congratulations to Doug and Anthony.





## NEWS ABOUT OUR GRADUATES

**STEWART SHAPIRO** Ph.D. 1978

Dr. Stewart Shapiro, who earned both an MA in mathematics and a Ph.D. in Philosophy from UB in 1978, is now full professor at Ohio State University. He is the author of Foundations Without Foundationalism: A Case For Second Order Logic, Oxford University Press, 1991. As Professor Corcoran explains, this comprehensive book defends second-order logic against attacks on its legitimacy by some of the giants of modern logic including Quine and Tarski, both of whom had previously contributed to the widespread acceptance of second-order logic. Second-order logic which is embraced by Church, Boolos and others, is much stronger ontologically than first-order logic which is favored by Quine and Tarski. With first-order logic several traditional axioms (including the fifth of the Peano Postulates of Arithmetic) can not be fully stated but must be approximated by an infinite number of instances.

In second-order logic, this postulate which was previously articulated by Pascal can be stated fully in one sentence: every property that belongs to zero and to the successor of each number having it likewise belongs to every number without exception. Second-order logic has a more platonistic flavor; first-order logic has a more nominalistic flavor. Shapiro points out that *first-orderism*, the view

that first-order logic exhausts the limits of genuine logic, is a radical and restrictive viewpoint which requires "heroic measures" (such as infinite axiom sets) and which denies the possibility of carrying out some of the purposes previously accepted by large segments of the logical, mathematical and philosophical communities. Shapiro uses the tools of modern model theory and proof theory to mount a fresh defense of the tradition that traces itself through Church, Veblen, Russell, Peano and Frege back to Pascal and Euclid.

Shapiro tells us that, "Barbara Scholz, my first Ph.D. student graduated, and gives SUNYAB another 'grand-student' is now Assistant Professor at the University of Toledo. She wrote on the applications of Kripke's book on Wittgenstein to some basic issues in linguistics. I now have two students working with me, so there may be some more in a few years. In every way, I try to emulate John Corcoran as a teacher and dissertation director." Shapiro's next project will be on the notion of logical consequence.

On the family side, Shapiro tells us that his wife Beverly is now a social worker in the High Risk Perinatal Project at University Hospitals. Their third child, Aviva Ruth, was born April 25, 1990, Rachel Liora is in third grade and Yonah just began kindergarten.

**JOSE M. SAGÜILLO** M.A. 1984

Dr. Jose M. Sagüillo has recently been promoted to a tenured rank roughly equivalent to Associate Professor at the University of Santiago de Compostela in the northwest corner of Spain where he has been since 1983. While in Buffalo he worked with Professors Corcoran, Kearns, Lambros, Korsmeyer, Barber, Kurtz, Hare, Garver, Rose, Sachs, Vesley and Kino. He received his Ph.D. in 1989 from the University of Valencia for a dissertation entitled, "Modal Systems, Physical Necessity and Counterfactuals."

Prof. Sagüillo has publications to his credit, one of which is to appear in English in a book edited by Rom Harré titled, Reason and Rhetoric. Sagüillo has also published translations of two articles by Prof. John Corcoran of SUNYAB, Department of Philosophy.

Sagüillo extends warm regards to his friends in Buffalo and he invites them to write to him at the Department of Logic and Philosophy of Science, Universidad de Santiago de Compostela, 15701 Santiago de Compostela, Spain.

**JAMES HAMILTON** Ph.D. 1972

James Hamilton spent last semester in what is sometimes called "the Chicago of Siberia." Of the three courses he taught at Novosibirsk University the one in the Philosophy of Theism was especially successful. "The amazing side of the lecturing of this American professor," reported Philosophy Department Head Vitali Tseishchev, "was that the number of students (approximately 100) was not decreasing in the course of time (as this was happening very often with other people, including a visiting professor...[he gave] to our students a good example in both aspects of

Christianity, being devoted in faith and patient in proofs."

Jim tells UB professor emeritus Edward Madden that the publications of Madden and Hare on the problem of evil are now well known in Siberia.

**PAUL DOLINSKY** Ph.D. 1978

In a letter last fall to the department Paul says, "I've been working as a counselor for homeless persons for the last five years, and for the last two have been doing drug and alcohol abuse counseling in different hospital settings. I'm hoping to begin a new job--doing substance abuse counseling in a hospital setting with Aids patients. The work is satisfying and I regard helping persons who abuse substances achieve a balanced lifestyle without these substances as a form of practical philosophy. I've done some writing about this as well."

Regarding job options for the Philosophy Ph.D. Paul makes this offer, "If any of the current (or former) graduate students are interested in speaking with a former grad about other job options besides philosophy teaching, you can feel free to give them my address and phone (212-663-2898). Perhaps, my experience in knocking around the job market would be helpful to others."

**JOHN M. LINCOURT** Ph.D. 1972

Kendall/Hunt recently published John Lincourt's Ethics With a Net: A Case Workbook in Bioethics. The preface describes the book's contents: "One of the more troubling features of case studies in Health Care Ethics is cases can be so damnably actual. They depict real life situations, happen to people like you and me, and can be so hard to decide. Over the past 25 years, this index of difficulty has risen exponentially. Gone are such truisms as - *Where There's Life There's Hope*

Peter Hare reports that he feels guilt as much as pride about detonating (with Edward Madden) a small explosion of publication in the area of philosophy of religion. David Ray Griffin in his new book, Evil Revisited comments on the stimulus provided by Madden and Hare's publications on the problem of evil: "[T]heir book was exceptional among books of the time in giving serious attention to the unique theodicy made possible by process theism. No philosophical or theological position can either demonstrate its strength or correct its weaknesses apart from serious criticism from persons with other points of view. Any inadequacies in their critiques of process theodicy (which are, in any case, the type to be expected in the earlier stages of a discussion) are far outweighed by their contribution to breaking the conspiracy of silence. As the remainder of this book demonstrates, process theodicy is now being widely and seriously discussed."

Any one wishing to wade through the literature on process theodicy published since Madden and Hare's Evil and the Concept of God appeared in 1968, should consult the citations in Griffin's book.

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#### PHENOMENOLOGY AND TOLERANCE OF OTHER MOVEMENTS:

Marvin Farber - Gerhart Husserl  
Correspondence...

Until recently the widow of Gerhart Husserl (Edmund Husserl's son) had correspondence in her possession between her husband and Marvin Farber. She has now transferred the original letters to the Husserl Archives in Louvain and graciously offered to make copies available to the UB Archives.

Some of this correspondence concerns the early editorial policy of Philosophy and Phenomenological Research of which Farber was the editor from its founding until 1980. On February 14, 1947 Farber wrote to "the Members of the Editorial Staff of PPR" that he had received an objection "to the publication of papers by such men as Carnap and Kallen...to our running discussions (replies, replies to replies, etc.)...to our series of Russian articles..." Farber replied: "Since our ever-growing influence has been due to our policy of tolerance and representation for all movements, 'level' alone presupposed, it would be a most serious error to retreat from it. We still give due attention to phenomenology. But we never really intended to restrict ourselves to it. We were determined not to form a 'sect'...As you know, in the U.S. it is only via an organ of general philosophy that phenomenology could hope to get a general hearing--which is what has been happening. The stone walls of the beginning have been removed for us."

In a letter of March 11, 1947 to Gerhart Husserl, Farber notes that "my letter of inquiry to the staff members met with a positive response, endorsing our policy.... We shall publish more Phenomenology when we get more materials on a high enough order.... We can accept something from another movement in philosophy just because it is representative; but we demand the highest level in our own special field of interest."

There are, in all, 48 letters from Farber to Gerhart Husserl, 14 cards from Farber to G. Husserl, and 2 letters from G. Husserl to Farber.

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#### CORRECTION

Michael Gorman was a co-commentator with Richard Beatch at the fall 1990 Tri-State, not the sole commentator as stated in our last publication.

#### OUR LOSS IS THE MARKET'S GAIN

CYNTHIA MONTGOMERY has been appointed an investment broker for A.G. Edwards and Sons, Inc. Cindy says she really enjoys the brokerage business but misses her friends in the department.

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## INTRODUCING THE NEW GRADUATE STUDENTS

ROBERT J. BUDZINSKY - B.A. SUNY College at Buffalo (1983). Interests: Philosophy of Education, Greek Philosophy, Pragmatism and Existentialism.

GWEN A. BURDA - B.A. SUNY at Stony Brook (1987). Interests: History of Philosophy.

KAREN ISEMING - BSN Ball State University (1974), MSN Indiana University (1987). Interests: Medical Ethics.

CHARLES F. JACK - B.A. SUNY at Buffalo (1990). Interests: Philosophy of Religion, Ethics of Belief, Logic, Metaphysics.

MARGERY LERMAN - B.A. University of Connecticut. Interests: Epistemology, Philosophy of Language, Philosophy of Literature.

CHRISTOPHER LUMIA - B.A. Houghton College (1991). Interests: Epistemology, Philosophy of Religion, Ethics, Logic.

MARK MELI - B.A. SUNY at Buffalo (1990). Interest: Philosophy of Everyday Experience.

ELIZABETH MILLAN - B.A. Bowdoin College (1990). Interests: Latin American Thought, Ethics, Kant.

ANTHONY PETRO - B.S. SUNY at Buffalo (expected 1993). Interests: Cognitive Science, Ethics, Logic.

On the lighter side..... Prof. Jorge Gracia was heard to remark

*"If it weren't for the students, the university would be a great place."*

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## PROFESSOR PARRY'S LOGIC

With help from the Department and William T. Parry's widow, SUNY Press has recently published Aristotle's Logic by Professor Parry and his former student Professor Edward A. Hacker, (Ph.D. 1961) of Northeastern University. Neither an historical treatise nor a conventional introductory text, the book aims to introduce students to logic by using much more material from traditional logic than is usual. As Hacker notes in the Preface, "[m]odern logic texts tend to minimize traditional logic and many omit it entirely. The authors think that this is a mistake, that traditional logic contains many topics of value to the student, and that these topics are the theory of terms, the theory of definition, and the informal fallacies."

Of special interest are the historical asides, footnotes and appendices. Professor Parry managed to tuck into the book many of the results of his lifelong research in logic and its history.

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PROFESSOR BARRY SMITH has received two major research grants: one from the Swiss National Foundation for a Project on the Philosophical Foundations of Artificial Intelligence and the other from the Austrian Foundation for the Promotion of Scientific Research for a Project on Formal Ontology. He has been appointed a member of the Editorial Board of the Library of Living Philosophers.

Professor Smith is editor, with H. Burkhardt of the recently published *Handbook of Metaphysics and Ontology*, 2 vols., Munich/Hamden/Vienna: Philosophia, 1991.

## GPA UPDATE

Here are some of the things we've been up to this year.

Over the summer, we created for ourselves a constitution, a set of by-laws, and some rules of order for conducting meetings. We also sent out orientation materials to incoming graduate students.

During the first semester, we had a graduate student discussion with Anthony Flew, sponsored a colloquium on "Jurisimprudence" by Michael Rhodes, and co-sponsored a few talks with other departments.

Our big project for the second semester is to arrange and sponsor (or co-sponsor) a philosophy colloquium with an outside speaker. Suggestions are welcome!

...Michael Gorman, GPA President

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Newton Garver (Department of Philosophy) and Claude Welch (Department of Political Science), both Distinguished Service Professors at UB, received word that their proposal for a Summer Seminar for College Teachers will be funded by the National Endowment for the Humanities (NEH). The seminar, which will take place over eight weeks in the summer of 1992, will consider "Universal Human Rights in Theory and Practice." The award is a little more than \$100,000.

The main problem to be addressed by Garver and Welch is the confrontation of the idea and ideals of universal rights with varying cultural conditions and divergent presuppositions. One difficulty lies in seeing how the right of self-determination of an ethnically or linguistically identifiable group (whose members presumably have some special privileges in government) is compatible with basic human rights for other persons living in the territory. Another problem is that the rights claimed by many groups in many cultures, such as physically handicapped persons and minorities in

the USA, seem to be "special" rather than "universal" rights.

The seminar will begin by considering the problems and puzzles created by rights claims, and then look at problems of rights in Africa and Asia. Attention will be given to the Universal Declaration of Human Rights and also to the role played in the enforcement of human rights by such private groups as Amnesty International and Human Rights Watch.

Preliminary thinking about this interdisciplinary effort took place through Garver and Welch's joint participation in the Graduate Group on Human Rights Law and Policy. Previous work of the graduate group has led to the establishment of the Human Rights Center in Baldy Hall, to a summer internship program in Geneva, and to publications that include Asian Perspectives on Human Rights (edited by Welch with Virginia Leary) and Justice, Law, and Violence (edited by Garver with James B. Brady). Welch is co-director of the Human Rights Law and Policy Graduate Group, and Garver is co-director of the Cooperation and Conflict Studies Graduate Group.

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### "...BUT SHE CERTAINLY CAN MOVE."

Those of you who were around the Department in the early 1980's will remember staunch feminist and Marxist GINA SULLY. She was an undergraduate who enlivened EVERY department party from its beginning until she supervised her graduate student friends in cleaning up at about 11 P.M.

Although faculty recall her razor-sharp mind in class discussion, philosophy has never been more than one of Gina's myriad passions. Her contributions to the arts in Western New York have been especially remarkable. Recently, it was good to see the media give some attention to her distinctive contributions to the theater. The Buffalo News published two reviews of the production of Brecht's "Threepenny Opera" at the Cabaret, a production in which Gina played the role of Jenny. Here's how the reviewers described her performance:

Jack Hunter, in black shirt and red tie, plays a blustery, cocky Macheath. He is a spoof of all the gangsters movies you've ever seen and is effective throughout, especially in a seductive mating ballet with choreographer Gina Sully, who plays Jenny, the icy-hot hooker who ultimately double-crosses Macheath. [Reviewer: Neil Graves]

The most notable Cabaret personality in "Threepenny" is Gina Sully, who plays Jenny, Macheath's favorite whore. Sully does not sing. In fact, she speaks the famous "Pirate Jenny" number. Still, at the Cabaret, Sully is a star. The audience knows her, welcomes her appearances, and she does very well in the role. Sully may or may not be able to sing, but she certainly can move. She brings other qualities to the role. Her performance is permeated with sex. [Reviewer: Anthony Chase]

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### THE BUFFALO SCHOOL OF LOGIC

"...The book is also unified by the fact that five of the authors are associated with the Buffalo school of logicians; the articles bear happy witness to the fact that this school is keeping alive the philosophical and constructive tradition in logic in North America." [From a review by Alasdair Urquhart, (University of Toronto) forthcoming in Studia Logica.]

For the Department's 1991 Christmas party special pins were made up to honor this school. Any interested Noûsletter reader will be sent one of these "The Buffalo School of Logic" pins on request.

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*THE THIRD ANNUAL WESTERN NEW YORK AND  
SOUTHERN ONTARIO UNDERGRADUATE  
PHILOSOPHY CONFERENCE will be held on*

Saturday, April 25, 1992  
10:00 AM - 3:00 PM  
280 Park Hall  
SUNY - Buffalo  
Amherst Campus

It is free and open to the public and a complimentary deli lunch will be provided. For more information contact Tim Madigan at (716)636-7571.

We wish to thank all those who have supported this department through their donations to the various funds: Farber, Hourani, Perry, Steinberg, Donovan, etc.

During these times of severe budget cutbacks, we will be even more dependent on continued donations in order to provide additional support to our students, scholars and visiting professors for travel reimbursement, honoraria and colloquia, among other needs. You may also wish to specify that future donations be deposited in the "UBF Philosophy Department Resource Fund" as a means for the department to use the monies provided as it deems most urgent.

Again we thank you for your past donations and continued support.

Please send material you wish to be included in future Noûsletters to: The Philosophy Department, 607 Baldy Hall, SUNY-Buffalo, Amherst, NY 14260.

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### CREDITS

We wish to thank everyone who contributed material to the Noûsletter. Thanks to Eileen McNamara and Pat Walsh-Frank for word processing and layout.

Editors: Peter H. Hare and Eva M. Koepsell.

account long-standing philosophical issues, to arrive at a comprehensive, up-to-date view and an original theory that provides answers to questions raised in both psychology and philosophy.

*Drawing on the insights of Stephen Kosslyn and the work on vision of David Marr, Tye develops a new theory of mental imagery that includes an account of imagistic representation and also tackles questions about the phenomenal qualities of mental images, image indeterminacy, the neurophysiological basis of imagery, and the causal relevance of image content to behavior.*

*Michael Tye holds appointments in Philosophy at both Temple University and Kings College, London.*

MITCHELL H. MILLER, JR. 1970

Originally published by Princeton University Press in 1986, Mitchell Miller's Plato's Parmenides: The Conversion of the Soul has just been issued in paperback by Penn State Press. The original edition was widely praised. Reviews of the book provide its description:

"Miller's commentary is an impressive achievement, combining extensive scholarship with unusual sensitivity to Plato's nuances, both literary and discursive. Both for its imaginative interpretation of the larger issues, and its careful analysis of the details, it will be of great value to anyone with an interest in this bewildering dialogue." [Kenneth Dorter, CANADIAN PHILOSOPHICAL REVIEWS.]

"...one can appreciate why Miller's book is a success; he offers an interpretation according to which the dialogue is a unified piece of work that marks a turning point in Plato's metaphysics. Miller's writing is lucid and straightforward....There are sustained

discussions of Cornford, Cherniss, Vlastos, Owen, Brumbaugh, Allen, and Sayre in the footnotes. There is little doubt that the book represents a significant contribution." [Kenneth Seeskin, PHILOSOPHY AND LITERATURE.]

"The PARMENIDES is one of the most obscure works in the history of Western thought. Yet this dialogue is of central importance in the development of Plato's theory of Forms, and we should be grateful to Miller (Vassar) for light in the darkness....highly recommended." [H.L. Shapiro, CHOICE.]

"...Miller's work, which attends to the dramatic form and mimetic irony of the dialogue as well as to its arguments, is logically argued, faithful to the text, and original in insight...[T]his work must be taken into account by all who try to understand Plato's thought." [Anthony C. Daly, RELIGIOUS STUDIES REVIEW.]

"Miller has much going for him. He has a deep understanding of Greek....He is careful in following the arguments, and fresh and original in treating them....We cannot do without Cornford and Allen; we now need Miller alongside them." [John Ferguson, THE HEYTHROP JOURNAL.]

Mitchell H. Miller, Jr. is Professor of Philosophy at Vassar College. He is the author of THE PHILOSOPHER IN PLATO'S STATESMAN. (Martinus Nijhoff, 1980).

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#### NEW LECTURE SERIES

Prometheus Books, a publisher of philosophical books based in Buffalo, inaugurated a new lecture series in conjunction with the Department of Philosophy at SUNYAB. The Prometheus Lectures are delivered every year by a distinguished philosopher. This year Anthony Flew, professor emeritus of philosophy at Reading University and currently a visiting professor in the Social Philosophy and Policy Center at Bowling Green State

University, initiated the lecture series with three talks, held at SUNYAB under the general title, "Rationality and Humanism." The talks were titled, "Defeasible Atheism," (Nov. 12), "Indefeasible Theism," (Nov. 14) and "The Logic of Morality," (Nov. 15.)

Future Prometheus Lecturers include Professor Kurt Baier and Professor Adolf Grunbaum, both of the University of Pittsburgh. Dates and times for their lectures will be announced. For further information on the Prometheus Lectures, contact Peter Hare, Chair, Department of Philosophy, State University of New York at Buffalo.

*IN MY MIND'S EYE....*

## **COGNITION AND REPRESENTATION CONFERENCE**

A conference on cognition and representation will be held April 3-5, 1992 at the Center for Tomorrow on the Amherst Campus of The State University of New York at Buffalo. The conference is jointly sponsored by the Philosophy Department, the Center for Cognitive Science, and the departments of Computer Science, Psychology and Linguistics at SUNYAB. The conference is supported by the Marvin Farber Memorial Fund with the help of various University departments.

The organizing committee for this conference is: John Kearns (Department of Philosophy), William Rapaport (Department of Computer Science), Erwin Segal (Department of Psychology), and Leonard Talmy (Department of Linguistics and Director, Center for Cognitive Science). The general goal of the conference is conceptual: to develop an adequate conception of representation, in order that the role of representing in cognition can be clearly characterized, that different research projects involving representation can be "located" with respect to one another, and that appropriate topics for interdisciplinary research can be identified.

The following speakers will make invited presentations: Charles Fillmore, Linguistics, University of California; Jerry Fodor, Philosophy, Rutgers and the Graduate School, City University of New York; Whitman Richards, Brain and Cognitive Science, Massachusetts Institute of Technology; Paul Smolensky, Computer Science, University of Colorado; and John P. Sowa, IBM Thorndike Educational Center. Additional speakers are: Tim van Gelder, Department of Philosophy, Indiana University; David Banach, Department of Philosophy, St. Anselm College; Ann Robyns, Graduate School of Education, Harvard University; John Kounios and Phillip Holcomb, Department of Psychology, Tufts University; Vinod Goel, Institute for Cognitive Science, University of California at Berkeley; Steven Horst, Department of Philosophy, Wesleyan University; Barbara L. Speicher, Communication

Department, DePaul University; Barbara Abbott, Department of Linguistics, and Larry Hauser, Department of Philosophy, Michigan State University; Michael J. Tarr, Department of Psychology, Yale University; K. N. Leibovic, Department of Biophysical Sciences, SUNYAB and Whitman Richards, Department of Biophysical Sciences, SUNYAB.

The call for papers for the conference resulted in more than 60 submissions from which 10 were selected to be presented.

The panel discussion which concludes the three-day conference will address the issue of whether the goal of developing an integrated picture of representation can be achieved and whether progress was made toward achieving that goal.

There is a \$24 registration fee which includes lunch on Saturday. There is a \$14 fee for dinner on Friday. To register and make reservations for the dinner on Friday, please make out a (non-refundable) check to: SUNY Research Foundation/ Buffalo Representation Conference, and mail to: The Center for Cognitive Science, 652 Baldy Hall, SUNYAB, Buffalo, New York 14260.

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## **CURRENT GRADUATE STUDENT NEWS**

Ranjoo Herr presented a paper titled, "Integration of 'Autonomy' and the 'Will to Power': An Examination of Nietzsche's Ethical View" at the Western New York-Western Pennsylvania Regional Meeting of American Catholic Philosophical Association on April 20, 1991.

Michael Gorman and his wife Ann Marie, became the proud (and busy) parents of twin daughters, Sophie and Teresa, on December 15, 1991. Great going Michael and Ann Marie!!

Mary Demyanick reports that she had a productive and exciting year as a page in Congress. She was also Chairman of the Good Citizen's Award Committee of the Daughters of the American Revolution and is serving on its Centennial Committee in preparation for her chapter's 100th anniversary. She also serves on the board of St. Benedict's School in Amherst.

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## **AN EXPLOSION OF EVIL**

In recent decades there have been many complaints about the volume of scholarly literature published in philosophy and every other discipline. Those complaining ask whether this explosion of publication can be justified intellectually and economically.

- and - *It is Impossible to Place a Dollar Amount on Human Life*. Recent advances in technology have shaken and shaped ethics in medicine like never before. New compass headings are needed and being drawn. This is due to the realization that religion, law, education and especially ethics are perilously behind - frantically chasing the swift moving juggernaut - medical science.

This book is not meant to stand alone. It is designed to supplement any one of a number of excellent textbooks in Bioethics. The cases come from actual clinical situations I encountered in hospitals and medical centers over the past decade in California, North Carolina, and Texas. Some non-essential details are modified to insure privacy; the rest is factually so. The fifteen cases have one feature in common. This reveals an important reality about Clinical Ethics today, namely, that at a concrete point in time, all the chatter must end and a decision must be forthcoming. The case studies are divided into six sections; each section has a brief introduction. Case descriptions are followed by an "Ethics Work-Up." This helps organize the case around seven questions and strategies. The actual decision in the case is provided last. Finally, since the volume is intended to be a workbook, space is set aside in the text for answers, comments, and criticisms."

John Lincourt has also been instrumental in the establishment of a distinguished professorship in health-care ethics at UNC Charlotte. More than 200 Mecklenburg County doctors raised \$330,000 to endow such a chair. The pledges, to be collected over five years, will be matched by \$167,000 from the state.

**DENNIS M. PATTERSON** Ph.D. 1980

The Rutgers/Camden Law Faculty has announced the following recent publications of Dennis M. Patterson's work which are:

Postmodernism/Feminism/Law, Rev. L. Cornell co-author. Available 7/92.

*A Fable from the Seventh Circuit: Frank Easterbrook on Good Faith*, 76 Iowa Law Review 503 (1991).

*Law's Pragmatism: A Theory of Law as Practice and Narrative*, 75 Virginia Law Review 937 (1990).

*Law's Practice*, 90 Colum. Law Review 575 (1990).

**BRENNAN BIERWILER** M.A. 1991

In 1990/91 Brennan was an adjunct faculty member at Medaille College where he taught: Issues in Philosophy, Logic, Social and Political Philosophy, Nature of Man and Ethics. In addition to his teaching schedule he served as Editor-in-Chief of Research and Society, an academic journal for research in Marxism published by SUNYAB and the Graduate Group in Marxist Studies. In April of 1991 Brennan presented a paper titled, "On the Self-Contradictions of Consciousness in Jean-Paul Sartre's Being and Nothingness" to The Graduate Group in Marxist Studies Conference for Research on Marxism.

**LUDLOW BROWN** Ph.D. 1975

Bud Brown wrote one of the editors a morale-boosting letter which he can't resist quoting in toto.

Dear Peter:

I can no longer put off my obligation to let you know how much I enjoy Noûsletter. The occasionally



serious, frequently fascinating, often lighthearted, honest and unpretentious tone of the publication reflects the character of UB philosophy and philosophers for me, and, I suspect, many others. You assume that those who have left the Main, Ridge Lea or Amherst campuses forever still care enough about life as it is, or used to be, at UBeria to read about the past and present inhabitants of that world. My guess is that you and many others have had a doubt or two about that assumption. Banish those doubts!

Who would not rejoice at the news that, contra-Wittgenstein, there are surprises in logic or that "ludicro-pathetic" is, as one suspected, a word (praise John!)? How could any graduate not feel honored after reading the report of Celeste and George Hourani's gift to the Department, a gift which reminds us all of George's philosophical contributions, but also of the grace and dignity of this couple who touched so many of our lives? Is there anything more satisfying than being reminded that certain truths are eternal -- that Hegelians are nuts and Hume was right, for example -- despite the fact that Ken did once, may still or might possibly in the future hold them?

Keep up the marvelous work! Noûsletter is a rich assortment of surprises that I relish and anticipate. I want my #4!

Please convey my greetings to all in the Department and accept the enclosed contribution.

**GRAHAME WEINBREN** Ph.D. 1975

SONATA by Grahame Weinbren is an interactive video work, based on three parallel texts: Tolstoy's novella *The Kreutzer Sonata*, Freud's classic case study of *The Wolf Man*, and *Judith of Bethulia*. "Sonata" is a video that invites the viewer to

explore its ideas through a touch screen monitor; it is an investigation of interactive cinema. The intention is to allow viewers an opportunity to make connections between the elements of this video's text. One of its aims is to stretch the limits of variable narrative by allowing the viewer to move through a story at different speeds, as well as forwards or backwards in time and to see the story line from the viewpoints of different characters.

The problem of gender is a central subject of the video and this theme is illustrated through a mixing together of the three parallel texts. For example, Tolstoy's study of a 19th century marriage is dramatized in a melange of period and contemporary styles so as to highlight the extent to which we labor under unchanging ideological burdens.

"Sonata" opened in November at Brandeis University's Rose Art Museum. For more information, contact: Grahame Weinbren, 32 Washington Square West, New York, NY 10011; (212) 979-9394.

The National Endowment for the Arts awarded 1991 Film/Video Production Grants to Media Alliance members Beth B., Tony Buba and Grahame Weinbren. (Media Matters, Sept./Oct. 1991).

**MICHAEL TYE** Ph.D 1975

Michael Tye's second book, *The Imagery Debate*, has been published by MIT Press. The publisher's announcement describes the book as follows:

Michael Tye untangles the complex web of empirical and conceptual issues of the newly revived imagery debate in psychology between those that liken mental images to pictures and those that liken them to linguistic descriptions. He also takes into