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Managing Editor & Head of Design: Polina Sandler  
Editor-in-Chief: Benjamin Seymour

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[a-priori@brown.edu](mailto:a-priori@brown.edu)

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## Letter from the Editor

In a year of social and political contraction, in which eyes and ears have turned inward to ignore the vast complexities of the world, philosophy cannot remain indifferent. Indeed, the editors of *A Priori* remain convinced—that the philosophy of the future will not be insular; that it will on the contrary revitalize itself in the discoveries and difficulties of other disciplines. From this commitment to openness, the second volume of *A Priori* is devoted to essays that bridge intellectual divides by approaching historical, scientific, linguistic, mathematical, and literary questions from a philosophical viewpoint. Turning towards different modes of thought, these essays push the discipline beyond its preconceived limitations and present a portrait of contemporary philosophy that is dynamic, multifarious, and hopeful. We therefore urge that these essays be read doubly, as rigorous reflections on diverse problems as well as the harbingers of a philosophy yet to come.

Benjamin T. Seymour, Editor-in-Chief

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## **A More Finite Empathy: On Pain, Recognition of Distance, and Respect of Finitude**

Sarah Cooke

**Abstract:** This essay examines the limitations of the contemporary understanding and application of empathy as an attempt to ameliorate distance. Using Maggie Nelson and Simone Weil as interlocutors, I explore the ramifications of empathy, the recognition of difference within the context of individual experiences of pain, and ultimately the respect for finitude (of our own and of others) for which Nelson and Weil both argue.

In her memoir *Bluets*, Maggie Nelson describes a friend's pain as so overwhelming in scope that it feels like "an invisible jacket of burn hovering between us."<sup>1</sup> In such situations, where we are acutely aware of our finite ability to understand a pain that seems comparatively infinite, how do we respond with empathy? Can we only have empathy for what we know, or could we also have it for what we do not or cannot know? If so, what would such a model of empathy look like? Working with those questions, I will discuss in this paper the problems raised by considering empathy as an attempt to ameliorate distance, and put them in conversation with what Nelson calls a "hierarchy of grief" and with Simone Weil's notion of affliction. This approach will serve as a means of exploring our current model of empathy, and how—or indeed, if—it is possible to arrive at a more spacious one. Ultimately, I argue that such a model of empathy is possible, but it would require us to keep intact the contingencies of individual experience as we recognize the irreconcilable distance that governs all our relationships.

Because part of the concern motivating this project is my wariness about the conflation of terms through comparison, I believe it is worthwhile to begin by establishing how I will use the term "empathy" in my discussion. I've chosen to base my working definition of empathy on what appears in the *Oxford English Dictionary*, for the simple reason that the *OED* charts

the historical evolution of the term and shows what old traces remain in the new ways we use it today. Defined in the 20th century as "the power of projecting one's personality into or mentally identifying oneself with an object of contemplation, and so fully understanding or appreciate it,"<sup>2</sup> empathy today more generally refers to the capacity to understand the experience of another.<sup>3</sup> In the way that I read this definition, the specifically physical aspect of empathy—"the projecting of one's personality"—eroded over time to a more general "understand[ing] of the experience of another," an evolution that defines empathy in part as a response that works with and through the body and its capacity for cognition, whether mental, physical, or some combination thereof. In that response, I see the impetus to think of the body as a site in which we face simultaneous recognitions of our shared corporeality, in the form of human body itself, and the fact that, depending on how our bodies are identified (both on our own terms and those conditioned by social norms), we experience that corporeality and its vulnerability in different ways. In this paper, then, I understand empathy as a practice of recognition and identification, where the physical fact of our bodies alerts us to the similarities and differences that we experience as individual and social animals.

This definition explains in part why many tout empathy as a means through which we can ameliorate distance in relationships, personal and political alike.

If I can recognize part of myself in somebody whose experiences may be otherwise unrecognizable, I can begin to identify the similarities that we may share, the categories of experience or identity that we have in common. The recognition that we are neither unique nor alone, and that They are not completely dissimilar from Us, has been and remains an effective means of recognizing the similarity that we may share as individual, mortal animals.

But what is it that we're actually seeing when we recognize an Other as a similar Us? The OED's definition of empathy presents the possibility that comparison between two disparate things might allow us to privilege identifications of similarity above those of specificity, in which recognizing our similar but separate bodies and experiences could be an attempt to overcome difference in the name of finding "common ground." If I say that because I recognize a trace of myself in the midst of all that I cannot recognize in you, that I can understand exactly what you're experiencing because I myself have experienced it, then I'm bringing myself closer not to your experience, but to what I see of myself in that experience. In this sense, it would seem that my empathy, my identification, is less with you and more with a piece of myself that I recognize in you; it's not that I see you more clearly, but that I see the reflection of myself layered on top of you. You are familiar to me in so far as I can take you and remold you to fit with what I know of myself. My aim in raising this

pitfall of the way we talk about and practice empathy is not to suggest that empathy is an inappropriate or unproductive response. I believe that it can be productive, when we expand it to include recognitions of distance that compare differences without attempting to resolve them. But when we privilege empathy that overcomes distance and difference, we address only the first half of this corporeal fact of our bodies: the similarity that nonetheless remains contingent on specific, individual experience.

As I see it, the lover's paradox addresses that similarity-specificity dyad, and it is for that reason that the empathy that I want to work towards in this paper is predicated on it. The lover's paradox is this: the lover desires union but requires separation.<sup>4</sup> Distance is simultaneously something that we want to overcome—the assumption being, that we know intimacy through proximity, closeness of a corporeal and emotional kind—but that constitutes for better or worse all of our relationships, even our most intimate ones. Grammatically, we require this distance in order to love: I love you because I cannot love I—which is not to locate love solely in lack or longing, or to say that self-love is impossible. Rather, by highlighting the grammar of the lover's paradox, I offer the possibility that distance and difference between us as individuals is not something that necessarily needs to be brought into comparison in order to be ameliorated. It points

us to the inherent incommensurability that underlines all our relationships, that those we love (or have yet to love) have experiences that we cannot fully know, and vice versa. That I take this as an irreconcilable fact of our relationships is not an endorsement of resigned acceptance of what we can never know about each other. Indeed if anything, it is why I am hopeful that we can acknowledge the difference and distance of others *without* resorting to the belief that acknowledging our limited ability to fully understand each other is a sign of defeat or failed intimacy.

Make no mistake: the limits of our ability to fully understand the experience of others are liabilities. By acknowledging that through empathy we can meet others in spite of our respective differences, we are able to overcome, however temporarily, the sense that we are bounded by the limits of our bodies and the experiences they give us access to. As the lover's paradox demonstrates, to acknowledge the limits we have, particularly in the context of intimacy, in the relationships that allow us to feel arguably *more* spacious, full of space and life, is a tacit admittance that intimacy operates on a base level of failure. If there are limits to what I can fully know of you, then there are limits to how I can respond; there may be a time when I cannot respond in a way that you want or need. It's as Judith Butler writes: "Let's face it. We're all undone by each other." But it's important that Butler immediately adds, "And if we're not [undone by each other], we're

missing something."<sup>5</sup> For Butler, the notion that undoing ourselves, unraveling and showing the lines that delimit our bodies and experiences from others, is somehow solely a bad, as opposed to a good nested within a bad, is a deeply limiting one indeed.

To test Butler's point (and my faith in it), I will play out a scenario in which I might choose to embrace a category of experience with another as a matter of solidarity. Consider the vulnerability of an oppressed body, in this case a gendered one: because of my woman's body, I experience a certain corporeal vulnerability as I walk down the street. Through catcalls, street harassment, and other expressions of intimidation, I am made aware that my body is seen in the world as an invitation for objectification and oppression. But if I were to say that vulnerability gives me full access to how other oppressed bodies experience *their* socially-constituted corporeal vulnerability, I risk not only conflating our different forms of vulnerability, but also saying that my experience of the world can be understood as comparable or even interchangeable with theirs. Take the experience of a black man: although we both share our individual experiences of oppression and physical vulnerability, those experiences are so differently constituted that to conflate them under the category of "corporeal vulnerability" would elide the significant distance that lies between our experiences of the world. It would also free me from the culpability that my whiteness has in propagating the oppression of his

blackness, and that which his maleness has in regards to my femaleness. Were I to say that my vulnerability lets me understand his, I would in a sense be mitigating the contingencies that define each of our bodies and the politics they inhabit in the world. My empathy would seek the embrace of the familiar instead the occasionally uncomfortable acknowledgment that there are limits to what I can claim to truly know about the experience of another.

If we can't compare, then, on the basis of category, can we compare on the basis of magnitude? Maggie Nelson asks as much when she writes in *Bluets* of a "hierarchy of grief."<sup>6</sup> Even in the aftermath of a car crash that left her quadriplegic, Nelson's friend holds no "hierarchy of grief" in comparing the quality and types of pain she had before and after her accident, on the grounds that their differences are too significant to be brought into comparison with one another. It is not that one pain is greater than the other (although it may certainly feel that way), but rather that the nature of individual pains, and the pain of individuals, is so specifically, contingently unique as to render themselves incommensurate.

Of course, as a practical matter, a hierarchy of grief is helpful. Consider the question "On a 1 to 10 scale, how painful is it?" that doctors ask patients. There, measuring pain is a means of ameliorating or at least addressing suffering in a pragmatic sense: *Tell me how and where you hurt, and I can help you.* But even then,

that hierarchy remains grounded in specificity; the 1 to 10 scale is an important barometer for how much pain medicine to give a patient. That comparison remains a comparison across one entity, one pain, rather than a study of the multitude of pain experienced in different times and places. If I were to make such a hierarchy and apply it to my multitudes of pain, the terms on which I could compare them would necessitate different comparisons, e.g. heartbreak is not a broken bone, and mental illness is not "just in my head." What's more, if I were to make a hierarchy between the multitude of my pain and the multitude of yours, I would both compound the pitfalls of such a hierarchy and inflict them on you and our relationship, whatever our relationship was. I would not only ignore the distance that constitutes the differences between my pain and that of another, but also fail to recognize the arguably more important point: that pain arises out of individual instances shaped by both structural and random factors.<sup>7</sup> I raise this point not to condemn such extensions of empathy, which can in their better moments serve as important first steps in the cultivation of interpersonal relationships, but to suggest that limiting empathy to *just* those outreaches does a disservice. That type of empathy is limited, I believe, because it lets us empathize with what we can recognize of ourselves in others while stopping short of acknowledging that there are limits to what our individual experiences let us access.



I turn now to the paradox of our current practice of empathy: because we fear that we can never transcend the finitude of who we are, we limit the acknowledgement of our finitude, but that in turn limits our empathy and allows it, at times, to force us into comparative matrices that conflate categories of experience. This is where I believe that Simone Weil's theory of affliction can offer the spacious possibility for empathy to include not only that which we can recognize but also that which we cannot recognize or fully know. Although the project of this paper is not invested in making claims about theodicy as Weil is, I nonetheless take her argument to have relevance to the secular claims about empathy that I am interested in exploring here. In the following paragraphs, I read Weil on her theological terms but with an eye to its possible application to a project of establishing a more nuanced model of empathy.

Defined by Weil as "an uprooting of life, a more or less attenuated equivalent to death,"<sup>8</sup> affliction is a pain beyond pain itself and thus the perfection of pain. It is neither solely physical nor mental pain (although it often contains both) but instead a pain that makes the afflicted feel as if they were infinitely distant from themselves, their fellow humans, and the world at large—thus, a pain beyond pain. Weil uses a hierarchy of pain—there is physical pain, there is mental pain, and then there is affliction, the most perfect pain of them all—to illustrate how affliction ultimately escapes that hierarchy. As she writes, "In the realm of suffering,

affliction is something apart, specific and irreducible."<sup>9</sup> It cannot be contained to a hierarchy, or indeed to this world.

For Weil, affliction is the perfection of pain, but in being the perfection of something, even the ostensibly "bad" of pain, it is also a good, or rather a good contained in a bad: although "God can never be perfectly present to us here below on account of flesh," he can nevertheless "be almost perfectly absent from us in extreme affliction."<sup>10</sup> Ultimately, argues Weil, we can only accept affliction as a good in the midst of the "bad" of perfected pain if we understand it through distance, because distance is how God himself experiences love. In order for God to love God's self, God had to create an infinite distance across which his love could travel; the earthly world and us, its human occupants, are the result of "this supreme tearing apart" between God and God.<sup>11</sup> For Weil, the infinite distance that affliction forces us to feel is what actually allows for a recognition of the relationship we have with God as the objects of his attempt to love to love Himself. Through the experience of affliction, we are forced to acknowledge the infinite distance between God and ourselves.<sup>12</sup> But in acknowledging that distance for what it is, we realize that it is a distance of love, of relationship, and therefore not something that requires empathy.<sup>13 14</sup>

This sense of separation is compounded by the fact that the origin of affliction varies from individual to individual; what may afflict me may not afflict you.

Take a broken bone: you could experience that pain as purely physical, but for me it might be an experience altogether devastating, in which the broken bone is not itself the affliction but the origin of why I came to feel afflicted. As a matter of grammar, it seems that we should be able to compare our afflictions: if I feel afflicted, and you feel afflicted, then we are both feeling the same thing. But Weil would argue otherwise, that grammar is not a large enough category in which to compare the experience of affliction. Because even though our individual afflictions create in us the feeling of infinite distance, and therefore share a category of similarity though they can be brought into comparison, the fact remains for Weil that the distance we feel is infinite and thus by definition impossible to compare. But because that distance alerts us to the relationship we have with God, it and the affliction that arises from it is ultimately a supreme kind of intimacy, existing as it does between the infinite God and a finite human.

Removed from Weil's theological commitments, affliction presents a model of relationship that acknowledges distance and indeed is predicated on it, in which the origins and consequences of our pain (regardless of degree or category) cannot be drawn into comparison with each other. Just as Nelson refuses to value a hierarchy of grief that places pain into comparative matrices, Weil's insistence on the incommensurability of the origins of affliction asks us, I believe, to recognize that even experiences that share

the same category will nonetheless express themselves differently from individual to individual. Such a recognition of our limits suggests that in addition to the empathy we have for what we can recognize in others, we may also require empathy for what we cannot know, a respect for the limitations that our finitude imposes on our ability to understand experiences beyond our own. It is a model of empathy that neither apologizes for that finitude nor uses distance as an excuse to end our engagement with what we cannot fully know or even say.<sup>15</sup> In that sense, it is empathy as a high form of generosity, for as Weil once wrote, “[t]he capacity to give one’s attention to a sufferer is a very rare and difficult thing; it is almost a miracle; it *is* a miracle.”<sup>16</sup>

I began this paper with the hopes of starting a conversation about the paradox of our current model of empathy and ways in which we could ameliorate it. In the coming together of Nelson and Weil, I see the basis for a more spacious empathy, which is to say a more infinite one, that incorporates the small, cheering moments of common humanity but does not limit the basis of our relationships to them; that asks for recognition of distance as the prelude to radically mature intimacy, instead of the reason why we cannot sustain said relationships; and that above all does not insist on comparisons that conflate the myriad contingencies that make us the individual animals we are. In this empathy, the recognition of a distance (however infinite it may be or feel) between us, our

loved ones (or simply those we have yet to love), and our respective, specifically contoured pains does not have to be the end of engagement or an elaborate apologetics of what we cannot or do not yet know. This kind of empathy could be the means by which we commit ourselves to the practice of showing up in our relations, and honoring in equal stead both our finitude and those who are wondrously, gloriously, most perfectly and assuredly not us.

### Notes:

1. Maggie Nelson, *Bluets* (New York: Wave Books, 2009), 39.
2. “empathy, n.,” accessed May 10, 2016, <http://www.oed.com.revproxy.brown.edu/view/Entry/61284?redirectedFrom=empathy#eid>
3. Sympathy, on the other hand, refers to the supposed feeling of similarity that witnessing another’s experience or emotion can provoke in us; unlike empathy, it doesn’t rely on the projection of our prior experience onto another’s.
4. Professor Anna Bialek, “RELS0052 Lecture: Simone Weil,” April 25, 2016.
5. Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (London: Verso, 2004), 23.
6. Nelson, *Bluets*, 39.
7. What’s more, were I to express empathy on the grounds that because I’ve had an experience that fits under the category of your experience, I know exactly what you’re feeling, I would overcome the distance that separates you from me, not because I’d ended it but because I’d ignored it all together—hardly a sustainable solution to the inherent limits of our ability to imagine the experiences of others.
8. Simone Weil, “The Love of God and Affliction” in *The Simone Weil Reader* (New York: David McKay Company, 1977), 440.
9. *Ibid.* 439.
10. *Ibid.* 446.
11. *Ibid.* 444.
12. Because Weil assumes that her readers are as equally theologically committed as she is, I use her terms to work through her argument but do not take her assumption as anything but a

reflection of her thought; it is neither a belief I share nor one that want to impose on my readers.

13. Ibid. 441. I paraphrased Weil's claim here — "Compassion for the afflicted is an impossibility"—because I believe that its bluntness is misleading. I read Weil here as saying that the afflicted do deserve compassion, but only until they realize that affliction is actually the closest a human can get to experiencing what God does.

14. Discussing one possible response to the affliction of another, Weil writes: "To project one's being into an afflicted person is to assume for a moment his affliction"—essentially, what we once used as our definition of empathy, and the traces of which remain in how we apply it today. But we can't do that, argues Weil, because "[o]nly Christ has done that." Which means that when we give ourselves to others, or attempt to through empathy, it "is not really [our] own being" that we give, but rather "Christ himself," because such charity "is a sacrament" (460) in light of the mechanisms that govern the world that Weil believes to be both finite and fallible.

15. Maggie Nelson described a similar project in regard to her writing. In an interview with The Rumpus, she explained: "The first is to reiterate the importance of space, of silence, of void. Yes, of course. But insofar as worshipping at that altar might bring one toward the veneration of not speaking, not writing, I find myself wandering off."

16. Simone Weil, *Waiting for God* (New York: Harper Collins, 1951), 114.

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## Towards a Slave Future

Gerald Nelson

**Abstract:** Tragic history is never irrecoverable. The history of black slavery in the United States is considered with shame and regret, and it is reasoned that it should have never happened. This essay argues that this manner of characterization deeply limits transformative possibilities. I attempt to reexamine this characterization of slavery in America with a subversive, morbid gratitude and with a will towards a grotesque triumph. I will explore how an alternative to the prevailing interpretation of the history of slavery allows much more to be elaborated on the subject than the predominant contemporary approach.

## **I. Prologue. A Complete Circle of Autobiography**

Academic philosophy usually discards the autobiographical when discussing ideas. It is maybe a failure of character and a habit of slovenliness that prevent me from practicing this principle. I would have nothing to write if the autobiographical were not squarely at the center of my efforts. The empirical truths of my experience bear no obvious resemblance to the content of the ideas presented here. Perhaps, therein lies the activity of this work that may be deemed a form of philosophy—a clarification of reality that may avail alternative possibilities if we allow our representation of history to be restructured.

I have revisited the slavery of persons of African descent in the United States from a somewhat sparse historical perspective. My intent is not exhaustive accuracy, although there is a minimum standard, but rather to present a way of structuring of the facts, such that they are organized in interest of a principled demonstration. What I am attempting is not propaganda, I am not attempting to convince anyone of one particular perspective of history, or even further, to say that this history “means something” in a finished and settled sense. Nor am I saying that this given summary and interpretation of the past means that we must do one particular thing as the only natural consequence of this presentation.

What this essay attempts to do, is to make clear that what is assumed as the natural meaning and

appropriate attitude towards the history of slavery in America is only a limited alternative among many others. It is steeped in morals that believe that lamentation, regret, or anger is the only earnest way to honor tragedy. I resist this; and would even further argue, that the prevailing sense of solemnity towards the tragic past of slavery in America precludes a certain set of possibilities, which may be attractive to some if given a closer look.

Although at first glance, vulgar; I am trying to inject a kind of grotesque optimism into our historical outlook—even more so, a tortured and triumphant gratitude. I am attempting to recognize the pain our past as horrifically as possible so that the gauntlet is thrown. I maintain that in some sense, solemn reverence for the past is an admission of weakness. To look back on the struggle of our ancestors and conflate it to an impossible task, but no less accomplished, is to imply you could not have done it yourself. It is to say that the legends of the past and the people of today are not the same. Or, that the struggle is different now, easier. I could not disagree more. It is only easier now if you hide yourself from the full reality of the world. The struggles of the world as far as we have seen, are timeless.

However, the point here is to draw an illustration of the ugliest and vilest things of the past, but paint them only as shadows that accentuate our light—to turn



tragedy into something too glorious to ever be sad. The goal is not an erasure of pain, humiliation and torment. I intend to reanimate the horror, but this time with a different attentiveness. I wish to re-present our history as something more robust, something that holds a promise unexamined.

## II. Introduction

Slavery was and still continues to be a definitive episode in American history. It is mostly surmised as our nation's shame, as the past that we must overcome. We recollect it always in the mode of moving away, of denial. Only the monstrous and the stupid have the gall to valorize it—to clamor for its reinstatement. The intent here is not to suggest that we resurrect the practice of slavery. But, perhaps the aim is morbid enough to say that the only salvation that can be seen is in the practice of repetition.

History never leaves; it sticks to us with an adhesive of infinite elasticity no matter how fast or far we run. Slavery is here with us today: in police shootings, mass incarceration, and colorism. It is the belief expressed here that it will be with us tomorrow and long after. The future is bleak—it appears that slavery's legacy and its subsequent manifestations are chronic and will never be cured. However, should we not be sickened by and admonishing towards anyone who would even ask for a cure? Those who wish to escape the past are the

ones who have learned nothing, and worst of all, pray that they may be spared of ever learning.

The task here is to revisit the history of slavery with a new eye of attentiveness, to burst open its hidden resources that have been trapped in the typification of regret—to reclaim our most sorrowful memory with the intent of up-building and renewal.

Slavery has been a badly typified encounter. The abductor and the victim, the proprietor and the chattel, and most centrally the slave and the master, are the cemented bifurcated schemas that dominate our understanding of this history. The dichotomous poles have been cleaved along a line that aggressively divides qualities and perspectives. The fluidity of self-understanding that resonates waves of new possibilities has been congealed within the hard cramped roles of rigidly cast encounters. A thin, flat portrait of encounter has taken the place of an amorphous interpersonal encounter. This thinness of interpretation has reproduced and rendered itself replete throughout our stale, sorrowful understanding of slavery in America.

As Americans of African descent, we take it for granted that slavery damaged, or at least corrupted us. That we most certainly came out less than before, and if not, we certainly persevered and grew in spite of slavery. We honor our ancestors for having persevered, draw on their strength, and continued their resistance. In gratitude of their sacrifice, we are always struggling to make ourselves more, to prove that we are more, and

therein we lose sight of the obvious: the incorruptible powers within us, the grace that was never interrupted, the pain that could not poison us, and the bondage that only freed us.

I will explore the roles and interactions of the actors within the slave context (typified as the slave and the master) and reveal their relationship to be complex rather than one-sided in any direction or consolidated towards negative or positive interpretation. The roles of each actor have a cyclical mutually reinvesting and supplementing relationship. The essence of the slave can be found in the master, and vice versa.

I will then move on to examine the posed «pathologies» left behind in the wake of slavery and expose the promise therein. Slavery left a vulgarized and denigrated image of people of color. My point is not to cleanse and polish black people so they may become «respectable» and «clean» again, but to harvest the resources gained through struggle and pain. Jewels after all, do not fall from the sky, but rather all gems are first buried in the dirt. The vulgar, the obscene, the immoral, and the impotent were categories within the great «humanity» of people that were sequestered and truncated by a spoiled humanism that was more poisonous than the supposed perversion or frailty. That pain and ugliness that was invested in blacks was but the rejection of what whites did not understand in themselves. A heavy and painful gift was offered

through the violent self-purging of whiteness. This exposition is the claiming of that gift.

Finally, I will examine the recapitulation of slavery as a mode of freedom, not as flat despair, but as the form of despair where only true freedom lies.

### III. On the Future of Slavery

What does it mean to be a slave? Certainly, any analytical definition that we could give to the category of the enslaved would differ from the living experiences of such a given group of people. I will not herein delve into a genealogy on how such a category came to be conceived or an examination of autobiographical accounts in this regard. Therein, perhaps these efforts may be a bit impoverished, but that is not the aim of this text. In any analytical definition of the «slave», there is a consolidation around what is sufficient and necessary to such a definition. And even within autobiographical accounts there is at least some determination of what the experiences amounted to—a final saying of what the «reality» was. My concern for the position of the slave is to examine it as a context or an ontological field of potentials that is no less impoverished than any other ontological space given to humans. Of course, here it is relevant to consider what kind of realization of «potentials» is honestly possible for a person demoted to the status of property, even from birth, who may or may not have any coherent understanding of themselves as authentically being human at all. However, in the strict



sense, I am not wholly concerned with the concrete empirical existences of slaves as much as I am with the slave as a loose formative context and archetype for a future of behaviors and reflective self-consciousness affecting African-Americans and America itself today.

The historical insistence of slavery in the present is far from being antiquated. However, my insistence here is not a dismantling of that history. I do not wish to cleanse and baptize black people out of their slave history and all the damage and trauma it imposed on us. The destruction of the black family, the emasculation of black men, the denigration of black respectability, the vulgarization of the black female body, the sexual animalization of black men and women, etc. is a troubled and maddening legacy to inherit, to say the least. Conversely, for whites the quantification of human worth, the subjugation of labor, the impersonalization of labor, the problem of self-possession being predicated on authority, and self-worth being derived from material possession and deference gained from others, are developments within the legacy of slavery in the United States that has deeply psychologically disfigured white people as well. The history is surely problematic, pernicious, and painful, so the first instinct is to discard it, to disassociate from it, to declare that it is dead and do everything in your power to make it so.

The preoccupation with materialism that developed out of the European age of exploration disfigured the

sense of self-worth and prestige as being verifiable in the form of accumulated possessions. African chattel was an extension of this, but they were not a form of property that could be passively held. In order to truly own and possess other human lives, the owner had to develop a new spiritual power. The slave owner had to be able to exact his will over another human being, intimidate other people, and instill fear and respect. A source of his self-worth became the reflection of himself that he saw in the eyes of the dominated. Their subservient behavior, their shuddering posture and fearful gaze confirmed that they were thoroughly objects of his world. He owned them. They were not indifferent features of reality like a cliff that a person may one day climb and then the next day fall from to their death. They were objects within and of his volition. He could move them with an utterance and eradicate them capriciously if he so desired.

This idea of ownership, of possessing and commanding, dispersed the sense of self into objects and reflections. The self, found its verisimilitude from without in the form of items in the world branded with its name. Even when actions and accomplishments were the source of its self-esteem, their value was not intrinsic; these actions were impersonalized since their worth was only confirmed in terms of the world's response to such efforts. Thereby, the connection of the self to itself, by means of itself, was severed. The slave master and the descendants of his type became

completely external beings. The self only recognized itself in the form of its talents, powers, possessions, esteem, authority, and fame. The self, did not possess its powers; it became a function of it. The self was only recognizable in its powers, and not before it.

And therein, the slave master became a self of projections and reflections. His self-identification was with of his role not his self. His sense of himself was in others' eyes; he recognized himself in the imprint of his efforts, not their source. He became the substance of subsequent effects, detached from what was primary, original, and motivational.

However, although detached from a primordial, unmediated perception of self, the master became attached to a phantasmal, fantasy-driven perception of self. He was bathed in the ever redeeming life of his potential, intangible omnipotence of talents. He was not his body or the things he possessed, he was infinite, but those things were indeed reflections of the power he possessed. But, it was not that "he" possessed these powers, it was that "he" was "possession". The master was possession, control, capture, and dominance, and that was what was made him infinite and immortal, not his spirit. Indeed, he did not live in his body in any authentic sense; he possessed it.

The corporeal represents limits of finite power and determinative context. There is time closing in on all sides, restless uncertainty putting pressure on every second to mean something. Without the pressure of

mortality, finitude, and limitation, there is no spiritual will. There is no bearing for it emerge. It is the very circumstance of choice, as thinkers like Kierkegaard, Heidegger, or Sartre would insist, that what makes us what we are. Without choice, there is no self.

The sense of historicity given by heritage, is in fact a self-abstracting proposition. It leads the individual away into fantasies and bad logic about what was, and therein ought to be, and will be. The paradox is that slave who is without this heritage, believes herself not to know herself. There she is, viscerally rebounded at every limit of her imagination back to her presence in the present, because denigrating and discouraging contingencies of the now always drag her back to this moment, this second. All of her fantasies where she is anything more than ugly chattel are more fantastic and absurd than the musings of the average rube, because history has declared no precedent for her self-love. There is no antecedent fantasy, called heritage, to be an excuse for optimism. There are no excuses, every hope for the future must be earned and grasped from within.

What is longed for is a fixed origin to ground all future actions and determinations, however, what is sacrificed in this narrow yearning is the mutability of the immediate circumstance. With a preoccupation with the past, the presence assumes the fixed quality of the past longed for. Somehow, a fixed and cemented origin is believed to the basis of a free future. The

authority of what was, gives permission to all that wishes to be.

The irony is when an actual anchoring point of origin to define the angle of all future trajectories is absent, the future is viewed as determined. The contingencies of the present are given more reality, because it is thought that there are no internal resources to transform them. The unfortunate contingencies of the present are perceived to possess a kind of predatory verisimilitude—reality is a hostile truth. The slave is a kind of phantom that betrays the logic of empirical causality. She is a present without a past, who is further denied a future. This phantom, is a natural enemy to reality. The empirical world is phobic to her presence. Raw to the heavy touch of the world, she is sensitive to all insistences of the concrete. The light of the world is a disparaging set of rays that illuminates everything in a downcast. Every presence is a barrier because everything in the world is but one more piece in the assemblage of a reality that has written in its substratum the cause of her denigration and worthlessness.

History, is not just merely a matter of support for the slave, history is the basis of possessing a quality of “likeness” to the world. It is the idea that you belong in some sense because the order of the world entertained, validated, and rewarded your ancestors, that you are a leaf in fold of the world’s order, that you are an expression of it, and guaranteed a place in it. The arc of history, which is a component of reality, is not a broken

piece of the world’s mirror in which your reflection is effaced.

Heritage is a kind of humanism that draws upon the resources of the petrified inertia of past human excellence. At best, it is a pattern of forms that give disciplined direction to more original expression. Heritage was within the Anglo-Saxon myth promulgated by white men like Thomas Jefferson, who made heritage a kind of spiritual inspiration. Rather being something already present and inherited, heritage was something invented. Heritage didn’t guarantee greatness, it seduced people toward greatness.

For the master, a kind of imaginative self-delusion of the past, became a daily re-enacted fantasy. Something in himself, or perhaps even something about the world, resisted his assumption of authority. Somewhere, there was a sneaking suspicion of unworthiness, of not having the license, of not being owed power and privilege. He could not grapple with it—his imitations, the absence of reasons, the world out of his power. So then, amazingly, the world that resisted, denied him, was shed and abandoned, and somehow by an inverse principle, gained. He denied to himself that he was what he was in his own flesh; a man bastardized to some extent by the European heritage so dear to him, finite and limited in his power, and became the Anglo-Saxon man—a European par-excellence, man with infinite power over his captives, and an infinite future. His body was baggage to the spiritual power that he

found theoretically in infinite intellect and a perversion of Christianity, and practically through the oppression and exploitation of his captives. Like impurities distilled from an elixir, the master shed his body and the insistence of finitude.

From there, everything that was lost to the slave master through the spiritually impoverishing extension of his powers was reinvested into the slave. The slave master, a microcosm of the baseless infinite self of European rationalism that posited a corporeally abstracted observer, interpreter, and analyst, whose pronouncement was so potent and final that he was even the final appraiser of himself, bled and dispersed himself like an aerosol into his wild visions of power. The identity of the slave master expanded and thinned itself into a megalomania, while the slave was increasingly concentrated, congealed, and fixed to its immediacy, and therein ascribed an essence. The slave was therein forced to grapple with what “it was”, before any self-affirming exploit of self-appraising glance of deference.

What resource can be drawn upon when your own body becomes chattel; when you can lay no claim to the ground underneath your feet; when you are not your name; and, there is not anything anywhere that you can call your own? From this space of complete destitution and desolation, the very power of selfhood was drawn back on itself, and made to reflect on itself from within itself, and not in the form of its effects.

Deprivation was revitalization, and a new humanism and spirituality was realized.

In some respect I think this is the potency and pervasiveness of African American culture throughout the world. Black art and media usually, at least at first, is a possession of its condition. Black artists have mastered pain and redeemed it. Blacks, denied the ability and right to empirically invest in spaces, objects, and time were forced to exist somewhere beyond these entities. They were a people said to have no history, from the «dark continent», with no knowledge or civilization, whose geographies were maroon communities and paths for runaway slaves, whose own bodies could not be said to be their own, and who were lost to all the superficialities of identity and the illusory anchoring of historical time. The slave was made to reflect with no place to hide, no impersonal account of themselves to appropriate in the form of great men and women before them as role models, no civilization or nationhood to dissipate amongst themselves into a general and abstract form of self-worth, no geographical home or origin to stay sheltered in, no shore to tepidly stare at future from. The universe was not an indifferent nauseating blankness that stared back in silence, but an apoplectic omnipresent intent that icily declared to every modicum, pocket, and moment of your Being: «No»—You were not, you are not, you cannot, you will not.

There was no «yes» by example, nor by imitation, nor contrivance. There was nothing to take hold of except one's self; no position to stand on but the ground of your very presence; no example to follow but the very one you were authoring through your contemplation. In the aesthetic existence of outwardness, the self was only reached through substitution, reflection, and derivation. The individual saw itself in a conglomeration of examples from others and baseless hypothetical constructions. It searched for itself in the glances of others—whether the wincing of fear or the shining of praise—or searched for itself in objects of possessions and acts of accomplishment that were derivative of the self and its powers. But with the withering of all, one was forced to retreat back into that that had come before all. For lack of a better word, we may deem it spirit—the spirit that moves all. The spirit was inextinguishable, and the spirit that was pushed to the edge of existence not only persisted and recovered, but shined so bright that not a single eye could turn away.

Blackness through the impositions of white supremacy was declared deficient, vulgar, and ugly. However, this development is almost always considered as the denigration and victimization of blacks. The rarest perspective ever taken is to see the denigrating impositions of whiteness as an activity of self-alienation and psychic self-mutilation. To cast the «the black» as constituted by pure animalistic sex and vulgar passion, then sequester oneself in the deficient

capitalistic productive and morally sanctioned activity of wed-locked baby-making; to withdraw into the self-censorship of polite society and fraught appropriateness and decry the wild utterances of the negro spirituality, the profound patterns of Ebonics, and the frank transparency of black rhetoric; to lose connection to the visceral verisimilitude of one's body and then speak apoplectics towards African dance—these were nothing more outward excesses that reveal inner deficiencies.

All that was in the soul of whiteness that was not commensurate with the mission of glory, exultation, progress, and cleanliness was surrendered. Whiteness refused any longer to be human in the robust, troubled and complicated sense, but human as only in the manner that was responsive to its goals. So as much as the slave was denigrated as being sub-human, the project of white supremacy was surprisingly to make the slave human—the humanity that whiteness would rather forget. Therein, the potential for humanity for wretched peoples was always preserved. In fact, the goal was always to make blacks more human, more synonymous with the flesh, the fallen, the animalistic. Whiteness was to become one with God, to be a pure agent of reason abstracted from its body, to be Spirit in a completed and permanent sense.

#### IV. Conclusion

So therein, I see the slave as the only possible paradigm of a true realization of humanity, and beyond that, any possible approach to spirit. Humanity was truncated, despoiled, abstracted, and impersonalized through the project of constructing whiteness and a new sense of humanity, absorbed into the abstraction of their projections. They depleted any substantive value to their humanity.

Only by grappling with corporeal can the spiritual be reached. That challenge was failed and fled from in the construction of whiteness. Therein, the slave is the only answer to the suspension of authentic humanity from this construction of whiteness and projection of self-hatred onto blackness.

The goal is to recover the past where the answer of our future was already buried. We in the present already live the past. We remain too hasty to say that we are on our way towards dawn. All our evils and our mistakes are only opportunities. Tragedy and salvation are intertwined and inextinguishable, and neither is our enemy. The pain of reliving the torment of our history seems more of a task than any one of us could hope to surmount, but we are not here to perish. With an ounce more courage, a seed of faith, then all that was rendered asunder and flamed to ashes can be reclaimed and renewed better than before.

#### Self Care and the Subject in Foucault's History of Sexuality

Austin Barkhorn

**Abstract:** The category of sexuality is endemic to the modern society that Foucault wrote in and in reference to. In his *History of Sexuality*, Foucault seeks to destabilize his readers' relationship with sexuality and what stems from it. In his broader work, he implores us to attend to the imperative "take care of yourself," which he claims gives us a route to encounter, resist, and modify force relations. In this paper, I analyze the dual meanings of subject and subjectification in Foucault's *History of Sexuality*. I then show how resistance is formulated in the context of this subject and then analyze how his notion of the care of the self serves as a critique of his first description of subjectification.



In 1983, Michel Foucault gave a lecture series at Berkeley entitled *The Culture of the Self*. In it, he makes an analogy between Socrates and a fourth century Christian theologian, Gregory of Nyssa, explaining how both of them use the same Greek phrase, *epimeleia heautou*, to designate the imperative to “take care of oneself.”<sup>1</sup> Gregory of Nyssa uses the concept to advocate sexual abstinence as a means to immortality, while Socrates employs it as a supplication to his fellow Greeks to attend to what really matters in their lives. The result of the receipt of this imperative in both cases, Foucault concludes, is that we “light the lamp and search every corner of our souls.” For both philosophers, then, the imperative to know oneself was consequent upon the imperative to take care of oneself. In his *History of Sexuality*, Michel Foucault describes how sexuality was constructed around the imperative to know oneself. The Christian imperative to confess all sins and its concordant emphasis on lust spawned a pervasive technology for creating knowledge which took its form in sex discourse. The knowledge-power complex arising from this is our modern category of sexuality, which, contrary to Socrates and Gregory of Nyssa, puts the imperative to know oneself first.

This category of sexuality is endemic to the modern society that Foucault is writing in and in reference to. In an effort to achieve another perspective on the self and to exert some autonomy against the power-knowledge apparatus of sexuality, Foucault implores

us to attend to the imperative “take care of yourself,” and he points to historical models, like Socrates and Gregory of Nyssa, to contextualize our response to this imperative. By doing the work of caring for the self, we give ourselves a route to encounter, resist, and modify the force relations of sexuality. In this paper, I will analyze the dual meanings of subject and subjectification in Foucault’s *History of Sexuality*. I will then show how resistance is formulated in the context of this subject. I will then analyze how his notion of the care of the self serves as a critique of his first description of subjectification.

### 1. Subjectification

In Foucault’s chapter in *History of Sexuality* on the *scientia sexualis*, he describes the production of discourses surrounding sex as “an immense labor to which the West has submitted generations in order to produce ... men’s subjection: their constitution as subjects in both senses of the word”<sup>2</sup>. These two senses of subject are of a dominated subject and of a subject with an identity. The subject as an identity functions as an attachment point for the discourses surrounding the sexuality of the subject. These discourses multiply the relations of force the subject participates in, furthering their domination. These relations of force make the subject further an object for the production of these discourses, which in turn further enmesh the subject in the categories that constitute both types of subjecthood.

Indeed, these relations of force reciprocally define and direct the subject, such that Foucault claims:

One has to be completely taken in by this internal ruse of confession in order to attribute a fundamental role to censorship, to taboos regarding speaking and thinking; one has to have an inverted image of power in order to believe that all these voices which have spoken so long in our civilization—repeating the formidable injunction to tell what one is and what one does, what one recollects and what one has forgotten, what one is thinking and what one thinks he is not thinking—are speaking to us of freedom.<sup>3</sup>

The incitements to discourse and the discourses themselves are exactly the mechanisms by which the power of sexuality is actualized. The claim of these discourses is that they produce truth, and Foucault argues that, at the same time as they produce truth, they produce domination. So they give truthful content to answer the question “what is the subject?” and they produce tactics that at the same time dominate that subject. This is how sexuality is constituted as a knowledge-power complex. The direction to tell everything is itself an exercise of power, and the truth that the direction unearths is predicated upon the relationship of power that produces it. Thus the truth of sexuality and the subject that comes out of the practice of confession has relations of power baked in from the very start. Moreover, the truths of confession

are not confined to the confessional – they multiply as discourses and pervade the whole of society, making the words spoken in private into truths undergirding the social structure.

### 1.1 Identity

The first mode of subjectification, then, is what I am calling the “identity,” a set of labels that influence and code the actions of the person possessing the identity. The identity is the mode of the subject’s participation in society. It constitutes a relationship to a set of norms that guide the actions of the subject. By relating to the norms of society in a particular way, the subject carves a place and an identity for itself within the social body. For every norm of behavior there is a continuum, and each subject finds itself somewhere along this continuum in every category. Hence Foucault claims that:

One must not suppose that there exists a certain sphere of sexuality that would be the legitimate concern of a free and disinterested scientific inquiry were it not the object of mechanisms of prohibition brought to bear by the economic or ideological requirements of power. If sexuality was constituted as an area of investigation, this was only because relations of power had established it as a possible object; and conversely, if power was able to take it as a target, this was because techniques of knowledge and procedures of discourse were capable of investing it. Between techniques of knowledge and strategies



of power, there is no exteriority, even if they have specific roles and are linked together on the basis of their difference.<sup>4</sup>

Hence this identity that a subject finds itself with and identifies with is an artifact of the power-knowledge complex of sexuality. There is no free and unburdened sexual identity under this theory, and hence the identity is itself a handle for the discourses and relations of force that the knowledge-power complex embodies. This subjectivity is simultaneously extrinsically defined and internally unstable. Since the identity is based on norms and subject to dynamics beyond the control of the subject, there must always remain internal uncertainty about the identity. A subject can never be sure whether they are deficient to their identity, or whether a new identity has arisen that might supersede the current one. The uncertain relationship of a subject to their subjectivity demands attention to the norm around which the identity is based and participation in its creation and continual evolution for its maintenance.

## 1.2 Domination / Subjugation

The other significance of the subjectification described above is subjugation: the subjugation of the subject in the context of an apparatus of power. The subject, at the same time as it gets an identity, has its behaviors channeled, directed, and incited by the relations it engages in. Indeed, the subject

becomes dominated by the very forces that create their identity. The subjecthood of identity does not come with autonomy, but rather seems to wrestle with autonomy because it seems imposed from without. But this is not quite correct, because the domination and the identity of a subject come both from within and from without, and in Foucault's theory the difference between those two sources is not really intelligible, because force is always relational. Hence there is no power of domination without a subject, and there is no subject without a power. Indeed, Foucault claims in the method chapter:

Power comes from below; that is, there is no binary and all-encompassing opposition between rulers and ruled at the root of power relations, and serving as a general matrix—no such duality extending from the top down and reacting on more and more limited groups to the very depths of the social body. One must suppose rather that the manifold relationships of force that take shape and come into play in the machinery of production, in families, limited groups, and institutions, are the basis for wide-ranging effects of cleavage that run through the social body as a whole.... Major dominations are the hegemonic effects that are sustained by all these confrontations.<sup>5</sup>

Domination such as Foucault describes is maintained and reinforced at every level of the social body. It is part of the social ecosystem. The two dynamics of subjectification are not separable in their

implementation, in fact they are mutually reinforcing and co-dependent. In this way, identity is constituted as an arm of hegemonic domination, and hegemonic domination is constituted as an arm of identity; the two cannot be separated when they are conditioned by an apparatus such as sexuality.

## 2. Resistance

One of the main tasks of Michel Foucault's *History of Sexuality* was debunking what he termed the "repressive hypothesis." This theory claimed that cultural and governmental forces had conspired over the past centuries to stifle true discourses on sex and mold the sexuality of the populace to their ends of reproduction and labor force participation. The counter attack that the repressive hypothesis proposed was the liberation of the sexuality from the oppressive repression of these Victorian mores and capitalist governments. This counter attack would be achieved by inciting and perpetuating true and unrepressed discourses on sexuality that would constitute sexuality on its own terms and form a united front against the agents of repression. Foucault rejects this analysis on the grounds of his theory of sexuality as an apparatus that subjectifies the individual. As we saw earlier from page 98 of the *History*, this theory concludes that there is no neutral substrate of sexuality underneath the discourses that constitute it. The theory of resistance, then, needs a complete reworking.

In his *History of Sexuality* Foucault begins to articulate such a theory of resistance. In the method chapter, Foucault describes resistances as "the odd term in relations of power; they are inscribed in the latter as an irreducible opposite. Hence they too are distributed in irregular fashion: the points, knots, or focuses of resistances are spread over time and space at varying densities."<sup>6</sup> Resistances are not strategically unified, but instead they form with and as integral parts of power relations. These resistances are the bloom of the human encounter with power relations. Such encounters create knots and swirls and eddies where force doesn't flow freely but is obscured and diverted and frictive. As such, resistances, as relations of force, are based in the most local, most personal exchanges and dynamics. Indeed, Foucault goes further to claim that:

Are there no great radical ruptures, massive binary divisions, then? Occasionally, yes. But more often one is dealing with mobile and transitory points of resistance, producing cleavages in a society that shifts about, fracturing unities and effecting regroupings, furrowing across individuals themselves, cutting them up and remolding them, marking off irreducible regions in them, in their bodies and minds.<sup>7</sup>

Individuals are here the loci of resistances in power relations. In the context of sexuality, they are at once subjectified by and resistant to these power relations.

Their identity is created by these strategies of power while they also resist these same strategies. Thus an individual is cut up and remolded in a way that subverts their identity. This subversion of identity is itself a form of resistance. In the beginning of the method chapter, Foucault claims that “power must be understood in the first instance as the multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organization.”<sup>8</sup> This power is everywhere, and resistance takes place when the structures put in place by power are subverted, challenged, changed, or denied. By its nature, resistance can happen anywhere and in any context, because resistances and power are immanent to each other, constantly entwined in every instance.

### 3. Care of the Self

One way to stake a position contrary to and undermine the power of *scientia sexualis* is to interpret and employ its known counterpart, *ars erotica*. Through constituting for oneself a different mode of sexuality, focused on bodies and pleasures, one destabilizes the categories and relations of force that the *scientia sexualis* establishes and maintains. *Epimeleia heautou*, “take care of yourself,” is similarly directed. Taking an interest in the self is not a process of careful observation such as is enjoined in the *scientia sexualis*. It is a constant practice, like the *ars erotica*,

a way of being, or a precise attention to and awareness of how we are constantly producing our being and an effort to exert conscious control over that. In this way, take care of yourself implores an ethics of the self, or an ethical practice. Ethics are not a set of goals so much as a set of practices, a part of “practical wisdom.” Just as sexuality creates a field of force relations that affect actions and behaviors constantly, this inner directed practice of taking care of yourself modifies or affects force relations constantly. Hence the care of the self constitutes a resistance to the apparatus of sexuality and a critique of the subjectification it engenders.

### 3.1 Sexuality and Solitude

In *Sexuality and Solitude*, Foucault distinguishes four types of techniques: techniques of production, techniques of communication, techniques of domination, and techniques of the self. Whereas techniques of domination involve the social body disciplining and giving form to the individual, techniques of the self are “techniques that permit individuals to effect, by their own means, a certain number of operations on their own bodies, their own souls, their own thoughts, their own conduct, and this in a manner so as to transform themselves, modify themselves, and to attain a certain state of perfection, happiness, purity, supernatural power.”<sup>9</sup> In this way, the results of techniques of the self and techniques of domination are similar: they

form the body and mind of an individual. The crucial difference between the two is the source of the shape of the subject that results. In domination, the shape is imposed from without, in accordance with strategies and through the machinations of an apparatus that have implications far beyond the particular subject in question. Techniques of the self are imposed from within; their source and their authority is internal to the subject, and hence they are more malleable from the point of view of that subject.

Of course, techniques of the self and techniques of domination can also be intertwined. In *Sexuality and Solitude*, Foucault describes how in the history of Christian societies (i.e. western societies), confession, a technique that both produces knowledge and modifies the self, was incorporated into a system of domination. The church enjoined confession by its adherents, and its domination was founded in part in the way its principles of truth guided and judged this confession. The injunction to confess produced discourses about the subject, and the principles of truth judged and molded these discourses. In particular, discourses about sexuality were of paradigm importance. Sexuality came to symbolize the false, deceitful, untrue ideas and thoughts that Christian confession would root out. Thus arose a particular technique of the self. Not only did the Christians impose a sphere of domination on their followers, they demanded that they be their own

harshest critics, they bear witness against themselves and be the first watch against their own uprising. This imposition or inculcation of this technique of the self that was also a technique of production facilitated domination from above and created domination from within. The molding of a human being proceeded from every level of its existence and through all possible techniques.

Indeed, confession, this Christian technique of the self, concerned itself also with producing a certain way of being, one of purity. “The criterion of purity ... consists in discovering the truth in myself and defeating the illusions in myself, in cutting out the images and thoughts my mind continuously produces.”<sup>10</sup> The relationship of purity is a kind of a relationship to oneself. Purity is not a state, as we see above; rather it is a constant practice, a vigilance against error, an undying fealty to the truth of the Christian dogma, which demands excision of sexual thoughts. Through this commitment to the ethical practice of purity, the practitioner’s relationship to theirself becomes subsumed within the apparatus of Christianity. So their subjection through a relationship with themselves and a relationship with outside forces is unified under the apparatus of Christianity and its dogma. This unification of techniques of subjectification under one apparatus consolidates the strength of the apparatus and solidifies its dominance.

### 3.2 Care of the Self as Resistance

Once we have a way of understanding power where the unit of power is force, then we understand that we can participate in the realm of power by participating in the realm of force relations. Participation on this level, the most local and the most personal level, is colored at all times by the way of being of the subject involved. Force relations are just that – relations. Invisible currents that pervade our space and interact with us at all times. Because they are pervasive and immanent to our lives at every moment, our every action, every detail in the shape of our lives, affects them. So to have an intentional effect on force relations at this level, we must make ourselves on this level; we must give shape to ourselves on this level; and to do this is to pursue techniques of the self. Taking an interest in the direction of the techniques of the self and to take ownership for them is called taking care of yourself.

Sexuality is an apparatus of power and knowledge. It is composed of techniques of knowledge and tactics of power, and it encompasses many strategic aims. These can make sexuality appear institutional in its scope and scale; so monolithic and powerful that it is incomprehensible to the mind and invulnerable to the spirit. But Foucault asserts, in the rule of double conditioning, that

[n]o “local center,” no “pattern of transformation” could function if, through a series of sequences, it did not eventually

enter into an over-all strategy. And inversely, no strategy could achieve comprehensive effects if [it] did not gain support from precise and tenuous relations serving, not as its point of applications or final outcome, but as its prop and anchor point. There is no discontinuity between them, as if one were dealing with two different levels (one microscopic and the other macroscopic); but neither is there homogeneity (as if the one were only the enlarged projection or the miniaturization of the other); rather, one must conceive of the double conditioning of a strategy by the specificity of possible tactics, and of tactics by the strategic envelope that makes them work.<sup>11</sup>

Hence strategies of power always retain human beings as a key element; our human capacity to exercise force is a limiting factor on how force expresses itself. The strategies that Foucault talks about are on such a large scale and are simultaneously so tightly coordinated because they exist from the ground up, and every detail is attended to explicitly and extensively by an agent pursuing tactics of power. At every level of abstraction the strategy is pursued as intensely as possible because the strategy simultaneously is composed of and makes efficacious tactics that are actually employed and pursued. These tactics exist at a human level. Deconstructed in this way, strategies of power lose none of their force and potency, but they reveal a facet of their intelligibility, as tactics of power, which we as humans can understand and interact with.

This is in fact exactly what Foucault claims power to be: “the multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organization.”<sup>12</sup> These force relations are intelligible to individuals. Consider, then the idea of resisting force relations. Since relations of force are constantly active, their resistance must be constantly active. Indeed, the force relations are immanent in their operation, they are always already present. They constitute a kind of current of society. So resistances must happen on the level of this current, of this always already present; they must take the form of dynamics. Moreover, they must be an intentional participation in dynamics on the level of the current of force relations. So the resistance to force relations takes the form of an activity that is itself immanent to participation in society. This is how Foucault sees the injunction *epimeleia heautou*, “take care of yourself” as a critique of sexuality. Taking an interest in one’s way of being means one directs it and affects it. Modifying this “way of being” exerts autonomy over one’s immanent and implicit participation in the field of force relations.

The care of the self is an explicit intention to modify the self, reflexively defined, through techniques of the self. This practice is different from and a renunciation of the subjectivity discussed earlier in this paper. Where the earlier subjectivity was composed of an identity and of domination, always intertwined, this idea of the self is a constant practice of altering the self, of

making the self. This practice necessarily conflicts with these two senses of subjectification, destabilizing their immanence in the lives of individuals and providing a feeling of distance from them that makes the possibility of remaking this subjection more real.

**Notes:**

1. Michel Foucault, "Culture of the Self", 13 Jul. 2010 (Youtube, Apolloxias's channel) 7:00.
2. Michel Foucault, *History of Sexuality Volume 1: An Introduction*, tr. Robert Hurley (Vintage Books, New York, 1990) 60.
3. Ibid. 60.
4. Ibid. 98.
5. Ibid. 94.
6. Ibid. 96.
7. Ibid. 96.
8. Ibid. 92.
9. Michel Foucault, *Sexuality and Solitude*, ed. Paul Rabinow, trans. Robert Hurley and others (The New Press, New York, 1997) 177.
10. Ibid. 183.
11. Foucault, *History of Sexuality* 99-100.
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## The Mathematician Qua Mathematician Makes Value Judgments

Cameron Hubbard

**Abstract:** In this article, I aim to show that there is a type of argument for the necessity of value judgments in mathematics exactly analogous to a type of argument for value judgments in science based off of risk assessment. I develop the argument out of the conception of mathematics posited by Imre Lakatos, and I show the analogy between the two arguments by explicitly highlighting the most important structural features of both. Then, in a final section, I show some of the implications that my argument for value judgments in mathematics may have in philosophy of mathematics and in philosophy of science.



## I. Introduction

In contemporary work on philosophy of science, there has been much discussion about the roles of value judgments in the scientific method and in the project of science in general. Many such debates have centered on the ontological status of scientific objects and on the epistemic nature of scientific justification. Such debates are often complex, tedious, and highly contentious. However, some philosophers have advocated an additional, simpler route by which social values might enter into the scientific method. In the literature, this avenue has been termed *risk assessment*, and argues that at almost every step in the scientific process, scientists must engage in risk assessments, i.e. judgments about the likelihood of a given choice producing an incorrect answer, that are arbitrated by values and thus are themselves value judgments. In this paper, I will argue that there is an argument for the importance of value judgments in pure mathematics analogous in many ways to the arguments for value judgments in science made by way of risk assessment. I will do this first by giving a brief characterization of the main structural features of risk assessment arguments, although I will not attempt to give in-depth paraphrases of the arguments themselves. For the purpose of this paper, I will take it for granted that they obtain. Then I will set out my argument, drawing heavily from the work of Imre Lakatos. Last, I will discuss some of the implications

that follow from my conclusions, namely that taking my argument seriously requires us to move away both from a strict Platonic conception of mathematical truth and the view that mathematical theories offer a special tool for determining the nature of reality that is able to function in the absence of empirical evidence.

## II. The Risk Assessment Argument

Risk assessment arguments have a long philosophical history. To my knowledge, the first risk assessment argument was proposed by Richard Rudner in the 1950s. In *The Scientist Qua Scientist Makes Value Judgments*, he argued that the scientist in her role as a scientist makes value judgments because it is the task of the scientist to confirm or reject hypotheses. Rudner claimed that since the basis of scientific argument is induction from a pool of data, no hypothesis would ever be fully confirmed.<sup>1</sup> Instead, induction provides only supporting evidence. As such, the scientist must decide what level of supporting evidence is sufficient for confirmation in a given case. Rudner then claims that setting this level involves a straightforward ethical judgment of the importance of the hypothesis to be confirmed or denied. Thus, the level will be different in different cases. In particular, many authors have thought that it will be at its highest in cases where a mistake may have significant human costs. Rudner's argument elicited criticism from Richard Jeffrey, who claims that on Rudner's conception of science,



the scientist *qua* scientist does not need to make value judgments. Instead, he may content himself with simply assigning probabilities of correctness to scientific hypotheses. It is only in the scientist's role as a citizen of a larger society and as a human being in general that he actually makes the ethical judgments necessary to assign truth-values to hypotheses.

This line of reasoning seems correct to me for as far as it goes, but it does not go very far. Those who have taken up the argument against this counter-attack have pointed out that varieties of risk assessment occur not just in the final step of confirmation, but throughout the entire process of the scientific method. These philosophers argue that scientists are called upon to make use of value judgments about risk assessment when determining scientific methodology, for example when picking statistical methods. One subclass of this argument claims that any experimental analysis will contain the risk of coming up both with false positives and false negatives, and that there is a direct trade-off between these risks, such that no method will allow the scientist to minimize both. It is this expanded risk assessment argument that I accept, and for the purposes of this paper, I will assume that it obtains. So that later we will be able to clearly see the structural resemblance between this arguments and my argument about mathematics, it will be useful to outline the general structural features of arguments for value judgments

in science based off of risk assessments. We can do so in the following manner:

- S1. There is no objectively determined a priori correct methodology for a given scientific project.
- S2. The scientist *qua* scientist must determine the methodology to be used in a scientific project.
- S3. The determination of scientific methodology ineliminably requires certain kinds of value judgments.
- S4. The types of value judgments required are straightforward ethical judgments of importance.

Based on this characterization of the standard risk assessment arguments, I will now argue that there are arguments with an analogous structure in mathematics that lead to an analogous conclusion.

### III. Imre Lakatos' Conception of Mathematics

In his seminal *Proofs and Refutations*, the philosopher of science Imre Lakatos outlines his vision of how mathematics proceeds as a discipline. His picture of the subject rejects the axiomatic, logically certain approaches of both logicians like Hilbert and logical empiricists like Carnap for whom mathematics establishes theorems about the relationships of pre-existing concepts. In addition, Lakatos rejects the related idea that mathematical proof establishes the absolute, unqualified certainty of the proven conjecture. Instead, Lakatos argues that we do not

really understand the realm of mathematical inquiry until we begin to inquire into a given concept. In fact, Lakatos suggests that in many cases we may never have a fully explicit and well-understood formulation of a given concept. This is because, according to Lakatos, mathematical concepts, be they polyhedra or sets or tensors, take shape only when we begin to study them. For him, this study consists of the method of proofs and refutations, by which we formulate naïve but educated conjectures about relationships between imprecise mathematical concepts. The conjectures become less naïve as we find counterexamples to them. The finding of exceptions to a conjecture requires us to modify either our conjecture or the domain over which we quantify it. According to Lakatos, if we do the former, we can be seen as reducing the content of the conjecture, i.e. we make it applicable only in certain special cases, for example we may change a theorem about all polygons to a theorem only about squares. If we choose to take the latter path, we do not reduce the content of the theorem but the scope of inquiry.<sup>2</sup> We might, for example, decide that for some methodically specifiable reason the counterexample we have come upon ought not to count as part of the domain of the theorem, for instance if we have a theorem about polyhedra and decide that for our purposes a cylinder is not a polyhedron. Lakatos argues that we will not want to reduce either the scope of the theorem or the

content of the theorem unduly, and so will strive for a balance between these two sorts of activities.

Based on his overall conception of mathematics, Lakatos formulates a set of heuristic rules for going about mathematical investigation.<sup>3</sup> It is worth noting that these rules are both descriptive and prescriptive. That is, Lakatos thinks that they describe, and in fact are derived from, the actual practice of mathematics as it is performed by mathematicians, and indeed, as it must be practiced if mathematics is to remain recognizable. Additionally, Lakatos thinks these rules provide a prescriptive heuristic for productively engaging in the principle activities of mathematical investigation and that one ought to attempt to follow them in such an activity, just as his imaginary class does in *Proofs*. Since I am lifting these rules directly from the text, it will be helpful now to clarify a bit of terminology. Where Lakatos speaks of “global counterexamples”, he means counterexamples that refute the entire conjecture under investigation, not one particular lemma. Likewise, where he says “local counterexamples”, he means counterexamples that falsify one lemma, but not necessarily the entire conjecture, since they might easily be replaced. Lakatos believes that it is possible for a given counterexample to be both local and global. By “proof-analysis” he means the explicit list of lemmas that serve as the proof of a given conjecture. These lemmas themselves might undergo proof analysis, and depending on how precise

we would like to be, so on *ad infinitum*. Where he says “monster”, he means a counterexample that seems to be a perverse interpretation of a given concept, to take an example, Russell’s set,<sup>4</sup> the set of all sets that do not contain themselves, might be seen as a monstrous interpretation of the concept of sets. By “deductive guessing”, Lakatos means an educated guess founded on deductive reasoning which is itself based on the understanding of the concept under investigation gained through rules 1-4. Having clarified this, I can now state the rules as formulated by Lakatos:

Rule 1. If you have a conjecture, set out to prove it and to refute it. Inspect the proof carefully to prepare a list of non-trivial lemmas (proof-analysis); find counterexamples both to the conjecture (global counterexamples) and to the suspect lemmas (local counterexamples).

Rule 2. If you have a global counterexample discard your conjecture, add to your proof-analysis a suitable lemma that will be refuted by the counterexample, and replace the discarded conjecture by an improved one that incorporates that lemma as a condition. Do not allow a refutation to be dismissed as a monster. Try to make all “hidden lemmas” explicit.

Rule 3. If you have a local counterexample, check to see whether it is not also a global counterexample. If it is, you can easily apply Rule 2.

Rule 4. If you have a counterexample, which is local but not global, try to improve your proof-analysis by replacing the refuted lemma by an unfalsified one.

Rule 5. If you have counterexamples of any type, try to find, by deductive guessing, a deeper theorem to which they are counterexamples no longer.

It is also worth noting that Rule 5 represents an alternative to the continuous investigation and growth of a given mathematical concept that occurs from following Rules 1-4 insofar as it scraps the original conjecture and tries to come up with something deeper, which in the context seems to mean something more elegant or with greater explanatory power. However, insofar as some of the concept formation that takes place from following Rules 1-4 before proceeding to Rule 5 need not necessarily be undone, a conjecture arrived at through Rule 5 may still owe some intellectual debt to those concepts.

#### **IV. Lakatos’ Picture as an Argument for the Important of Value Judgments**

In *Proofs and Refutations*, Lakatos’ aim seems to be to come up with a descriptive picture of mathematics that is consistent with its actual practice. Thus, by looking at how mathematicians actually go about their thinking in non-idealized cases, Lakatos arrives at the conclusion that math is done rather differently than philosophers normally suppose. He undertakes this investigation primarily to dispel the misconceptions about mathematics that have arisen in the last few centuries, and to show the relationship between the

mathematical process of discovery and the scientific process of discovery. To my knowledge, Lakatos nowhere discussed the fact that his book could provide the basis for an argument for the importance of value judgments in mathematics, although at several places in his book he brushes, perhaps unwittingly, against this possibility. It is difficult to believe that he missed this possibility since both the tone and content of the book lend themselves so clearly to it. It may have been that he did not consider such an argument worth stating explicitly, or that it only seems obvious now in light of subsequent developments in science studies. Whatever may be the case, it seems to me that, despite its simplicity, the argument is well worth making explicit.

I will begin by outlining the structure of the argument by stating its main contentions in exactly the manner that I outlined those of the risk argument, with the implication that the corresponding propositions are directly analogous.

M1. There is no *a priori* correct methodology for a given project in pure mathematic.

M2. The Mathematician *qua* mathematician must determine the methodology for any given project.

M3. The determination of scientific methodology ineliminably requires certain kinds of value judgments.

M4. The sorts of value judgments required are straightforward judgments of importance.

These propositions provide a roadmap for the argument itself, and serve to keep the analogy between my argument and the risk assessment based argument at the front of the mind. It seems to me that the analogy itself is obvious, so I will now spend no time attempting to make it more explicit. Instead, I will turn to justifying the above propositions, beginning with (M1).

The key implication of the Lakatos-derived picture of mathematics is that this understand of mathematics undermines the old idea, going back to Euclid and Plato, that mathematics might be axiomatic, i.e. that we could drive the major theorems of all areas of mathematics from a set of propositions which were obviously true according to strict logical principles. This picture of mathematics has been highly alluring, not simply because it offered the potential for a rigorously stateable foundation for mathematics or because it suggested the potential to automate mathematical theorem-making, but also because it is a picture on which all mathematical ideas appear already well-formed, just waiting to be discovered. By accepting this assumption that we have precise ideas and concepts in mathematics and precise logical ways of relating them, one places oneself in a position from which it is not at all a far jump to grandiose conclusions about the objectivity of mathematical truth, for example the claims that mathematical truths are eternal and immutable or that mathematical truths represent deep truths about the world.

The Lakatos picture undermines this older picture of mathematics for several reasons. Perhaps the most important is that it shows that mathematics gives us no predetermined starting place. To borrow the discipline's common language, Lakatos points out to us that when developing a mathematical theory, it is rarely clear where to start. What is even less clear is whether the point we choose to start at was the only point or the best point. In fact, Lakatos demonstrates that we might productively begin in many different places, that where we begin will effect the course of our investigation and the theorems we come up with, and that there is no objectively mathematical way to say that some starting places are better than others regardless of your perspective on them. Indeed, Lakatos shows that we usually do not even have clear concepts with which to formulate axioms at the very beginning of our investigations. In those cases where it most naturally seems like we do, (in his case with the concept of polyhedron), we actually are dealing only in vague abstractions based off either common-sense concepts or concepts derived from previous investigations. This vagueness, of course, is not an accidental feature of any particular concept, but rather a necessary feature of our language. We deal most of the time, as Wittgenstein said, in family resemblances. In day-to-day use, I share Wittgenstein's view that this is as it should be—actually as it must be—but this fact poses a problem in mathematics. This is because

mathematics as a discipline demands methodological precision and rigor. I contend that we are willing to regard a concept as mathematically relevant only if it has a stateable definition. Perhaps some would disagree with this claim, but even a cursory look at the actual practice of mathematics vindicates it. Mathematicians always operate with definitions, even if those definitions are sometimes vague and not fully explicit. Mathematics without definitions is not mathematics. Thus, the content of my claim is not that mathematical concepts are uniquely precise, but that the practice of pure mathematics uniquely requires precision, and so mathematicians do their best to sand off the rough edges of concepts and to state as much of their essence as they can. It is important to note, however, as Wittgenstein does in the *Philosophical Investigations*, that our normal concepts do not entirely satisfy this demand for precision. In fact, outside of mathematics, Wittgenstein argues that this is one of a number of fundamental errors that are central to philosophy as an undertaking. For almost any given concept, there are boundary cases. However, since it is necessary to have precise definitions in doing mathematics, the mathematician is forced to decide on these boundary cases in formulating his definitions. In turn, that formulation will affect the sort of theorems that are true. To illustrate this with a mathematical example, ask yourself whether a cylinder ought to count as a polyhedron. The answer is unclear, and one could

reasonably argue it either way. What would arbitrate this example is context. We can place the cylinder accurately only when asked the following question: “Is a cylinder a polyhedron for the purposes of X?” where X is some task whose goal we are familiar with. If we consider, Lakatos’ example of the Descartes-Euler theorem for polyhedra, namely that for all polyhedra the number of vertices plus the number of faces minus the number of edges is always equal to two, i.e.  $V+F-E=2$ , and let X stand for “proving the Descartes-Euler theorem”, we can begin see how this works out in practice. If the definition of polyhedra includes a cylinder, then the theorem is not a theorem at all because it is false. If we want to rescue the theorem, and we do because of how we have defined X, we have to formulate a definition of polyhedra that does not include cylinders, or indeed any of the other fatal counter examples that we might be able to come up with.

This insight raises a few questions. One of which is whether we will ever reach a stable definition of a given mathematical concept, in this case whether we will ever reach a stable definition of the concept of polyhedra. One of Lakatos’ central discoveries is that for any conjecture there will always be an infinite number of counterexamples, and thus we can continue the process of refining our definitions indefinitely. In the end, it is only through the process of mathematical investigation that we come to have any real idea of what our concepts are and which boundary cases they

include and which they do not. That is not to say, however, that the concepts contained the decision procedure for arbitrating the boundary cases all along. They did not. Rather, we extend or contract our concepts in accordance with the counterexamples that we find. Some might claim that we are really dealing the creation of new concepts, but I am not convinced that this is the case. At any rate, I see no reason to be fussy about it. What this all amounts to is the conclusion that there is no *a priori* correct starting place to begin any particular mathematical investigation. We can also see that there is no *a priori* correct way to proceed in any mathematical investigation because, as I have just observed, there will always be a certain arbitrariness to the definitions that we choose to set. At the very least, there will always be a live possibility that we could have defined our concepts otherwise, even if only slightly. Taken together, both of these conclusions seem to me fit to justify (1), the statement that there is no *a priori* correct methodology in mathematics because any methodology with pretensions to objectivity would have to be able to specify a starting point and a manner of proceeding from there.

Statement (2) is more readily evident. Having accepted (1), all we need for (2) is to come to the conclusion that mathematicians cannot escape choosing a methodology. Recall that in the early risk assessment arguments, Jeffrey was able to respond that we do not have to give scientists the task of accepting



or denying hypotheses. Instead, we can simply give them the power to assign probabilities of being correct to the hypotheses. Now, we ought to ask if there is a plausible way that we can construe the role of the mathematician *qua* mathematician such that he or she does not have to adopt a methodology that is arbitrary in the mathematical sense, i.e. is not grounded in true reasoning about best practices. I think it is pretty clear that the mathematician cannot without giving up the idea that it is the job of the mathematician to prove theorems. This is because we need a methodology to get from any starting point to any theorem. We may even need a methodology to pick a starting point. We have just shown that this methodology will not be justified in the way often supposed. Well, what about that conclusion that mathematicians does not prove theorems? This seems analogous to Jeffrey's conclusion. Yet, there is an asymmetry between mathematics and science. There is nothing else for mathematical work to consist in. It is the nature of mathematical propositions that they require binary truth-values. There simply is nothing for the probability of the truth of a theorem to consist in, and this is because mathematics is not quantified over the domain of physical phenomena in the way that science is. Certainly this is true for at least some propositions. Considering the statement that *there is 50% chance that all squares have four sides* highlights what taking this seriously would mean. Even if one disagrees about the possibility of probabilistic

truth-values in mathematics, one would have to provide a theory of how mathematicians could come to have access to these probabilities. But, since we cannot survey any broad swath of the mathematical domain, this seems impossible. Thus, as this conception of mathematics is highly dubious and as mathematics seems to be getting along fine as is, I think that we are justified in concluding that it is the business of mathematicians as mathematicians to prove theorems.

Statement (3) follows easily from the first two. We see that mathematicians must pick a methodology and that this methodology is not objectively grounded in the fullest sense. Thus, we ask what reason they have for picking their methodology. Of course, they could pick one arbitrarily, by selecting two methodologies and flipping a coin or something along those lines. Yet, given the standard folk view of human psychology, the decision itself to pick randomly has its basis in a preference, i.e. in a value judgment of some sort—likely in a preference for objectivity that leads one to try and reintroduce it into the situation. What is more, it is not clear that methodologies can be designed without value judgments without mathematics thereby devolving into unproductive anarchy. Thus, based on these considerations, I think it reasonable to conclude that randomness will neither remove value judgments in mathematics nor lead to fruitful results. So what about methodologies picked non-randomly? Well, as

Lakatos shows, in mathematical practice we start with the goal of exploring a concept by attempting to prove or disprove something about it. We form the concept by accepting or rejecting counterexamples along the lines that I described in the previous section. I now contend that this is the pivotal point at which value judgments enter mathematics, for the mathematician will determine which counterexamples to accept or reject based on two things. The first is how strongly she wants the conjecture to become a theorem and the second is what she desires the range of the theorems content to be. Both of these are subjective and rely on value judgments. Thus we arrive at (3). What is more, it is easy to see that these judgments rely on considerations of importance, i.e. how important it is for the larger body of theory that a theorem be true, or how gratifying it would be given our epistemic preferences that a theorem come out true in the case of the former, and how important it is that the theorem have a broad range in the case of the latter. This is exactly what (4) claimed. Thus, we now see that Lakatos' argument provides a simple analogue to the risk assessment arguments that provides us with an analogous mathematical conclusion.

## **V. Applications of the Conclusion to Philosophy of Mathematics and Science**

In this final section of the paper, I would like to show that the above argument has implications outside of

the field of pure mathematics. Actually, this is where the implications are likely to be most important. Historically, Mathematicians have not been keen to change their behavior based on the work of philosophers, and at any rate, Lakatos only purports to describe how mathematics already works. There would likely be very little to change in its actual practice. Indeed, any change would amount to an increase in a certain kind of efficiency, rather than any sort of paradigmatic shift. Now, I will look at two examples of applications outside mathematics: one in the philosophy of science, and one in the philosophy of mathematics.

By applying Lakatos' conclusion to the philosophy of mathematics, we can see how it makes a certain theory of mathematical truth hard to accept. This theory is Platonism, which can be characterized by the belief that mathematical truths correspond to abstract truths and that mathematical objects are abstract objects. Thus, mathematical truth is analogous to ordinary theories of correspondence truth. Something is true mathematically just in case the relevant mathematical objects really do relate in the way described by the mathematical proposition. How is it that Lakatos calls this into question? Well, to begin with it is rather difficult to think that there are precise abstract objects that correspond to mathematical concepts when we have just seen that those concepts are shaped by human inquiry. A commitment to both these claims would entail a commitment to the idea that humans shape the



abstract realm of objects through their mental actions. This is not something that could not be held, but it goes against the spirit of Platonism. The Platonist wants mathematics to be purely objective and to have clear truth standards so that we might have clear epistemic standards for evaluating mathematical propositions. If value judgments are crucial for determining which theorems are true, truth cannot possibly be objective in the normal sense. Furthermore, it is not really all that clear that the realm can qualify as abstract if it can be shaped by human action. Some philosophers would think that this requires causal completeness between the abstract and physical realms, in which case they really are one physical realm. This would not allow for Platonism in any recognizable sense.

A related problem becomes apparent in philosophy of science. It has often been held, in particular by the theoretical physics community, that the truths of mathematics are deep truths about reality. Thus, many theoretical physicists conceive of mathematics, as providing an instrument by which they can reach into the unknown, determining in the absence of empirical evidence what is true about the world. This view has been supported by the eventual conformation by evidence of theories like Relativity and the Standard Model of Particle Physics. These cases provide the motivation for holding mathematical theories to be true when they have no empirical support. A clear example of this kind of thinking is String Theory, which continues to

have a large number of adherents, despite its inability to predict virtually anything. The attack on Platonism made possible by the uncovering of value judgments' role in mathematics provides some reason to abandon this view as well. For one thing, if all mathematical truths will be based on considerations of importance and are thus non objective, and truth about the universe is considered to be objective (it is by most scientists, if not by all philosophers), then it is not clear how those realms of truths could correspond. Additionally, when we give an intellectual genealogy of our mathematical concepts and their formation, we can see that we shape them to be useful. We are thus able to give an account of the usefulness of mathematics that explains it as the product of a type of selection. We prove theorems that are most useful by restricting concepts and domains in such a way that these theorems come out true. If by chance we prove theorems that do not have useful applications in the natural sciences, we may be less likely to hold fast to our previous restrictions on the concepts. Thus, we may accept counterexamples that lead to these theorems no longer being theorems at all.

#### Conclusion

In this essay, I have shown the importance of value judgments in the process of engaging in pure mathematics, i.e. in proving theorems. I have revealed that this argument is analogous in important ways to the types of arguments that have been made about value judgments in the scientific process of risk assessment.

For this, I have relied heavily on the work of Imre Lakatos, to whom I owe a debt of gratitude. Finally, I have shown that my conclusions about mathematics have far reaching implications for both the philosophy of mathematics and the philosophy of science. It is my hope that the reader has found these arguments persuasive, or at least illuminating.

### Notes:

1. It seems to me that this is Lakatos' way of taking that statement. The first is a sort of Humean skepticism about induction, in which inductive reasoning never provides sufficient evidence for rationally holding a belief, and the second is that inductive reasoning is able to provide a form of evidence, and that the strength of such evidence is proportional to the sample size of the inductive judgment. On the latter construal, inductive reasoning can provide strong support for an argument, but is never conclusive. As the sample size rises, the supporting power of the inductive argument will asymptotically approach confirmation. Although he never explicitly chooses between these two interpretations, it seems to me that Rudner's assumption that it can be rational to hold a scientific proposition as a belief presupposes the latter.
2. In *Proofs and Refutations*, Lakatos waffles a bit about exactly which responses to a given counterexample count as increasing content and which count as decreasing it. This difficulty is compounded by the fact that he presents his argument in the form of a dialogue between mathematics students. The result is that except in the few cases where the teacher character draws sharp lines, it is always a bit unclear which stance Lakatos himself takes. However, it is my view that it does not much matter here. The question of whether an adaptation increases or decreases content seems to me to be a matter of perspective. For the sake of argument, we need to observe that our choices following a mathematical counterexample will have differing effects with respect to content, and that to some extent these affects represent a trade off.

3. As in the footnote above and for similar reasons, it is rather unclear whether Lakatos thinks these rules represent the final word on the subject. They are presented rather early on in the text by a character that is not Lakatos' teacher, although they do receive his tacit approval. Three rules are stated together, with the last two being added at later points. One might take some of the later discussion as going against these rules, and while it is certainly true that some of Lakatos' characters take issues with them, it is not clear that Lakatos himself abandons them. His teacher does not seem to, and I see no reason to believe that he is committed to the objections. At any rate, these rules present a good picture of Lakatos' conception of science as it strikes me at this time, and so they are sufficient for the task I have in mind. They may not represent that totality of Lakatos' thought and that is quite alright.

4. Asking the question "Does this set contain itself" of this set entails a famous paradox, which prompted the strict reformulation of set theory on axiomatic lines, with the goal being to formulate a coherent conception of sets that did not allow for the Russell Set. Russell himself attempted this with his theory of classes, but his work did not outlast him. Zermelo-Fraenkel set theory is the most ubiquitous modern formulation of the subject.

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## Against a Lockean Justification of Slavery

Dennis Moore

**Abstract:** John Locke's *Two Treatises of Government* has been incredibly influential in western political theory since its publication in 1689. The text, however, is not without its controversies. In particular, Locke's seemingly contradictory statements on the institution of slavery have left generations of philosopher puzzled on how to understand Locke's view. While many philosophers hold that Locke wished to justify the practice of slavery, in this essay I will defend Locke from this charge by showing that a Lockean justification of slavery would not only be inconsistent with his own writings, but would also be entirely impractical.

## Introduction and Background:

Slavery is so vile and miserable an estate of man, and so directly opposite to the generous temper and courage of our nation, that it is hardly to be conceived that an Englishman, much less a Gentleman, should plead for it.<sup>1</sup>

Indeed, having by his fault forfeited his own life by some act that deserves death, he to whom he has forfeited it may, when he has him in his power, delay to take it, and make use of him to his own service... This is the perfect condition of slavery, which is nothing else but the state of war continued between a lawful conqueror and a captive...<sup>2</sup>

In *Two Treatises of Government*, Locke expounds his political philosophy, discussing the powers of government and the rights and freedoms of individuals. But, as the two quotes above show, Locke's statements are far from straightforward. A cursory reading suggests Locke's account of slavery is rife with conflict, with some passages arguing against it, while others arguing for it. Worse yet, the deplorable African Slave Trade was fully operational during Locke's life.

One might naïvely claim that Locke was unaware of the slave trade. This contention, however, would be demonstrable false. Prior to writing his *Two Treatises*, Locke did extensive work for Anthony Ashley Cooper, 1st Earl of Shaftesbury, including writing the *Fundamental Constitutions of Carolina*. In it, Locke writes:

...it shall be lawful for Slaves as well as others, to Enter themselves, and be of what Church or Profession any of them shall think best, and thereof be as fully Members as any Freeman. But yet no Slave shall hereby be exempted from that Civil Dominion his Master hath over him.<sup>3</sup>

This quote shows that Locke was fully aware of the practice of slavery in Colonial America. As the *Constitutions* was written before the *Two Treatises*, one cannot plead that Locke was ignorant of the institution of slavery in Colonial America.

The apparent contradiction in Locke's writing was debated as early as the American Revolutionary War. Some individuals, such as Josiah Tucker, argued that the early writings of Locke can easily be excused. After all, "Mr. Locke was then a young man... and as he lived under the reign of a tyrannical Stuart [Charles II]. It is no wonder that he should be a little tainted with the vices of the times."<sup>4</sup>

Yet emphasizing the naïveté of Locke's position is deeply unsatisfactory. Locke continued to amend *The Fundamental Constitutions* as late as in 1682, after he began drafting the *Two Treatises*. Furthermore, Locke was later appointed a commissioner of the Board of Trade in 1696. He was personally involved in trade and colonial affairs, yet did not express any concern about the practice of slavery in America outside of the religious freedoms mentioned earlier.<sup>5</sup> Thus, Tucker's argument does not hold. Locke did not oppose African

slavery prior to the *Two Treatises*, and he did not oppose it after.

Thus, one can safely rule out that Locke was merely ignorant of the brutal practice of slavery in America. From these biographical details, a scholarly debate has emerged about how to understand Locke's view of slavery in the *Two Treatises* vis-à-vis his life. Contemporary philosophers are divided into three camps. Some philosophers have argued that Locke's discussion of slavery is solely focused on absolute rulers, and their political right to rule over a population as a result of conquest. That is to say, Locke was only concerned with England and had no intention to justify the African Slave Trade. Others, however, argue that Lock's remarks on slavery refer either to the African Slave trade or the enslavement of Native Americans.<sup>6</sup>

In this essay, I will argue against the view that Locke's account of slavery in the *Two Treatises* justifies the African Slave Trade, as Jennifer Welchman claims. The first section will detail Welchman's interpretation of Locke. In it, I will explain Welchman's view of the Law of Nature, and give an exposition of her two-ranks argument. The next two sections will present my arguments against her interpretation of the Law of Nature as well as her two-rank argument. These arguments will be of two types: either they show that Welchman's account is inconsistent with Locke's own writings, or they lead to a justification of slavery that is inapplicable in almost any context. With these two

sections, I will show that Welchman's view of Locke is incorrect. My conclusion, then, offers a brief discussion about what I think Locke actually intended with his apparent justification of slavery. I will argue that Locke was not opposed to the institution of slavery, but nonetheless, his discussion of it in the *Two Treatises* was not a justification. Rather, Locke's writings on slavery were solely concerned with absolute monarchs in England.

### **Section I: A Justification of Slavery**

This section is dedicated to presenting the arguments of Jennifer Welchman's "Locke on Slavery and Inalienable Rights". Her essay argues that Locke's discussion of slavery was meant to justify the practice of enslaving Africans and bringing them to Colonial America. Thus, her essay's argument attempts to resolve the seeming contradiction between Locke's belief in natural rights and his justification of slavery. First, Welchman explains the State of Nature, and the rights that stem from the Law of Nature. Then, Welchman describes how one can lose their rights by disobeying the Law of Nature. From this, she argues that human beings may be split into two groups: man and property. Those in the latter category are those who lost their rights, and are thus justifiably enslaved.

First, Welchman describes the State of Nature, and its implications for the origin of natural rights. Locke argues that humans begin in a state of equality, where,

"no one having more than another, there being nothing more evident than that creatures of the same species and rank, promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another."<sup>7</sup> Thus, Locke suggests that in the original State of Nature all human beings were equal to one another. No one dominated or ruled over anyone else. All humans, then, shared the same natural rights.

Yet man is not absolutely free in the state of nature. He must abide by the Law of Nature, which is implemented by God. Locke writes:

That law teaches all mankind who will but consult it that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions; for men being all the workmanship of one omnipotent and infinitely wise Maker; all the servants of one sovereign Master, sent into the world by His order and about His business; they are His property, whose workmanship they are made to last during His, not one another's pleasure.<sup>8</sup>

The Law of Nature commands that no man harm another because each man is the property of God. Furthermore, Welchman argues that our rights are whatever, "accrue from God's grant or concession to us."<sup>9</sup> In other words, God had given us these natural rights so that we may properly fulfill the duties he requires of us. There are two central duties of the Law



of Nature: first, one is “bound to preserve himself,” and, second, one must “preserve the rest of mankind.” For example, Locke argues that we do not have the right to quit our station willfully, even enslavement, by abandonment or suicide.<sup>10</sup> These duties further suggest that the Law of Nature is the embodiment of God’s plan. Each individual must not only ensure he is doing his part in the plan by committing to his station, but he must also ensure everyone else is committed to their respective stations.

One can, however, break away from God’s plan by failing in either of the two central duties of the Law of Nature. This failure need not involve violence. If one, for example, steals, Locke argues that the crime puts in danger the preservation of mankind, and thus, “makes it lawful for a man to kill a thief who has not in the least hurt him.”<sup>11</sup> Likewise, Welchman argues that by allowing others to do evil deeds, you yourself are in violation of the duty to preserve mankind. Thus, in a State of Nature: “One does not have to be the victim of violent aggression oneself to have the right, even the duty, to restrain or punish the aggressor.”<sup>12</sup> So long as an individual commits a crime, they can be punished by anyone.

Furthermore, punishment for crimes might involve enslavement. Locke argues, “Indeed, having by his fault forfeited his own life by some act that deserves death, he to whom he has forfeited it may, when he has him in his power, delay to take it, and make use of him to his

own service.”<sup>13</sup> Only when a crime deserving death is committed may one enslave the aggressor.

One can now imagine how this combination of beliefs allows for the justification of slavery in Africa. Welchman argues that Locke thought sub-Saharan Africa to be in a State of Nature. Thus, the Law of Nature is the primary moral principle at work in sub-Saharan Africa. The Law of Nature dictates that any individual who harm others transgresses her duties. Furthermore, if people allow a transgressor to exist without directly interceding, they also transgress their duties. From this, the number of transgressors skyrockets. Because they are a transgressor, then, they can be enslaved. Welchman thus believes that Locke justified the enslavement of a wide number of Africans.

Although Welchman’s account of Locke might allow for the enslavement African adults, one might argue that this does not justify the enslavement of children born of slave parents, a practice prevalent in Colonial America. One might give two of Locke’s arguments against the case: All men are created equal possessors of natural rights, and a child’s natural rights always survive the loss of its parents’ rights. Welchman, however, predicts the objections, and believes these two arguments are not satisfactory.

In regards to the first argument that all men created equal, Welchman believes this to only be the case in the original State of Nature. She writes, “In the original State of Nature all human beings born were born with

equal rights to the use of property conceded them by God. And so it remained until slavery came into being.”<sup>14</sup> After slavery is enacted, two ranks of the human species exists: man and property. We can consider a man to be a regular human being with all the rights normally associated with humans. Human property, however, is enslaved and lacks the rights of a man. This is her two-ranks argument. Once this dichotomy is created, it is not always true that all human beings are born equal. A child born from a human property is also human property, and is thus not entitled to the rights of man.

This leads to the second argument against the enslavement of children—namely, the loss of a parent’s natural rights does not necessitate the loss of the child’s rights. Welchman completely agrees with this, but believes this to be consistent with her earlier claim. If a child already exists when the parent is enslaved, then the child does not lose his natural rights. If, however, the child is born after the parent has lost his natural rights, then the child is born without rights as well. In a sense, we can treat natural rights as heritable. Only if the parent has natural rights at the time of birth, then the child does too. Having dismissed these two objections, Welchman believes she has successfully proven that Locke justifies the enslavement of children.

I believe I have accurately portrayed Jennifer Welchman’s view on Locke’s justification of slavery. Because natural rights are gifted by God and enforced by the Law of Nature, they can be removed by its

violation. Thus, men might be justly enslaved and so too are the children of those enslaved parents. In the next two sections, I hope to show how Welchman’s account of Locke is both inconsistent with Locke’s own writings and would lead to a justification that is too narrow, such that it is inapplicable in any context.

## **Section II: Issues with the Law of Nature**

I believe that Jennifer Welchman’s interpretation of Locke is flawed. In this section, and the one that follows, I will to show how this is the case. I have split up my disagreements into two broad categories: issues with Welchman’s interpretation of the Law of Nature, and issues with the two-rank argument. This section focuses on my issues with Welchman’s interpretation of the Law of Nature. In particular, I believe that Welchman’s view either diverges from Locke’s own account, or jumps too quickly to conclusions. I will raise four reasons for thinking her interpretation questionable. First, does the Law of Nature apply in Africa? Second, do all transgressors deserve to be enslaved? Third, who has the right to enslave transgressors? Finally, does Locke’s writing about colonial slavery agree with Welchman’s interpretation? By considering these four questions, I will to show not only that Welchman’s account is flawed, but also that any prospects of justifying slavery through Locke’s views are rife with difficulty.

First, I wish to question Welchman’s premise that Africa was in a state of nature. Unfortunately,

Welchman seems to formulate this premise in passing, merely stating, “And sub-Saharan Africa was, by Locke’s standards, a State of Nature.”<sup>15</sup> This quote is unclear as to whether Locke explicitly stated that sub-Saharan Africa was in a state of nature, or whether Welchman claims this on some standard of Locke’s that lists the sufficient conditions of a State of Nature. I’m inclined to believe that the latter of these two options is true, as Locke never mentions Africa in his *Two Treatises*. Now, it may be the case that he makes this comment elsewhere in one of his writings, but Welchman provides no evidence for such a claim. Thus, I am led to believe that Welchman herself interprets Locke as believing Africa to be in a State of Nature, rather than Locke having claimed this to be the case.

Now one should ask, is Welchman correct in her interpretation? In reality, Africa was not in a State of Nature: there were kingdoms that had laws and extracted taxes from their citizens hundreds of years before Europeans began the African Slave Trade. Africa, at least where Great Britain extracted slaves, was by no means in a State of Nature. Perhaps Welchman believes that Locke did not know that Africa was not in a State of Nature. I, however, find this hard to believe. Locke was an investor in the Royal African Company, and was a member of the Board of Trade in England. Surely, these positions gave him sufficient information about current affairs in Africa. And even if he did not know, would that justify the enslavement of sub-

Saharan people? If a slave master believed in Locke’s justification of slavery, but came to realize that Africa was not in a State of Nature, his justification would crumble. Thus, I charge Welchman with the following objection: Welchman’s interpretation misinterprets Locke’s beliefs about Africa, and at best justifies an inapplicable justification of slavery.

My second objection is against another unwarranted jump in Locke’s argument. If it is true that someone who allows a transgressor to harm others while sitting idly by is also a transgressor, and if it is true that transgressors should be punished, it does not follow that all transgressors should be enslaved. Now, actual criminals that hurt or steal from people, under Locke, have forfeited their life and can be enslaved. Yet I am not so sure the same could be said about bystanders. While Locke might say that they deserve to be punished, that punishment might not be so stringent as death, and therefore slavery would be inapplicable. Locke only states that: “everyone has a right to punish the transgressors of that law [of Nature] to such a degree as may hinder its violation.”<sup>16</sup> From this quote, it is reasonable to infer that in some cases, one only needs to exact a monetary punishment to hinder the violation of the Law of Nature. It is not the case that death or slavery is the only punishment that can hinder the violation of the Law. If so, the justification of slavery is greatly weakened because the pool of justified slaves decreases dramatically. So, it seems that even if Locke

were justifying slavery, I argue that that justification would be limited in its scope.

Third, I take issue with Welchman's interpretation of who has the right to enslave others. Welchman's interpretation allows for the idea that one agent A can transgress their duty by harming another agent B. Then, some outsider, agent C, can come in and punish A for transgressing their duty. In a sub-Saharan context, I believe Welchman to be arguing for the idea that if one African individual harms another, a European may step in and enslave that original transgressor. Yet, I do not believe this is in fact Locke's view.

Notice, for example, when Locke writes, "I say, then, the conqueror gets no power but only over those who have actually assisted, concurred, or consented to that unjust force that is used against him."<sup>17</sup> There appears to be some inherent direction to the enslavement of transgressors. That is, it is because they wronged *me* that I am able to enslave them. As further evidence of this position, consider the following quote: Locke writes, "The conqueror, if he have a just cause, has a despotic right over the persons of all that actually aided and concurred in the war against him, and a right to make up his damage and cost out of their labor and estates."<sup>18</sup> Again, I believe Locke to be saying something along the lines that because *I* was transgressed upon *I* have some right to reparations, including to the enslavement of my perpetrators. Furthermore, Locke discusses William the Conqueror and how he has a

right to those who transgressed his rights.<sup>19</sup> He writes, "William had a right to make war on this island, yet his *dominion* by conquest could reach no farther than to the Saxons and Britons that were then inhabitants of this country."<sup>20</sup> By 'dominion' used here, I take that to mean something similar along the lines of absolute domination, akin to a master over a slave. Earlier, Locke discusses how this invasion lays the foundation for the absolute monarchy of England (a notion Locke is against, as I will show in the conclusion).<sup>21</sup>

I raise these three pieces of contextual evidence up for a reason. As I stated earlier, there seems to be a directedness aspect in the enslavement of the transgressor. It is because *I* was transgressed upon that *I* can enslave the transgressor. If I am correct, then the possibility of Europeans rightfully enslaving sub-Saharan Africans disappears. It is no longer enough to state that the individual transgressed someone, and thus they should be enslaved. Rather, one must prove that he was transgressed upon to justly enslave an individual. This would suggest that Locke's justification of slavery is too narrow. Once again, Welchman has either misinterpreted Locke, or Locke has justified an inapplicable form of slavery.

The last point I wish to discuss in regards to the Law of Nature is what a punisher is rightfully able to do to his slave. Locke wrote, "Indeed, having by his fault forfeited his own life by some act that deserves death, he to whom he has forfeited it may, when he has

him in his power, delay to take it, and make use of him to his own service.”<sup>22</sup> In other words, the aggressor of an unjust war, through his invasion, forfeits his own life to the defender. The defender, before killing the transgressor, may put him to use through the means of slavery. It is the case, however, that the defender, at any time, may still choose to end the slave’s life, for, after all, his life was forfeit.

This account of slavery seems to differ directly with Locke’s own words on the subject of the enslavement of Africans in Colonial America. In 1698, after writing the *Two Treatises*, Locke wrote to Governor Francis Nicholson of Virginia, urging him to, “get a law pass’d restraining of Inhumane Severities... towards Slaves, and that Provisions be made therein that the willful killing of Indians and Negroes may be punished with death, and that a fit penalty be imposed for the maiming of them.”<sup>23</sup> Here, Locke argues that owners do not have the right to kill their slaves, when earlier Locke argued that just captors do have the ability to kill their own slaves whenever they want. Thus, I can only conclude that the Welchman is incorrect in determining that African slaves fell under Locke’s justification of slavery.

In this section, I have shown that Welchman’s dubious interpretation of the Law of Nature makes her argument flawed. Questions surrounding where the Law of Nature is applicable, who can be enslaved, who has the right to enslave, and what the enslaver can do to the enslaved force Welchman to adopt

controversial or unattractive answers. My work, however, is not complete. The next section will argue against Welchman’s two-rank argument. Even if all of my arguments in this section were to be proven wrong, I will show that Welchman’s view is nevertheless unsatisfactory.

### **Section III: Issues Regarding the Two Ranks of Human Beings**

There are, still, other issues with Welchman’s interpretation of Locke. This section will read Welchman’s interpretation of the Law of Nature charitably, by assuming that the problems I previously mentioned would not interfere with her argument. Instead, I will focus on Welchman’s argument that human beings are split into two ranks: man and property. I will present two objections to Welchman’s two-ranks argument. First, I believe Welchman’s interpretation of rank is inconsistent with Locke’s own use of the term. Thus, the formulation of her argument is incorrect. Second even if it were not inconsistent, it would still not justify the enslavement of children, a central goal of the argument.

What is rank? If one wishes to give a detailed argument that involves the concept of rank, it is best to define it first. Welchman, unfortunately, fails to grasp Locke’s use of the term, and thus misinterprets his argument. She derives a mention of rank from Locke’s description of the State of Nature. He states, “Creatures

born of the same *species* and *rank*, promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another.”<sup>24</sup> It is clear from this that Locke has a distinction in mind between species and rank. We are left with the question, then, whether there are multiple ranks per species, as Welchman believes, or whether there are multiple species per rank. This latter conception is what I wish to argue for.

Locke rarely mentions rank in the *Two Treatises*. The only substantive discussion of rank found in the text occurs in the earliest moments of the first treatise. In Chapter IV, Locke discusses the dominion bestowed upon Adam by God in Genesis. He writes:

[We] have here only an account how the terrestrial irrational animals, which were already created and reckoned up at their creation, in three distinct ranks of cattle, wild beasts, and reptiles, were here, actually put under the dominion of man, as they were designed; nor do these words contain in them the least appearance of any thing that can be wrested to signify God’s giving to one man dominion over another, to Adam over his posterity.<sup>25</sup>

From this quote, we get a better understanding of Locke’s use of the word ‘rank’. Rather than having rank be a subgroup of species, it seems to be the opposite. The rank of cattle includes, “such creatures as were or might be tame,”<sup>26</sup> such as horses, cows, goats, dogs, etc.

Wild animals entail more ferocious creatures like lions and tigers, and reptiles obviously entail all the reptiles. Thus, the rank of “Cattle” includes a plethora of species under it. Therefore, it would not make sense to discuss how the species of man is further divided into two ranks. Thus, I believe that Welchman’s interpretation of rank is incorrect, and that her subsequent argument is unacceptable.

Before moving on, I wish to address a possible question for this view. One might ask, “But where is man in this equation?” I do not believe, to our dismay, that Locke is very explicit about this question. Intuitively, Locke would put man in a separate grouping altogether. This division by rank only applies to the group of “terrestrial irrational animals,” but obviously humans do not belong to this group. Surely they would form a separate group of their own. This, however, does not entail a division by rank of human beings, much like the irrational animals. I believe it to be perfectly consistent with Locke’s writings to suppose that there is no further division of the group of human beings. At most, one can argue that there is only one further rank, and one further species of the group. Regardless, there is no textual evidence of any division of human beings into different ranks.

But suppose my entire objection about ‘rank’ is incorrect, and Welchman’s interpretation stands strong. Another issue still arises. Does the two-rank argument allow for the enslavement of children, a



crucial requirement for any justification of hereditary slavery? Welchman tackles this argument by supposing that after a human being is made a slave, and is thus property, they lose all their rights. Any children born to a slave parent after they have been enslaved does not have any rights either. That is to say, we can think of rights as hereditary. Only if your parents have rights when you are born, do you have rights. I wish to argue, however, that this would not hold. The two ranks argument would fail to take in relevant writings of Locke regarding the matter of child enslavement.

Locke mentions several times that the loss of the rights of the parents does not necessitate the loss of the rights of the children. He repeats similar sayings throughout the *Two Treatises*. Welchman takes this to mean that Locke only talks about children who have been born prior to their parents' enslavement. Yet, I do not think this is the case. For example, Locke writes, "the children, whatever may have happened to the fathers, are free men, and the absolute power of the conqueror reaches no farther than the persons of the men that were subdued by him, and dies with them."<sup>27</sup> Locke states that the power of domination goes no further than the particular men that were rightfully subdued. This suggests that even if a child is born from a slave parent, the slave owner has no right to enslave the child for the child was never subdued in a just war. This, then, shows that Welchman's interpretation Locke fails, since no child can ever be rightfully enslaved.

Therefore Welchman's two-rank argument faces two important objections. First, I believe Welchman's interpretation of 'rank' is incorrect and runs counter to Locke's writing. Further, even if her interpretation is correct, it still does not justify the enslavement of children, which is a central goal of her two-rank argument. If this section and the previous one are correct, I have cast serious doubt on the tenability of Welchman's view, and, more broadly, any justification of slavery through Locke.

### Conclusion

With my objections to Welchman's view explained, I think it is best to return to the original cause of this debate. The two quotes mentioned at the beginning of this essay seem to be difficult to reconcile, but I wish to point towards a possible solution. I think Welchman is too uncharitable to Locke by merely arguing that he was a hypocrite. Although slavery was utterly vile, she argues, Locke, "was not himself above pleading for slavery."<sup>28</sup> But is it credible that Locke was so blatantly a hypocrite? Entire sections of the *Two Treatises* seem to contradict each other. If Locke was indeed in favor of slavery, would it not be more reasonable to begin by writing, "Slavery is so vile and miserable an Estate of Man when enforced improperly, but there is a just form of slavery," or something along those lines? To pass Locke's seeming contradictions as hypocrisy, I think, is to too quickly jump to conclusions.

I think we may better understand Locke's comments if we suppose that he employs two different meanings of slavery. I believe that the colonial slavery that Welchman is arguing for is not in the scope of Locke's writings. If it were within the scope, then Locke would contradict himself. The writings involving slavery within the *Two Treatises* contradict the statements of Locke about colonial slavery mentioned earlier in this essay.<sup>29</sup> The same argument could be made for any justification of slavery of Native American's on Locke's account. As James Farr points out, Locke drafted a temporary law for Carolina stating, "No Indian upon any occasion or pretense whatsoever is to be made a slave."<sup>30</sup> This too would contradict Locke's writing on the absolute control of a master over his slave.

With contradictions as blatant as this, I find it hard to believe that Locke had in mind the colonial slavery discussed in this essay. Rather, I wish to agree with James Farr that Locke's justification of slavery only extended so far as his home country of England. If we assume this interpretation, I think that Locke's contradictions begin to disappear. If Locke's justification of slavery was solely focused on England, enslavement can mean something similar to surrendering to a conquering authority, or an absolute monarch of sorts.<sup>31</sup> For example, William the Conqueror's invasion of England gave him authority over all those who were against him.<sup>32</sup>

Yet, one immediately realizes that this sort of justification of authority is narrow in scope. What of all the men who did not fight against William, be they allied Normans or peaceful Saxons? And if my argument against Welchman's two-rank view is correct, the children of the conquered are free from William's control. But I think the narrow applicability for the justification of enslavement was exactly Locke's point. Locke's justification of slavery, of the absolute power of a monarch, purposefully appears weak. Locke was opposed to the absolute power of monarchy and wished to show that the King of England lacked the authority so many believed he had. This is further supported by the fact that Locke's publishing of the *Two Treatises* occurred one year after the Glorious Revolution of 1688, and only months after the 1689 Bill of Rights which permanently ended the absolute rule of monarchy in England.

Now, this view is not without its issues. First, why would Locke use such a loaded word as 'slavery' to discuss absolute monarchy, especially when he knew the vile connotations of the word in a colonial context? Further, where does view leave Locke's discussion on the formation of government? These are important questions, but beyond the scope of this essay. These points would themselves require an additional paper to explore.

In conclusion, paper has argued against the possibility of justifying colonial slavery through Locke's writings.

The majority of the essay was focused on discounting Jennifer Welchman's argument that Locke justified the institution of slavery. My defense of Locke hinged on two broad arguments. First, Welchman's account of the State and Law of Nature either contradicted Locke's account, or led to unappealing conclusions. Second, I argued how Welchman's two-rank argument is incompatible with Locke's writings. Finally, I briefly returned to the contradiction that began this debate, and offered a possible way to think about Locke's denouncement and justification of slavery. Locke's justification is purposely weak to argue that the absolute power of a monarch does not extend to the newly born citizens in the present day.

**Notes:**

1. Locke, John. *Two Treatises of Government*. 1690, 1.1
2. Ibid. 2.22-23
3. Locke, John. *The Fundamental Constitutions of Carolina*. London: 1669, 107
4. Tucker, Josiah. *A Series of Answers to Certain Popular Objections against Separating from the Rebellious Colonies, and Discarding Them Entirely*. 1776, 103-4
5. Welchman, Jennifer. «Locke on Slavery and Inalienable Rights.» *Canadian Journal of Philosophy* 25, no. 1 (1995), 73.
6. I have in mind a number of different philosophers in each of these groups. Regarding a sole focus on absolute rulers, see Farr, James. «Locke, Natural Law, and New World Slavery.» *Political Theory* 36, no. 4 (2008): 495-522 as well as Farr, James. «'So Vile and Miserable an Estate' the Problem of Slavery in Locke's Political Thought.» *Political Theory* 14, no. 2 (1986): 263-89. For the view that Locke justified amerindian enslavement, see Hinshelwood, B. «The Carolinian Context of John Locke's Theory of Slavery.» *Political Theory* 41, no. 4 (2013): 562-90. Lastly, for a view regarding a justification of African slavery, see Welchman, «Locke on Slavery and Inalienable Rights.»
7. Locke, John. *Two Treatises of Government*, 2.4
8. Ibid. 2.6
9. Welchman, «Locke on Slavery and Inalienable Rights,» 75
10. Locke, John. *Two Treatises of Government*, 2.4
11. Ibid. 2.18
12. Welchman, «Locke on Slavery and Inalienable Rights,» 78
13. Locke, John. *Two Treatises of Government*, 2.22
14. Welchman, «Locke on Slavery and Inalienable Rights,» 80
15. Ibid. 78
16. Locke, John. *Two Treatises of Government*, 2.7
17. Ibid. 2.179
18. Ibid. 2.196
19. I believe William the Conqueror can be seen as being transgressed upon. He was supposed to inherit the English throne, but was not chosen when the king died. Further, the pope

approved his invasion, thus giving William a right to the throne. Those who stood against him in his right were transgressors.

20. Ibid. 2.177

21. One might object that the domination here is different from enslavement in that William's invasion and just conquest was not in a State of Nature. Locke, however, writes that we can appeal to the Law of Nature even in civil society in certain cases. Locke gives the example of when civil laws are unable to prevent a possible loss of life (Locke 1690, 2.207). In the case of William the Conqueror, the civil laws of society cannot help William, and the dispute of succession, in some sense, is above the civil laws in place. In fact, I can raise the objection that if my interpretation of the Law of Nature is correct, Welchman's interpretation might inadvertently argue for enslavement within civil society. Then, it might seem that Locke's justification is too weak, and anyone can be enslaved anywhere. I do not pursue this matter further, but it is worth keeping it in mind.

22. Ibid. 2.22

23. Valls, Andrew. *Race and Racism in Modern Philosophy*. Ithaca, NY: Cornell University Press, 2005, 93

24. Locke, John. *Two Treatises of Government*, 2.4

25. Ibid. 1.26

26. Ibid. 1.25

27. Ibid. 2.189

28. Welchman, «Locke on Slavery and Inalienable Rights,» 67. I do not believe Welchman's accusation of hypocrisy is as harsh as it sounds. After all, the Founding Fathers of the US struggled with similar views. How could they write that all human beings have inalienable rights of life, liberty, and the pursuit of happiness given by a Creator when they themselves owned slaves? There can be no doubt that this was a difficult issue to reconcile.

29. Most notably, Locke allows for a freedom of religion for slaves, and pleaded against the inhumane severities colonial slaves were facing.

30. Farr, "Locke, Natural Law, and New World Slavery," 508

31. After all, a slave master and an absolute monarch have much

in common. Both have absolute control over the lives of their subjects.

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## Pipelines, Property Rights, and Environmental Justice

Elizabeth Scianna

**Abstract:** In 2016, protests erupted in opposition to a proposed pipeline that would cross through four U.S. states and transport as much as 570,000 barrels of crude oil per day.<sup>1</sup> As objections increased, two large ideological factions emerged: one regarding the Earth as property and commodity, maintaining the right to exploit its natural resources; and the other an environmentalist perspective, underscoring the finitude of the planet and its resources and the necessity of sustainable practices. Assuming the latter position is correct, that we are obligated to address the realities of resource depletion, this paper will explore the philosophical underpinnings of property rights and ownership and examine the duty to conserve. I will argue that the government ought to regard our most basic necessities, such as clean water and air, as common property; therefore, the state is obligated to take measures to ensure all can use them.

The Dakota Access Pipeline (DAPL) is a project developed by Energy Transfer Partners (ETP). Once installed, it will transport crude oil from North Dakota to Illinois, eliminating the need for vehicle transport. Supporters of the project indicate the benefits such as the creation of up to 12,000 jobs and the millions of dollars generated by sales and property taxes. The final segment to be installed, crossing beneath the Missouri river only two miles from the Standing Rock Sioux reservation, was met with resistance from the tribe and its supporters. However, the protesters were not alone in their opposition.

In March of 2015, the Iowa Utilities Board (IUB) granted the DAPL a hazardous liquid pipeline permit, which also gave ETP eminent domain authority when voluntary easement could not be negotiated.<sup>2</sup> Eminent domain is “the right of the state to acquire property from a seller in exchange for just compensation.”<sup>3</sup> The understanding of eminent domain changed with the 2005 Supreme Court ruling in the case of *Kelo v. City of New London*. Eminent domain was typically invoked for projects like highways or parks; however, the case modified this interpretation by also allowing private corporations to appropriate, provided their project could be shown to have some public benefit. In the case of *Kelo v. City of New London*, “economic growth, revitalization, and increased tax revenues” were considered sufficient for this requirement.<sup>4</sup> Nonetheless, the definition of public use remains

judicially controversial. Similar to *Kelo v. City of New London*, the economic advantages of the DAPL were deemed to sufficiently meet the public benefit standard. Yet residents living in close proximity to the route expressed the opinion that the DAPL does not constitute as a public benefit. After having their private property seized, owners of land parcels unsuccessfully filed lawsuits against the IUB.

Other objections arose from safety and environmental concerns. ETP insists that pipelines “have proven to be the safest, most efficient means of transporting energy resources,”<sup>5</sup> but many scientists and environmental activists remain unconvinced. Statistically, pipelines have a problematic track record. A spill, rupture, or leak can occur due to improper installation, damage during construction, and most commonly, corrosion. Data compiled by the Pipeline and Hazardous Materials Safety Administration shows the number of pipeline incidents has been increasing, with an average of 560 per year since 1996.<sup>6</sup> Though pipeline spills are less frequent than railway spills, the amount of oil discharged is typically greater.<sup>7</sup> According to an analysis done by Dagmar Etkin for Environmental Research Consulting, “Since 1985, U.S. pipelines have spilled more oil than tankers and barges combined.”<sup>8</sup> Such incidents pose serious environmental and health risks.

Exposure to petrochemicals can lead to health problems including cancer and reproductive and

respiratory issues.<sup>9</sup> Those living near the DAPL route are especially at risk. Researchers Jon Gay et al explain why a spill is especially dangerous for nearby inhabitants:

Because of this proximity, oil and associated waste chemicals can seep into groundwater, streams, or rivers, all of which may be used as water supplies for laundry, cooking, bathing, and drinking. Additionally, polluted freshwater may be consumed by livestock or used to water crops, causing death in both the livestock and crops. Besides polluting water, petrochemicals may contaminate soil in which crops are grown and on which homes may be built.<sup>10</sup>

The pipeline’s fracked oil also contributes to climate change. The Intergovernmental Panel on Climate Change stated: “Scientific evidence for warming of the climate is unequivocal.”<sup>11</sup> NASA reports that most climate scientists agree the main cause of the current global warming trend is human expansion of the “‘greenhouse effect’—warming that results when the atmosphere traps heat radiating from Earth toward space.”<sup>12</sup> The practice of hydraulic fracturing and the transportation of its end product through pipelines often result in the leakage of methane, “a potent greenhouse gas that is 25 times stronger than carbon dioxide.”<sup>13</sup> Further, the burning of, and continued reliance on fossil fuel energy only exacerbates the problem of greenhouse gas emissions. To date, almost



100 scientists have signed a petition against the DAPL. The resolution asserts: “the DAPL project is just one of many current haphazard approaches to continued natural resource extraction, which overlook the broader consequences of further oil development.”<sup>14</sup> As oil production in the United States increases, so do pipelines and spatial demands.

Despite objections raised by residents, environmentalists, and scientists, corporations still seem to treat land and natural resources as commodities in infinite supply. The U.S. government continues to support these destructive endeavors by granting eminent domain. Private property may be seized to clear the necessary path, but property owners are only protected to the extent that they must be compensated. Within the Fifth Amendment is the “Takings Clause” which states, “private property shall [not] be taken for public use without just compensation.”<sup>15</sup> Iowa landowners whose properties were seized will be given an amount that reflects their market value, but what of those who may suffer environmental consequences? What compensation is there in the event of an oil spill that destroys an ecosystem or contaminates a water supply? Clean water and air are human rights necessary to life, yet they are threatened by environmental pollution. The landowner who received market value for their home is ultimately better protected than the Iowan who has their water supply contaminated by Bakken shale. We must ask then, what right does

a corporation like ETP have to damage our shared resources for capital gain? How can the government justify deeming the results publicly beneficial? To fully understand this, it is necessary to return to the theories that laid the foundation for modern conceptions of property.

John Locke’s political philosophy strongly influenced the framers of the U.S. government. This influence is apparent in the Declaration of Independence, which states: “We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.”<sup>16</sup> This echoes Locke’s belief that the chief purpose of government is the protection of life, liberty, and property.<sup>17</sup> In his *Second Treatise of Government*, Locke asserts that the state of nature men originally lived in was one of radical equality.<sup>18</sup> In this state, the natural law “teaches all mankind who will but consult it, that, being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions.”<sup>19</sup> As men are naturally equal, Locke determines that the Earth was given to all mankind in common. What then gives anyone the right to claim something as private property? Locke notes that appropriation is necessary in order to survive: “There must of necessity be a means to appropriate them in some way or other before they can be of any use or at all beneficial to any particular man.”<sup>20</sup> Locke assumes individuals have property

rights in their own bodies and labor. By extension, anything one “mixes” with their labor may be called private property.

Locke describes the limitations to appropriation, collectively called “provisos.” The proviso which remains most relevant today asserts that one must leave “enough and as good in common for others.”<sup>21</sup> In writing this requirement, it is unlikely Locke imagined its fulfillment would, at some point, be impossible. Within the same chapter as the proviso, Locke stated: “this I dare boldly affirm, that the same rule of propriety (viz.), that every man should have as much as he could make use of, would hold still in the world, without straitening any body, since there is land enough in the world to suffice double the inhabitants.”<sup>22</sup> Clearly, Locke could not have envisioned the threats posed by contemporary overpopulation and global warming.

If we are to attempt to follow the Lockean proviso, to leave “enough and as good for others,” we must ask if this only refers to the “others” in our current generation. The contemporary issues we face compel us to consider the impact our decisions will have on both present and future generations. Considering the Lockean proviso, the finitude of the earth and its resources, means that any taking decreases the amount left for others. This, as Clark Wolf notes, leads to Robert Nozick’s “zipper” argument:

Consider the first person Z for whom there is not enough and as good left to appropriate. The last person Y to appropriate left Z without his previous liberty to act on an object, and so worsened Z’s situation. So Y’s appropriation is not allowed under Locke’s proviso. Therefore the next to last person X to appropriate left Y in a worse position, For X’s act ended permissible appropriation. Therefore X’s appropriation wasn’t permissible. But then the appropriator two from last, W, ended permissible appropriation, and so, since it worsened X’s position, W’s appropriation wasn’t permissible. And so on right back to the first person A to appropriate a permanent property right.<sup>23</sup>

If we accept that the taking of the last resource or piece of land is impermissible, this means that no takings are justified. The invalidity of the last appropriation “zips” back to original one, rendering all illegitimate. In this context, there is no way the Lockean proviso can be put into practice. But for Wolf, it is certainly possible to leave “enough and as good for others” if we do not destroy or deplete.

Revisiting the proviso, Wolf argues it is best interpreted as a harm principle, only prohibiting any appropriation that harms others. Hence, according to Wolf, we can use this standard to determine what can be considered a valid property claim. For instance, if a corporation’s claim to property is based on the financial gains from fracking shale rock, it is merely an adventitious one. Yet both present and future

inhabitants can assert a claim based on necessity: the need for enough resources to remain to ensure humanity's survival. The latter claim defeats the former. The individual's basic needs outweigh any corporation's desire for financial gains, particularly since these practices will cause harm.

Wolf proceeds to address a more significant challenge to the proviso, asserting that the harm principle also applies to future generations. This is indeed an arduous perspective, as the number of individuals who could be harmed is effectively unlimited. He concludes it would be wrong for future generations to suffer simply because we wish to reap immediate benefits. Wolf states that: "while there is no one else whose claims supersede those of current owners, such owners simply do not possess any valid claim to degrade, consume, or destroy resources in which future persons have an important stake."<sup>24</sup> In other words, we do not have full blown ownership. Rather, valid property rights are usufructuary. Rights in usufruct are characterized by an obligation to conserve. The freedom to destroy or damage is completely excluded and the right to modify is limited. Indeed, Locke agrees with this basic concept in his *Second Treatise*: "Nothing was made by God for man to spoil or destroy."<sup>25</sup> If valid property rights mean we are stewards rather than owners, we are prohibited from doing anything potentially harmful. The farmer has no more right to use hazardous chemical pesticides than an oil company does to damage land

for transporting shale. Such restrictions on property rights based on the harm principle preserve individual freedom, while serving to protect the interests of present and future generations by conserving basic needs.

The founding fathers of the United States did not discount future generations. The preamble of the Constitution affirms the resolve to "secure the blessings of liberty to ourselves and our posterity." This notion has seemingly been lost to present-day politicians who enable monetary interests to take priority, by granting eminent domain rights to private corporations, denying climate change, and opposing the Environmental Protection Agency (EPA). Wayne White explains that the EPA has been a primary target, with repeated and continuing attempts by Republicans to undermine its authority. According to White, "The deniers and their corporate sponsors are correct in recognizing that the evidence accumulated by climate scientists over the past two decades has the potential to undermine the continued profitable extraction and use of fossil fuels and the myriad of industrial processes and products dependent on oil gas and coal."<sup>26</sup>

Wolf provides the theoretical foundations for a change in perspective, but it may be Native American environmentalism that best provides praxis. Winona LaDuke reminds us that natural law is indeed supreme: "Dump dioxin into the river, and you will inevitably eat or drink it. Assent to acceptable levels of radioactive

emissions, and sooner or later, those sensitive cells in the human body will likely respond.”<sup>27</sup> LaDuke argues that juridical laws must be changed to match natural laws, rather than continuing to enable myopic policies: “Environmental laws of today are outstripped by the poisons in our air, water, and land, and their cumulative impacts. We are frequently facing a ‘catch up’ situation at best, and most frequently, no cumulative or long-term policy protection.”<sup>28</sup>

For LaDuke, part of the solution consists in defining common property that will enjoy the same protections as private property: “Common property resources are those that are not and cannot, by their nature be owned by an individual or a corporation, but are held by all people in common. These ‘blessings of liberty’ envisioned in the Constitution should be used or enjoyed only in ways that do not impair the rights of others - including future generations - to use or enjoy them.”<sup>29</sup> LaDuke asserts the need for a Seventh Generation amendment or Common property amendment, stating that “the right of the citizens of the United States to use and enjoy air, water, sunlight, and other renewable resources determined by the Congress to be common property shall not be impaired, nor shall such use impair their availability for the use of future generations.”<sup>30</sup> The amendment is similar to a Six Nations Iroquois Confederacy resolution that “considers the impact on the seventh generation from now.”<sup>31</sup>

Acknowledging that there are those who would deny the existence or severity of the problem, the evidence for the magnitude of the threat posed by a rapidly changing climate is overwhelming. According to NASA, “observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver.”<sup>32</sup> There are also those who would deny that threatened resources like water are a human right. Yet, the U.S. Declaration of Independence states, “We hold these Truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness. That to secure these rights, Governments are instituted among men.” The men who established U.S. government recognized, just as Locke did, that government has a duty to protect inherent rights. Locke write, “the state of nature has a law of nature to govern it, which obliges everyone; and reason, which is that law, teaches all mankind who will but consult it, that, being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions.”<sup>33</sup> So too does Winona LaDuke write, “the rights of people to enjoy air, water, and sunlight are essential to life, liberty, and the pursuit of happiness.”<sup>34</sup>

To effectively address these issues, the government must recognize that these rights are violated by

contaminations of the environment. A Seventh Generation Amendment may be the action necessary to protect these interests we all share. Thus, the release of toxins into the environment would obviously violate these rights.

A major objection to the implementation of LaDuke's definition and protection of common property is the idea of the tragedy of the commons. This concept can be described as, "when a given natural resource is physically and legally accessible to more than one resource user, the result is said to be a free-for-all, with users competing with one another for a greater share of the resource to the detriment of themselves, the resource, and society as a whole."<sup>35</sup> We see examples of this in deforestation and overfishing. The tragedy of the commons is often used as justification for private ownership. For a private property owner has an incentive to use resources sustainably. The owner who cultivates her land in a non-damaging way has the potential to increase its value.

However, private ownership of communal resources serves more to threaten liberty than to promote it. Private corporations should not own the vital resources that the public depends on, as this would give them the ability to control access to those resources. There are other means of responding to the tragedy of the commons, such as government regulations, sanctions, and penalties.

An obstacle to implementing a Seventh Generation Amendment is the ambiguity of parameters. Existing amendments clearly limit government power; a close reading of the proposed amendment suggests restrictions would be imposed upon the government, corporations, and citizens. The stringency of the limits imposed by this amendment is also debatable. Some restrictions would need to vary by location to effectively address environmental issues. For instance, areas facing problems of water insecurity would require a different approach than those facing thawing permafrost. While the pragmatic specifications of the Seventh Generation Amendment still need to be clarified, the core purpose of LaDuke's approach is valuable. Acknowledging the crisis we face, as well as our interdependence with the earth, should inform government responses to rapid climate change. Common resources defended equally with private property would provide a path towards genuine sustainability.

The Standing Rock Sioux celebrated an apparent victory when the Army Corps of Engineers froze construction in December 2016, pending an environmental impact assessment. However, President Donald Trump signed an executive order to advance construction the following month, ensuring a continued fight between those who wish to protect our resources, and those who would destroy those resources for profit. The DAPL, along with other current pipeline projects, serves a short-term vision; it continues the reliance on

nonrenewable resources and environmental damage. We face irreversible destruction unless drastic measures are taken. If our inalienable rights of life, liberty, and the pursuit of happiness are to be truly acknowledged, the resources that enable them must be equally recognized and protected.

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## Does Heidegger Need Irony?<sup>1</sup>

Stijn Talloen

**Abstract:** By way of Thomas Nagel's «The Absurd» an apparent lacuna is revealed in Martin Heidegger's existential system in *Being and Time*. Whilst there have been a plethora of interpretations giving content to Heidegger's notion of authenticity, there has been a critical lack of discussion on inauthenticity. Irony is presented as an answer to both this lacuna, and as a beginning to giving content to Heidegger's use of inauthenticity.

Thomas Nagel and Martin Heidegger, two philosophers rarely mentioned in the same breath, are the protagonists of this essay. In *Being and Time* Heidegger's main task is to find the essential structures of being-human. In the course of this project the meaning of our life and the world figures prominently. Thomas Nagel's 1971 essay "The Absurd" also deals with meaning. The general philosophical background framing the present analysis is decidedly Existentialist. The first two sections concern the common ground of the two philosophers to set the stage for the third section. Following this, in the third section, I analyze and compare their seemingly opposed suggested responses, particularly focusing on the ability of Nagel's irony to fill the gap in Heidegger's system. Insofar as Heidegger makes it a structural inevitability that we continue to fall into *das Man* after anxiety, whilst he also claims that we cannot do so as before but never discusses how falling into *das Man* is experienced after anxiety, we find a lacuna. The fourth section expands on the appropriate notion of irony, whilst the last section returns to authenticity.

### I. The Common Epistemological Enemy

Nagel and Heidegger have in common a rejection—a denial of what for simplicity's sake can be called Cartesian Epistemology: the idea that we need an indubitable base of knowledge or beliefs upon which we are to make our choices in life.<sup>2</sup> Of particular

relevance is the application of this idea to the meaning of entities—that their meaning comes from our beliefs about and knowledge of them. In the seventh reply Descartes compares his method in the *Meditations* to that of an architect.<sup>3</sup> Just like the architect clears the soil for a ground that is a solid foundation to build a house on, Descartes wants to start with this foundation upon which to build his home of knowledge. Critical to the search for these is the rejection of any dubitable beliefs due to their inability to constitute the desired solid foundation; indubitability is the only criterion for solidity. Out of this process arises a clear distinction between the subject and the object. The isolatable subject relates to the world by being spatially *in* the world. Descartes challenges the subject to find indubitable knowledge about the world. As for the architect, this can act as the firm foundation upon which to build through inferential reasoning and logic to build up our comfortable home of knowledge.

Nagel explicitly rejects the possibility of finding ultimate indubitable justification for what we do—“[w]hat sustains us, in belief as in action... is *not* reason or justification” but rather “the inertial force of taking the world and life for granted”.<sup>4</sup> Nagel notes that we do not look or wait for such a justification for the choices we make in life, from mundane ones to “in the broadest terms what to pursue”.<sup>5</sup> If we did, none could be found and we would be left incapacitated.

Any proposed ultimate justification faces three possible responses when we inquire why *that* should be the ultimate justification. Either we justify it being the firm foundation to build on using independent reasons, in which case we find ourselves in a *reductio ad infinitum*.<sup>6</sup> Alternatively, we can justify its finality circularly. Lastly, we let it end *somewhere* since no indubitable justification can be expected.<sup>7</sup> From our inability to find firm ground we conclude that in order to live seriously, to make decisions, we must be taking *something* for granted and letting justification stop somewhere. Therefrom follows a further conclusion that the system of justification we use to make our choices “rest[s] on responses and habits that we never question”.<sup>8</sup> The meaning of life and entities in the world, by implication, come from elsewhere. Nagel’s philosophical absurdity comes precisely from a clash between this inability and the recognition of it, whilst living a life that seemingly pretends or presumes such indubitable justification exists. In the serious life, we justify our choices but ultimately there can be no end to justification.

Closing his remarks on our living life ‘seriously,’ Nagel describes life as “a full-time occupation, to which everyone devotes decades of intense concern”.<sup>9</sup> Whilst to Nagel this aptly summarizes preceding remarks on how we live, for Heidegger *concern* is an important concept, denoting the primary way in which we are in the world—unlike water in a cup, a spatial ‘in’, we are

primarily in the world not by being *in* it, but by being concerned *with it*. Heidegger's radical anti-Cartesian claim is that our primary way of relating to things in the world, and thus the source of their meaning, is not forming justified beliefs and knowledge about them, but rather, their status as equipment—our relationship of use to them. Yet we do have beliefs about entities and the world: the result of a secondary theoretical intentionality, as opposed to the primary concerned one, instigated by equipmental *breakdowns*. For Heidegger, “[i]f knowing is to be possible... then there must first be a deficiency in our having to do with the world concernfully”.<sup>10</sup> Only after a breakdown in our ordinary equipmental relations with entities do we relate to them theoretically. This is a reversal of the Cartesian epistemic picture where theoretical intentionality comes first, upon which concerned intentionality is built.

This section is preparatory work for the later sections. I wanted to emphasize herein two points: First, Nagel and Heidegger posit us as a ‘subject’ making choices and having beliefs which are not based on indubitable justified beliefs, but instead rely on taking the world for granted, a world in which we always find ourselves. Secondly, meaning comes from our engagement with the world, not from having beliefs and knowledge. Heidegger makes these moves more explicitly than Nagel, but the view is fundamentally at work in Nagel’s

work too. Next, we will turn to Nagel and Heidegger’s identification of a moment of loss of meaning.

## II. The Common Diagnosis of Meaninglessness

Nagel and Heidegger have in common also a diagnosis of a loss of meaning in our life. According to Nagel, life has the permanent universal condition of being absurd, which he distinguishes from the ordinary usage of ‘absurd,’ where absurdity arises out of a “discrepancy between pretension or aspiration and reality.” If *life* is absurd, however, “it must arise from the perception of something universal.” There must be a way in which “pretension and reality inevitably clash for all of us.” Nagel believes such a clash or discrepancy does indeed exist, namely, between “the seriousness with which we take our lives and the perpetual possibility of regarding everything about which we are serious as arbitrary”.<sup>11</sup> The purpose of this essay is not a detailed exposition of Nagel’s thesis; as such, the following remarks will be brief.

Nagel’s absurd condition essentially comes down to reason’s inability to find an ultimate independent justificatory ground for what we do. Nagel’s thesis, universal absurdity, rests on three assumptions. First, everyone must be capable of the required skepticism to continuously doubt any justification we give for what we do. Secondly, he must make the further assumption that the way in which we live our life presumes, gives us the illusion, or pretends that a

good ultimate independent justification is available for what we do. This is necessary since he describes absurdity as coming from “two inescapable viewpoints collid[ing] in us.” If one of those viewpoints is one where we “recognize what we do as arbitrary” resulting in “doubts that we know cannot be settled,” then the other must be a viewpoint that either *is* or entails what we do is neither arbitrary nor open to doubt.<sup>12</sup> Once Nagel establishes life’s absurdity from the possibility of doubting everything, he is implicitly making the third assumption that it would require an indubitable justification for our choices to not be arbitrary. There is no middle ground, a non-arbitrary justification that is not also an ultimate, independent justification.

In finding absurdity Nagel also draws attention to how pursuits in life have always already been chosen against a background of unquestioned responses, habits, and customs. Life loses its meaning when we step back and realize that we can only live our life seriously because of a “system of justification... that we should not know how to defend without circularity”.<sup>13</sup> This conscious loss of meaning, the result of a discrepancy between what we thought our life was like and what we find to be the case, is most important for our purposes. When realizing that indubitable justification for our choices is unavailable, all of a sudden everything we do, will do, and have done, seems less meaningful than under the assumption that we do so with good

justification. Nagel’s response to this loss of meaning is simply continuing to live like before as if an ultimate justification is available, only henceforth ironically.

Heidegger shares with Nagel a diagnosis of meaninglessness, albeit a different one. For Heidegger, very simply, *anxiety* is the recognition of how our concerns and projects were determined: through *das Man*.<sup>14</sup> John Richardson defines *das Man* as “the common and shared comportment, carried out as common and shared”.<sup>15</sup> We defer to this ‘common and shared comportment’ when deciding what ends to pursue or choices to make. *Das Man* is neither the sum-total of every person, nor the average of everyone – rather, it is the shared set of things that each of us makes recourse to. Ordinarily, when we think of what to do, we think of *what one does (was man tut)* – the same way we are given responsibilities to take on and roles to fulfill. How do I decide what internship to apply to? Given that I want to go to law school, applying for a law firm internship is simply *what one does*. When doing this, we are consistently oriented towards the other, trying to align ourselves with a general standard. Since all fellow pre-law students seem to be looking for internships at law firms, I have to do so too, and if we notice ourselves falling behind, “[we] want to catch up in relationship to them”.<sup>16</sup> Through doing this “[a]s they-self, the particular Dasein has been dispersed into the “they”, and must first find itself”.<sup>17</sup> That is, in our ordinary being we aren’t our-self: the ‘who’ of ‘who am I’

is *das Man*, not *I*, because when we fall into *das Man* we are not making our *own* choices. Anyone else drawing on *das Man* could do, in fact, *would* do the same thing as *I*. Thus we are lost in *das Man* and left replaceable. The journey to authenticity starts with *finding our-self* in this dispersed mass of *das Man*. Whilst seemingly peripheral at first, the phrase “must first find itself” is critically important to the later argument that we must always return to *das Man*. After all, if Heidegger suggests we *find* ourselves, then we must ask: where?

Anxiety is a state-of-mind (*Befindlichkeit*). It is important to understand what Heidegger means by ‘state-of-mind’, as the English translation is lacking. This translation misses the core part of the German word: *finden*, to find. *Be-*, *-lich*, and *-keit*, are all transformations of this core word. Thus, *Befindlichkeit* first and foremost has to do with us finding something. The prefix *be-* implies a passivity on the part of the agent, that it is something that happens to us, whilst the *-keit* conveys the English ‘state’, and thus that a *Befindlichkeit* is a *state* we find ourselves in. It is also important not to confuse *Befindlichkeit* with representational content of any sort: it is a state we find ourselves in by being the agent who experiences it, like a mood.<sup>18</sup>

Anxiety is a moment of loss of meaning because *das Man* loses its power. Nagel’s loss of meaning comes from our recognition that meaning in life isn’t structured in the expected way; in Heidegger’s anxiety we recognize

our own fundamental freedom to make choices and for self-conception and understanding, what he calls our *potentiality-for-Being-its-self*. A large part of this is being confronted with our own death and guilt, two concepts we will focus on in the next section. We recognize this potentiality to be our-self, whilst at the same time realizing that all this time we have merely been a they-self. Life feels less meaningful because *das Man* loses its grip on us; it is no longer satisfying and comfortable as a way of making choices in life.

Reminiscent of Nagel’s distinction between his philosophical notion and the ordinary use of ‘absurd,’ Heidegger distinguishes anxiety from fear. Both describe a difference between universal and particular phenomena: fear is felt ‘in the face of’ an entity within-the-world, it “reaches what is threatened.” A fear reaches a *particular* project or end. In anxiety “one does not encounter this thing or that thing which, as something threatening, must have an involvement”.<sup>19</sup> Anxiety does not threaten any particular project. “[E]veryday familiarity collap[s]” is anxiety’s most important feature, referring to the usual way in which the world is meaningful—fundamentally dependent on our falling into *das Man*.<sup>20</sup> Once anxiety confronts us with the true structure of our self, a thing with “the freedom of choosing itself and taking hold of itself,” these ordinary ties to the world are broken.<sup>21</sup> We recognize that our freedom to choose the ends and projects we pursue has been neglected all along. Anxiety “deprives *das Man*



of its tranquilizing effect,” resulting in an “inability to reattach myself” to my projects, because what yoked me to them before, giving us the necessary ‘tools’ to care about, invest, and find meaning in the world, lay in *das Man*. As such it is a universal breakdown in our concern, not of a particular project.

The loss of the comfort of *das Man* results in the world feeling fundamentally meaningless. Anxiety as a state-of-mind (mood) engenders the characteristic feeling that “the world has the character of completely lacking significance” where “entities within-the-world are not ‘relevant’ at all” — indeed, “completely indefinite”.<sup>23</sup> We *have* to choose, and, though concealed by it, falling into *das Man* is one inferior way of dealing with that choice.<sup>24</sup> Anxiety shows us our freedom and thereby gives us a sense of responsibility for ourself, which falling into *das Man* neglects. We must now actively *do* something to overcome this loss, endowing our life with meaning and significance. As alluded to before, this starts by finding ourselves in *das Man*, it involves a process of becoming *authentic* where Heidegger thinks we can relate to the world in such a way that the who is no longer *das Man*, but I myself.

### III. Irony contra Authenticity?

On the surface it appears that Nagel and Heidegger have opposite and mutually exclusive recommendations in response to the loss of meaning. Whilst Nagel thinks there is nothing we can do in response to the loss,

Heidegger is hopeful that meaning can be restored—*our* meaning. Whilst the recommendations are opposite, a more comprehensive discussion of in particular Heidegger’s *authenticity* will show how Heidegger’s system needs irony.

Nagel draws a comparison between the questioning of the seriousness with which we live our life and philosophical skepticism. In philosophical skepticism we doubt the truths of ordinary beliefs given the lack of a sufficient reason to dismiss an incompatible possibility. We can only dismiss possibilities such as solipsism on “grounds in those very beliefs which we have called into question.” But, as a result of this skepticism we do not “abandon our ordinary beliefs,” it just “lends them a peculiar flavor.” Specifically, “[w]e return to our familiar convictions with a certain irony”.<sup>25</sup> Analogously, despite recognizing our inability to justify the seriousness with which we live life, we nevertheless return to it—life is not abandoned (though some might). Instead, whilst unable to “escape the absurd,” we should return to our serious life with a certain sense of irony.<sup>26</sup> I know there is no ultimate independent justification for my habits, cultural customs, or religion, but I will nevertheless continue to take the projects and decisions dependent on them seriously. Whilst not changing *what* we do, the seriousness is not quite the same as before our recognition of absurdity: from the outside it looks the same, but from the inside it is lived

with the acknowledgement of its pretense, and thus, in irony.

Nagel thinks this conclusion follows from the very realization that our life is absurd: “If *sub specie aeternitatis* there is no reason to believe that anything matters, then that [the absurdity of life] doesn’t matter either”.<sup>27</sup> The absurdity of our life is not a major problem: we can simply return to living our serious life, albeit ironically. But this is an unsatisfying answer: it’s not clear why the situation is so grim. Is there no viable alternative between giving an independent, reason-based justification that stands on its own and absurdity, meaninglessness?

Unlike Nagel, Heidegger thinks there is a significant problem due to its implications concerning our selfhood. The problem is our recognition (or experience) of where meaning came from; the dependence of meaning on *das Man* is concerning for us. Unlike Nagel, Heidegger thinks there is a way out which restores this lost meaning. Nagel has shown that reason cannot give meaning back. Heidegger suggests a non-arbitrary criterion, not determined by reason, to choose what ends to pursue and what to take for granted. But this will not result in having ultimate independent justificatory grounds satisfactory for Nagel—it will not be able to give anyone’s life meaning. Authentic choice will depend on new ways of relating to our *own* death and guilt which anxiety confronts us with, thereby making our pursuits and what we take for

granted *ours*. The claim cannot be that we will choose to do never-done-before things. Rather, we change *how* we choose what we do—rather than deferring to *das Man*, we choose in the face of our own death and despite our own guilt. Thereby we choose what to be concerned with, what *matters* to us.

Heidegger asks us to re-think death. Ordinarily, death “is perverted into an event of public occurrence which the «they» encounters,” something to be actualized.<sup>28</sup> Considered as an event, much can be said to keep death as far away as possible and therefore out of our minds: for most of our life it is unlikely to happen any time soon, and there are many health-related recommendations to delay it. Thereby *das Man* gives us a tranquilizing way of coping with death as we are able to ignore it, but this prevents us from relating to death in the ‘proper’ way. Instead we ought to understand, as anxiety forces us, death as our ultimate possibility. When considered thus, we notice that it is our ownmost possibility, though not entirely disjointed from eventhood, for three reasons. It is “*non-relational, certain and as such indefinite, [and] not to be outstripped*”.<sup>29</sup>

Insofar as my death involves only myself, it is non-relational: when I die, *I* die. Granted, the factual event of death is relational due to the mourning of loved ones. But, as a *possibility*, death concerns only myself: no one can die for me, and it is a possibility that exists *independent* of anyone else. Other possibilities are all relational in virtue of their dependence on

others and society. Death is also a certain possibility as we know that everyone dies. This distinguishes it again from other possibilities, which are not certain. Heidegger thinks that if we consider the certainty of death *as a possibility* we must also recognize that “[a] long with the certainty of death goes the *indefiniteness* of its “when””.<sup>30</sup> Lastly, death is ‘not to be outstripped’: death is the outer boundary to our life which no other possibility can outlast or go beyond.

An important observation is made about death: namely “[d]eath, as possibility, gives Dasein nothing to be ‘actualized,’ nothing which Dasein, as actual could itself *be*”.<sup>31</sup> Ordinarily, possibilities are thought of as something to be actualized. I apply to an internship to get the internship, which is pursued to get a job, which itself aims at another actualization—earning money, helping others, buying my dream house or vacation, and so on. This is a mistaken way of understanding our possibilities, projects, or ends. Facing death as my ownmost possibility forces me to recognize what matters in possibilities—that they are *my* possibilities. Heidegger describes proper relating to death as ‘anticipation.’<sup>32</sup>

Let us now turn to our ‘guilt’ and our proper way of relating to it; resoluteness.<sup>33</sup> Guilt consists of two nullities: first, a nullity in every possibility chosen, since whatever possibility someone chooses, “it constantly is not other possibilities”.<sup>34</sup> For everything I am, I am *not* many other things. Whilst a philosophy

major, I am not a history or design major. The second nullity dives deeper.<sup>35</sup> From the first moment we are able to make choices, we are thrown into a world with projects and ends, habits and responses, never able to escape being “subjected to the past”.<sup>36</sup> We can never control who we are, our understanding of the world, and the moods we are in from the ground up. Guilt is ordinarily conceived as “an indebtedness which has ‘arisen’ through some deed done or left undone,”<sup>37</sup> whereby we are able to ignore our proper guilt by addressing concrete infractions. Properly relating to guilt means facing it resolutely. Important is noticing our inability to have complete control over who we are and the situation we find ourselves in, indeed we have “been determined by [our] ownmost Being-guilty both *before* any factual indebtedness has been incurred and *after*”.<sup>38</sup> Only addressing concrete infractions misses our continued Being-guilty afterwards. It is clear, then, that the process of becoming authentic consists not in building ourselves from the ground up, but rather, in finding, cultivating, and nourishing a self out of *das Man*.

The unity of death and guilt allows for authenticity by achieving wholeness. There is no room for a detailed exposition of why and how Heidegger unites them, but it suffices to say that he thinks their unity is important: “[r]esoluteness is authentically and wholly what it can be, only as anticipatory resoluteness”.<sup>39</sup> With them combined, “there is attested with it an

authentic potentiality-for-Being-a-whole which belongs to Dasein”.<sup>40</sup> Reaching simultaneously as far back as possible by resolutely confronting guilt and as far forward as possible by anticipating death achieves wholeness. In contrast to ironic living, this imbues our life with more intense meaning than before by giving us a non-arbitrary criterion for choice. The criterion is our ability to intend in the face of our own death and guilt, a point Heidegger makes by claiming that in authenticity, the person “exacts anxiety of itself”.<sup>41</sup>

Yet it is not the case that I conclude whether or not a given choice is authentic through a deliberative process, imagining myself confronting anxiety. At one point, Heidegger describes a state-of-mind as “*Bringing Dasein face to face* with the “that-it-is” of its own thrownness—whether authentically revealing it or inauthentically covering it up”.<sup>42</sup> Each state-of-mind, then, is either authentic or inauthentic. Since it reveals our thrownness, anxiety is authentic. But its uncanniness is debilitating, leaving us unable to do anything. If the uncanniness of anxiety is contrasted with the “tranquillized self-assurance—‘Being-at-home’” of average everydayness, then our authentic state-of-mind must have more in common with the ‘Being-at-home’ of average everydayness than the uncanniness of anxiety, despite its commonality with anxiety in revealing our thrownness.<sup>43</sup> The particular way in which we feel ourselves to be at home likely differs from the ‘tranquilizing self-assurance’ in average

everydayness, but important to note is that when I speak of there being a ‘criterion’ for authenticity, I do not intend something deliberative. It might be more accurate to speak of it as a ‘requirement’: a requirement for doing something authentically is being able to face our own death and guilt: to be able to exact anxiety of ourselves for that choice or whatever we are doing in that moment.

Thus, unlike Nagel, Heidegger thinks there is a substantial non-arbitrary criterion for choice. Nagel sees no option but withdrawing from the absurdity of life and continuing to live as before, albeit with irony. Heidegger demands the opposite: rather than turning our back, we choose our projects *in the face* of their groundlessness, recognizing how we are thrown into them. Only by constantly projecting to my outermost possibility, death, instead of mere ends, whilst at the same time recognizing the limit on the other end, our inability to build our self from the ground up, is wholeness achieved. Importantly, this is not an independently grounded justification of the sort Nagel rules out. Instead, justification ends where I can say: this I choose or accept *even though* it is groundless and *even though* no end might be actualized. This is the process of finding ourselves in *das Man*: by identifying those things which we can properly embrace to make *ours*, I am as it were picking up and collecting lost pieces in *das Man*.

Heidegger offers no justification for what we are already doing. Instead, he recognizes the continued need to make choices, asking: how do we make them meaningful? Since Nagel merely acknowledges groundlessness, only an ultimate independent justification applicable for everyone appears satisfactory. By also looking ahead to death, Heidegger identifies a criterion already more meaningful than doing nothing about it, providing a criterion for determining what choice *I*, not *das Man*, want to make. Traces of Nagel's not seeing a determined place for justification to end can be found. Thus he claims "[n]o further justification is needed to attend an exhibit of the work of a painter one admires, ... [n]o larger context or further purpose is needed to prevent these acts from being pointless".<sup>44</sup> Nagel recommends we return and justify what we do precisely thus: "I admire this painter so why not go?" For Nagel, that this is what one does suffices as an end for justification. If one admires a painter, going to their exhibition is what one does. Here the contrast between the thinkers could not be starker, as Heidegger exhorts us, *No! Justification does not stop with das Man*.<sup>45</sup> Doubting must go to the end of our possibilities: our death. If I die right after going to the exhibit, would I look back and exclaim: 'Yes!'

I have already alluded to why we must continue to resort to *das Man* even after becoming authentic. Two interconnected justifications for this ought to be made

explicit: first, part of the concept of guilt is our inability to fully ground who we are, in effect this is a constraint on authenticity. Secondly, becoming authentic involves *finding* ourselves, to which the immediate question follows: where do we find ourselves? Considering our inability to get fully behind ourselves, and the dependence on *das Man* for rudimentary understandings of the world, the social roles, positions, and norms available, it must be *das Man* in which we find ourselves. As further evidence, consider Heidegger's description of language: "the public way in which things have been interpreted" and our access to this interpretation is "decisive even... for the basic way in which Dasein lets the world "matter" to it. The "they" prescribes one's state-of-mind, and determines what and how one 'sees'".<sup>46</sup> As we are unable to escape the use of language, we must, at the least in this sense, also be unable to escape *das Man*.

Heidegger makes our falling into *das Man* a structural inevitability, whilst encouraging us to overcome it. We overcome falling and become authentic in certain places and parts of life, but not in all. I may intend what to study, embrace my role as a son, and dedicate thousands of hours to a hobby, authentically. These I intend despite the groundlessness thereof and even if no end within those projects were ever to be reached. Yet, there are also things I would not look back on as worth doing if I were to die tomorrow, such as small talk with acquaintances on university campus. Unless



it results in a significant end being actualized that matters in the pursuit of an authentic project, it is not be worth doing in and of itself, the way in which pursuing a tenure position in a philosophy department, earning money from my hobby, or conversation with a good friend will be worth having done in and of itself even if that end is not actualized. This is a standard theoretical interpretation of falling and authenticity: that, in the words of Taylor Carman, “Falling is... a perpetual pull away from authentic existence” and thus that we are authentic not as a whole, but rather with regards to ‘parts and places’.<sup>48</sup>

Theoretically we never completely abandon *das Man*. Richardson’s claim of an “inability to reattach” to *das Man* from anxiety must not be understood as a complete inability but rather an inability to do so in the same way. At least that seems to be the implication of *das Man* losing its tranquillizing effect. That begs the question: how *do* we return to *das Man*? What is falling into *das Man* like after anxiety? The phenomenon of falling as making recourse to our ‘shared and common compartments’ does not change, but we cannot be doing so as seriously as before. To provide necessary context: Heidegger’s project in *Being and Time* is finding what the essential structures of our being are: anxiety, falling, and authenticity are all such essential structures (*existentiale*). However, if those are, then is there a particular character to *das Man* after anxiety that is an *existentiale* too? Could it be *irony*? To be sure,

there would be an intuitive appeal to this. Returning to the previous example of talking to an acquaintance on campus: this is a choice I make, namely, to converse with them, which I certainly do not make authentically. However, once I am talking to them, I am doing it, in Nagel’s words, seriously! All the while, however, I know I could not authentically choose it. Therefore, I am doing it ironically.

#### IV. Irony as an Experience

Despite its importance Nagel is spectacularly sparse in his comments on his use of irony. Irony ought to be the ‘pervasive’ response to an identified problem, yet Nagel says no more than an analogy with the epistemological skeptic. According to Nagel, the skeptic sees the outside world constantly with a grain a salt- a hesitation to fully believe in what he sees. Yet nothing radically different is done, he goes on to live a life like the non-skeptic. Nagel envisions a similar response to the absurdity of life: a pervasive ironic attitude is appropriate. To any serious reader this is an unsatisfying response, leaving open a host of questions. In the present section I want to develop a notion of irony as I see fit. The analysis will be guided by the need of answering two questions in particular. First, is this irony experienced, in the first person, or a condition observed from the third personal perspective? And secondly, what is the scope of this irony?



The concept of irony is immensely ambiguous, at least in part due to the long history of extensive inquiry and study it has enjoyed. Immediately we can list a series of different types of irony: literary, verbal, performative, tragic, and romantic. My purpose here is not to provide a glossary of the various notions of irony encountered in the history of philosophy and literature. Regardless, verbal irony is perhaps the most familiar in our everyday use. Let's start with an example: in the Greek tragedy *Agamemnon* by Aeschylus, the eponymous protagonist returns from winning the Trojan War to be assassinated by Clytemnestra and her lover, Aegisthus. Upon his return his wife pronounces the following: "Let him find a faithful wife in his home,/ just as he left her, the watchdog of his house,/ loyal only to him, an enemy to his enemies./ I have not changed. In all this time/ I've kept our promises, never broken our seal." The discrepancy between what we know and what she says urges us to describe these lines of the play as 'ironic.'

By 'irony' I do not mean verbal irony which arises from something said. However, it is the most familiar kind of irony, and thus serves us well to make two important points. Neither is controversial, in need of vigorous argument and defense. First: irony always requires a context. Only when considering that Clytemnestra will murder her husband does her current praise and claims to faithfulness appear as ironic. Without the relevant context of what she intends or is about to do, there is

no irony. Secondly, I want to introduce a distinction between irony as a first personal experience, and as a third personal ascription. This is merely an analytic distinction which should not be interpreted as a dichotomy. On the one hand, if Clytemnestra is aware of her plans to kill Agamemnon, then she experiences the irony in what she says. On the other hand, the spectator in the audience merely observes the irony, ascribing a property of 'ironic' to what is said, or to the scene as a whole. The spectator, too, however, can only ascribe this irony from the third personal point of view if they have available to them the necessary context.

The distinction allows a specification of my intended use of irony as there is no set of possible facts that would provide the necessary context for someone to say that I am doing something, or using language, in an ironic way. Instead, a necessary complement to authenticity is that we *experience* irony. It is fundamentally an *experience*, because the necessary context for this irony is something to which the agent has privileged, if not exclusive, access. We have already seen that anxiety is a state-of-mind, hence not a propositional fact or observation, nor the result of a deliberative process. Instead, as a state we find ourselves to be in, irony engenders certain attitudes or relations to things in the world and what we are doing. A requirement for intending something authentically is a state-of-mind which authentically reveals our thrownness. In authentic states-of-mind we are able to walk past our

own guilt and death, asserting our willingness to act in the face of it whereas in anxiety the floor collapses underneath us. By contrast, in inauthentic states-of-mind our thrownness is covered up. The unfulfillment of the requirement of authenticity is the necessary context for irony in this case. Our response to death and guilt is not an assertive overcoming, but rather a kind of submission. I accept I cannot intend it authentically, yet carry on. As a matter of appearance it all looks the same: I am *doing* the same thing. What changes is how I *intend* the thing. The agent has privileged access to the relationship in which it stands towards what it does due to its dependence on a state-of-mind. Only I can find what state-of-mind I am in. Of course, that does not exclude the possibility of others experiencing my actions as ironic *if* they interpret them as such. Yet they are confined to, bar a verbal announcement of my state-of-mind, conjectures. To this extent my use of irony strongly overlaps with Colebrook's claim that irony allows authors to "use all the figures and conventions of a context while refraining from belief or commitment".<sup>49</sup> Irony allows me to maintain an appearance whilst withholding the 'commitment' it seemingly implies.

This addresses the first question I set out to answer. At the start I raised a second question: what is the scope of this irony? The question of scope, to what it applies, is one that developed throughout history. Romantic irony introduced a way of understanding

irony with a far wider scope. Unlike in verbal irony, it no longer only applied to specific things we say; instead the Romantics "regard[ed] irony as something like a human condition or predicament".<sup>50</sup> It is pervasive in our life- in everyone's life. Life just *is* ironic. For the Romantic ironist there is a universal discrepancy, a feature of life, which makes our whole life ironic.

Such a universal discrepancy is reminiscent of Nagel's conception of the absurd. There too we were confronted with a universal discrepancy, but in that case leading to the condition of absurdity, not irony. We saw that absurdity for Nagel certainly would fall under what I would describe as a wide scope: it is not just a feature or property of an event, occasion, action, or verbal expression. Instead, Nagel's philosophical absurdity is *universal*. Philosophical absurdity is universal in so far that everywhere and always there looms a *potential* clash between two perspectives. Nagel does not think everyone is always and everywhere experiencing this clash: it is consistent with Nagel's universality that someone never experiences the clash at all. Yet their life too is absurd, because they have the mental capacity necessary for the clash to occur. I know my own life is absurd by recognizing the *universal potential* of a clash; not by seeing the clash in every detail of my life. What then, is the scope of irony in Nagel's account? We know Nagel offers us irony as an attitude to have in response to this *universal* condition. If absurdity is

a universal condition, it might seem natural to assume that irony ought to be a universal attitude. This would be the wide scope reading of Nagel: that we are ironic, always, in everything we do and say. Is it universal in so far that we recognize it as the appropriate answer in each case? Alternatively, there is a narrow scope reading. Whilst absurdity is a universal condition, in particular instances and moments where we recognize this absurdity we respond with irony.

The conscious recognition of the absurdity of what we are doing or saying in a particular moment constitutes the context of irony in the narrow scope use. It is not clear, however, that we need to recognize the absurdity of a particular thing. Instead, we might harbor a pervasive irony towards life made possible by the general realization that anything is open to the kind of questioning necessary for absurdity. Going through the questioning to recognize a particular absurdity isn't required to have an ironic attitude towards it. I think Nagel intends his ironic attitude in the wide scope way: he tells us that after recognizing the absurdity of life (a general observation about everything we do) "our seriousness is laced with irony". This seriousness is the way in which we live our life. Nagel suggests "we return to our familiar convictions with a certain irony and resignation".<sup>51</sup> But we can't be aware of every conviction, so our ironic attitude presumably resembles Romantic irony: a pervasive attitude brought about through the recognition of a universal absurdity based on the

universality of a potential clash. In other words, this ironic attitude is developed by recognizing absurdity in a particular case, realizing that this clash could happen anywhere, and therefore that everything demands an ironic attitude.

When I use irony as a complement to authenticity, I intend it as a first person experience in the narrow scope. Irony is not a pervasive attitude towards being, life, or language. In fact some things we do, some language we use, we are using authentically and thus not ironically. It is what is left, the language which I cannot use, and those things that I cannot intend, authentically, to which I relate ironically. But the context required for doing so is one to which I have at least privileged access. Thus it is fundamentally a first personal experience. The narrow scope aspect comes from the fact that it is always experienced in particular instances; relative to particular ideals, values, identities, or parts of language- not to any of these in general.

## V. Authenticity/Inauthenticity Revisited

There is a significant division in the interpretation of the structure of anxiety, inauthenticity, and authenticity. We can divide the interpretations amongst a structural and phenomenological camp, both of which agree, explicitly or implicitly, that anxiety is existentially primordial to both authenticity and inauthenticity. One group, the structural party, believes that anxiety is only existentially primordial, claiming that we are

inauthentic in our average everydayness. On the other hand the phenomenological interpretation claims that not only is anxiety existentially primordial to authenticity and inauthenticity, but also phenomenally. We need to *experience* anxiety before it makes any sense to speak of a Dasein as either inauthentic or authentic.

Heidegger's repeated emphasis on the ontological primordially of anxiety settles the existential question. Heidegger claims that "[f]rom an existential-ontological point of view, the "not-at-home" must be conceived as the more primordial phenomenon".<sup>52</sup> Here, the "not-at-home" stands for anxiety, describing its collapsing of our everyday familiarity. Heidegger is unambiguous: existentially, anxiety is the primordial phenomenon. The existential priority is also clear in Heidegger's explanation of fleeing. Heidegger claims our existential structure is such that we flee in the face of the structure of our own being. But such a fleeing can only make sense "to the extent that Dasein has been brought before itself in an ontologically essential manner through whatever disclosedness belongs to it".<sup>53</sup> Only once we are aware of the deep existential structure of our being does it make sense to speak of Dasein as *fleeing* in the face of this structure. Thus Richardson claims that "anxiety is logically and intentionally prior to falling"<sup>54</sup> and Dreyfus that "[w]e shall see that anxiety both *motivates falling into inauthenticity*—a cover-up of Dasein's true structure—

and undermines this cover-up thus making authenticity possible".<sup>55</sup> Both Richardson and Dreyfus accept that at least logically inauthenticity comes after anxiety.

Heidegger entices us into an interpretation of average everydayness as inauthentic when he claims "the answer to the question of the "who" of everyday Dasein, is the "nobody" to whom every Dasein has already surrendered itself in Being-among-one-other" and "[i]t has been shown that proximally and for the most part Dasein is not itself but is lost in the they-self, which is an existentiell modification of the authentic Self".<sup>56</sup> Insofar as we are not ourselves by being lost in the they-self, which is distinctive of average everydayness, the natural conclusion that average everydayness *is* inauthentic looms large. Dreyfus buys into this picture when he claims that "[p]henomenologically one can think of the transformation from inauthentic to authentic existence as a gestalt switch"<sup>57</sup> and that "inauthentic Dasein is fully at home with things and 'can dwell in tranquilized familiarity'".<sup>58</sup> Heidegger himself, however, in the quoted section, is talking about average everydayness, not inauthenticity. It is indicative of Dreyfus' interpretation that he feels a direct substitution is possible.

Alternatively, inauthenticity can be put on par with authenticity in its phenomenal position post-anxiety. If the phenomenal structure mirrors the existential structure then our average everydayness prior to

anxiety is neither authentic nor inauthentic. Heidegger seems to indicate as much when speaking of a third ‘undifferentiated’ mode: “[b]ut this *potentiality-for-Being*, as one which is in each case *mine*, is free either for authenticity or for inauthenticity or for a mode in which neither of these has been differentiated”.<sup>59</sup> Such an interpretation is pursued by Taylor Carman, who identifies average everydayness with this undifferentiatedness.

By taking seriously the primordially of anxiety over inauthenticity phenomenally too— for good reason considering the lack of any clear statement in Heidegger identifying average everydayness with inauthenticity— Carman is able to give a substantial role and content to ‘undifferentiatedness,’ unlike other interpreters. Yet Carman’s novelty is not exhausted by this difference; Carman also suggests that Heidegger uses authenticity/inauthenticity in two distinct ways. According to this interpretation Heidegger uses authenticity and inauthenticity in a non-evaluative and evaluative sense. In the non-evaluative use, authenticity is a matter of Dasein “stand[ing] in a directly first-person relation to itself, in contrast to the second- and third- person relations,” or in other words: “a comportment or understanding is authentic just in case it relates directly to the person whose comportment or understanding it is”.<sup>60</sup> Inauthenticity, then, consists in standing in relation to oneself in the second- or third-person, in Carman’s words “*qua* other”. The evaluative

use is where Carman makes the three way distinction identified in the previous paragraph. Carman, however, sees this undifferentiated mode as totally distinct from authenticity and inauthenticity, a claim he commits to when stating that “Modal undifferentiatedness, or indifference, between authenticity and inauthenticity is what Heidegger calls Dasein’s average everydayness,” which is again neither good nor bad, but neutral”.<sup>61</sup> This claim makes the same mistake as the structural interpretation, however, which is made clear by Heidegger’s own claim that “[i]n starting with average everydayness, our Interpretation has heretofore been confined to the analysis of such existing as is either undifferentiated or inauthentic”.<sup>62</sup> Heidegger’s unambiguous statement condemns any interpretation of average everydayness as either always inauthentic or always undifferentiated, as the structural and Carmanian interpretations do respectively, to a misreading.

Yet I think Carman is basically right on both counts: average everydayness is not inauthentic, so phenomenally, too, inauthenticity is only intelligible after anxiety. Secondly, the distinction between authenticity and inauthenticity has two uses. But we have already seen that Carman’s interpretation goes awry. In its stead I present my own interpretation of the two uses of the distinction. When discussing states-of-mind in section III, I quoted Heidegger’s claim that a state-of-mind is either authentic or inauthentic if it



reveals or covers up our thrownness respectively. This dichotomous distinction, applicable to states-of-mind as well as understandings or compartments, each of which is either authentic or inauthentic, presents an intuitive answer to the ‘inauthenticity’ of falling into *das Man*. Thus, Heidegger claims that “[b]ecause Dasein has falling as its kind of being, the way Dasein gets interpreted is for the most part *inauthentically* ‘oriented’ and does not reach the ‘essence’”.<sup>63</sup> Applying Carman’s labels of non-evaluative and evaluative, this is the non-evaluative use insofar as it does not yet judge Dasein itself as authentic or inauthentic. Richardson too alludes to this use of authenticity; “resoluteness [guilt] shares with anticipation [death] the same modes of discourse, reticence, and the same basic mood or self-finding, readiness for anxiety”.<sup>64</sup> In other words, readiness for anxiety is the authentic mood that at same time constitutes an authentic intentionality. It shares with anxiety the revelation of our individuality, but it adds our readiness for facing it—as opposed to the complete collapse of a meaningful world in anxiety.

The evaluative use, on the other hand, is made with respect to our intentionality in doing something. Dasein is either authentic or inauthentic in what it does after anxiety; it either heeds Heidegger’s demand or it does not. Consequently judging Dasein as inauthentic presupposes its being in an authentic state-of-mind, or using an authentic understanding.

This follows from inauthentic intentionality being an inadequate response to our individuality. As Carman puts it; “inauthenticity and irresoluteness simply amount to flagging in that effort and going along with the degeneration of authentic talk into idle talk.” The effort Carman is referring to is the effort “to resist the drift of discourse into sheer superficiality”.<sup>65</sup>

This interpretation illuminates one of Heidegger’s most challenging passages, ignored by Carman: the claim that in average everydayness Dasein may either be undifferentiated *or* inauthentic. Average everydayness is undifferentiated prior to Dasein’s experience of anxiety; though, of course, in average everydayness states-of-minds, understandings, and compartments are inauthentic insofar as they cover up individuality. Once we experience anxiety and perceive the choice, authentic intentionality and actions become possible. Yet, despite this insight we are able to recede into average everydayness. *Choosing* average everydayness, the they-self, in the face of our individuality is the inauthentic choice: “[i]n *choosing inauthenticity*, Dasein actively takes over the public practices of flight for-the-sake-of covering up its nullity”.<sup>66</sup> Anxiety sets up the possibility of judging Dasein itself, as an agent, as authentic or inauthentic. Thus, our intentionality in average everydayness can indeed be either undifferentiated or inauthentic, and its status is dependent on its temporal relation to anxiety in a particular Dasein.



Carman is wrong in claiming that “in its average everyday mode Dasein is neither especially inauthentic nor inauthentic”.<sup>67</sup> We saw that one of Heidegger’s main criticisms of *das Man*’s understanding of death and guilt is its covering up of our individuality. This shared understanding, then, is a decisively inauthentic one which ought to be replaced with an authentic understanding of death—but a Dasein that has yet to have its individuality revealed to itself cannot be judged as authentic or inauthentic. Heidegger’s authentic understanding of death, revealing our individuality, by no means guarantees that I respond to it as Heidegger demands we do (authentically). These are the two different uses of authenticity/inauthenticity in Heidegger: the first is a ‘property’ of a state-of-mind, understanding, or comportment, and the second concerns our intentionality and actions; *how* we do something. Importantly, Dreyfus reminds us that “[f]or Heidegger, the transformation to authenticity signals a transformation in the *form* of my everyday activity, leaving the *content* unchanged”.<sup>68</sup>

Where does that leave irony? The first thing to note about irony as a state-of-mind is its authenticity. That is, irony reveals our individuality. The recognition of our individuality and what this demands of us constitutes the context for irony—without it there is no ironic state-of-mind, at least not of the kind I have characterized. Yet in intending something in an ironic state-of-mind I am doing so inauthentically.

This is a textbook example of inauthentic average everydayness; a deliberate surrender in the face of individuality, willfully retreating back into *das Man*. Irony, then, gives content to inauthenticity—it lays the first piece, upon which much more needs to be built and expanded. The content of authenticity has been heavily discussed, including predictable significant disagreement amongst interpreters. But inauthenticity is oft overlooked. Discussions revolve around falling and fleeing, and their status, yet no attention has been paid to substantializing and giving content to inauthenticity. This is the explanatory gap filled by irony. Given the constraints on authenticity highlighted in section III and irony’s subsidiary position under inauthenticity analogous to anxiety’s position under authenticity (in the non-evaluative sense), it likewise inherits the status as an existientiale.

**Notes:**

1. N.B. This is an abridged version of a longer essay.
2. This is not meant to be an exposition of the historical ideas or arguments of René Descartes.
3. “Throughout my writings I have made it clear that my method imitates that of the architect. When an architect wants to build a house which is stable on ground where there is a sandy topsoil over underlying rock, or clay, or some other firm base, he begins by digging out a set of trenches from which he removes the sand, and anything resting on or mixed in with the sand, so that he can lay his foundations on firm soil.” *The Philosophical Writings of Descartes*; Volume 2, 366
4. Thomas Nagel, “The Absurd”, 724.
5. Ibid. 719.
6. Ibid. 717.
7. These are not mutually exclusive: we might start by justifying it independently, then resort to circularity, and finally just say: this is where it ends, and no justification is needed for it ending here, it is a brute fact that it does so.
8. Nagel, “The Absurd”, 720.
9. Ibid. 720.
10. Martin Heidegger, *Being and Time*, translated by John Macquarrie and Edward Robinson, 61.
11. Nagel, “The Absurd”, 718.
12. Ibid. 719.
13. Ibid. 720.
14. The translation I used refers to this as the they. I have chosen to maintain the original German instead.
15. John Richardson, *Heidegger*, 372.

16. Heidegger, *Being and Time*, 126.
17. Ibid. 129.
18. I think this is made clear when Heidegger claims that “[p]henomenally, we would wholly fail to recognize both what mood discloses and how it discloses, if that which is disclosed were to be compared with what Dasein is acquainted with, knows, and believes ‘at the same time’ when it has such a mood.” (Heidegger 135) In other words, the mood we find ourselves in, and what that ‘tells’ us, is wholly distinct from our representational or propositional content.
19. Heidegger, *Being and Time*, 186.
20. Ibid. 188-189.
21. Ibid. 187.
22. Richardson, *Heidegger*, 141-142.
23. Heidegger, *Being and Time*, 231.
24. The valuative judgment is intentional. Though Heidegger denied making any valuative judgments, it is clear to the reader that one is being made. Richardson breaks it down into two parts: first an epistemic judgment, from which follows a second valuative one. Epistemically, anxiety reveals to us a deep and important truth about ourselves. There is value in this, in that we ought to want to know the truth about whom and what we are. From this a valuative judgment follows naturally: if this is the truth about our structure, then from it follows a correct, or at least better, way of living than falling into das Man. (Richardson 138-139)
24. Nagel, “The Absurd”, 724.
25. Ibid. 724.
26. Ibid. 727.
27. Heidegger, *Being and Time*, 253.

28. Ibid. 258.
29. Ibid. 258.
30. Ibid. 262.
31. “Our terminology for such Being towards this possibility is «anticipation» of this possibility” (Ibid. 262)
32. “By «resoluteness» we mean «letting oneself be called forth to one’s ownmost Being-guilty»” (Ibid. 305)
33. Ibid. 285.
34. It “means never to have power over one’s ownmost Being from the ground up” (*Heidegger* 284)
35. Richardson, *Heidegger*, 156.
36. Heidegger, *Being and Time*, 287.
37. Ibid. 307.
38. Ibid. 309.
39. Ibid. 309.
40. Ibid. 322.
41. Ibid. 340.
42. Ibid. 188-189.
43. Nagel, “The Absurd”, 717.
44. What if our cultural norm was to (as it quite plausibly might) only look at online galleries of artists we liked? Nagel would tell us to just do that—there is, at least in “The Absurd,” no reason to do otherwise, to do one or the other.
45. Heidegger, *Being and Time*, 169-170.
46. Taylor Carman, “Must We Be Inauthentic?”, 17.
47. N.B. Carman operates on a different interpretative plain from the majority of the secondary literature. For Carman, inauthenticity has the same relation to average everydayness as authenticity does: they are both merely existentiell modifications

- of average everydayness, which in itself is a neutral state. For Richardson, average everydayness is inauthenticity, and thus not neutral.
48. Claire Colebrook, *Irony*, 5.
  49. Ibid. 48.
  50. Nagel, “The Absurd”, 724.
  51. Heidegger, *Being and Time*, 189.
  52. Ibid. 184-185.
  53. Richardson, *Heidegger*, 139.
  54. Hubert Dreyfus, *Being-in-the-World*, 313.
  55. Heidegger, *Being and Time*, 128 & 317.
  56. Dreyfus, *Being-in-the-World*, 317.
  57. Ibid. 308.
  58. Heidegger, *Being and Time*, 232.
  59. Taylor Carman, “Authenticity”, 285-286.
  60. Ibid. 286.
  61. Heidegger, *Being and Time*, 232.
  62. Ibid. 281.
  63. Richardson, *Heidegger*, 162.
  64. Carman, “Must We Be Inauthentic?”, 27.
  65. Dreyfus, *Being-in-the-World*, 315.
  66. Carman, “Authenticity”, 286.
  67. Dreyfus, *Being-in-the-World*, 322.

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## Wisconsin v. Yoder and the Libertarian View on Publicly Funded Education

Camila Strassle

**Abstract:** The 1972 Supreme Court case *Wisconsin v. Yoder* concerns the limits of state interference in fundamental rights. In the first section of this article, I will use Milton Friedman's framework of Libertarianism to assess the majority opinion in *Wisconsin v. Yoder*. I will argue that Libertarian followers of Milton Friedman would agree with Chief Justice Burger's ruling in *Wisconsin v. Yoder* because they believe that the government should be limited in administering education and that families should have more freedom of choice. Next, I will provide my strongest objection to the Libertarian reading, which is that parents do not always allow their children to develop into autonomous individuals. Then, I will argue that for this reason, the government must act as a check on the power of parents, in the same way that private enterprise must act as a check on the power of government.

## I. Introduction

The state of Wisconsin has a compulsory school-attendance law requiring parents to send their children to either public or private schools until the age of 16. The Amish objected to this requirement in the 1972 Supreme Court case *Wisconsin v. Yoder*, wherein the Amish claimed that attending formal education beyond the eighth grade violated their religious beliefs.<sup>1</sup> In the majority opinion, Chief Justice Burger affirmed that some degree of education is necessary to preserve “freedom and independence,” but he qualified that “even this paramount responsibility must yield to the right of parents to provide an equivalent education in a privately operated system.”<sup>2</sup>

Similarly, the Libertarian Milton Friedman argues in *Capitalism and Freedom* that formal education is necessary to create a “stable and democratic society,” but that educational services ought largely to be administered through private enterprise.<sup>3</sup> Meanwhile, the government should be restricted to subsidizing schools and ensuring that schools meet minimum educational standards.<sup>4</sup> Friedman affirms that the scope of government should be limited in order to protect individual freedoms, and he contends that government should be decentralized in order to avoid the concentration of power, which he considers to be the greatest threat to individual freedoms.<sup>5</sup> In Friedman’s view, a government with the power to do good is also a government with the power to do harm, and what one

man regards as good another man regards as harm.<sup>6</sup> Such an arrangement of governance would preserve the freedom of individuals to pursue different goals and purposes, and by proxy, would permit their variety and diversity.<sup>7</sup> As a result, for Friedman, the amplification of freedom is the best way to ensure welfare and equality.<sup>8</sup> In this context, a strong private enterprise marked by voluntary cooperation can act as a check on the powers of the government and help protect the freedoms of speech, religion, and thought.<sup>9</sup>

Friedman’s discussion of freedom applies directly to the *Wisconsin v. Yoder* case; Friedman might argue that the state of Wisconsin is depriving the Amish of their political freedom, imposing uniform standards, suppressing strongly held minority views, and as a consequence, replacing progress with stagnation. Libertarian followers of Milton Friedman would agree with the majority ruling in *Wisconsin v. Yoder* because they believe that the government should be limited in administering education; however, I believe that we must position the development of a child’s freedom over and above the existent freedom of the parent. I believe that the government must be involved in a child’s education so that eventually the child will be able to exercise their own liberty. Friedman would likely disagree with this analysis because he believes that parents, as the heads of families, have the freedom to decide how to educate their children. In the first section, I will provide a Libertarian reading<sup>10</sup> of the

*Wisconsin v. Yoder* case. Next, I will provide my strongest objection to the Libertarian reading, which is that parents do not always allow their children to develop into autonomous individuals. Then, I will argue that for this reason, the government must act as a check on the power of parents, in the same way that private enterprise must act as a check on the power of government. I will finish by claiming that in the *Wisconsin v. Yoder* case, the government failed to assume this role.

## II. A Libertarian Reading of *Wisconsin v. Yoder*

Much like Chief Justice Burger did, Friedman would argue that in the case of the Amish, the parents have a right to remove their children from formal education. Friedman allows for government action that obligates each child to acquire a minimum amount of education for citizenship because of the “neighborhood effect” and because of paternalistic concerns for children.<sup>11</sup> A “neighborhood effect” is a phenomenon where the action of one individual yields significant gains to other individuals who cannot reasonably compensate him, and as a result justifies government intervention in the form of subsidies and regulation.<sup>12</sup> Friedman accepts that a stable society is impossible without a minimum standard of knowledge. Consequently, educating a child does not only benefit the child and their parents but also other members of the society.<sup>13</sup> Education can contribute to the development of a “neighborhood

effect” because it is infeasible to identify the specific individuals that benefit from the child’s education and charge them individually.<sup>14</sup> Here, Friedman distinguishes the concept of schooling from that of education: he posits that not all education is schooling and not all schooling is education.<sup>15</sup> “Education” benefits the whole society by promoting social and political leadership, whereas “schooling” is often vocational and trains students to become economically productive.<sup>16</sup> He suggests that the government only subsidize education that yields “neighborhood effects” by preparing students for citizenship, rather than fund purely vocational training like veterinary and dentistry schools.<sup>17</sup> My reading of Friedman would suggest that removing Amish children from formal education would be preferred because the education of an Amish child would not accrue “neighborhood effects.” Amish society emphasizes, “separation from, rather than integration with, contemporary worldly society.” Since Amish children belong to a culture that is separate from American society, Friedman might conclude that Amish children do not need to be prepared to participate effectively in American society. Further, he might conclude that formal education does not prepare Amish children for citizenship in the Amish way of life. Therefore, he would say that the government cannot compel Amish children to attend formal high school because there are not sufficient “neighborhood effects”



that would benefit the whole society by preparing the Amish for citizenship.

In addition to “neighborhood effects,” government intervention is reasonable on Friedman’s account in instances of paternalistic concern for children.<sup>19</sup> In *Wisconsin v. Yoder*, the parents object to high school because they view secondary school as an “impermissible exposure of their children to a ‘worldly’ influence in conflict with their beliefs.”<sup>20</sup> Thus, the parents have a paternalistic concern that undue exposure to education will interfere with their children’s development in the Amish community.<sup>21</sup> According to Friedman, freedom is not tenable for “children or madmen” because they are not fully responsible individuals who can care for themselves.<sup>22</sup> While it is clear that “madmen” may receive care from the government, Friedman thinks that children offer a more difficult case. He thinks that the freedom of the family, and not the freedom of individuals, is the ultimate goal in judging a public policy because he believes that “parents are generally best able to protect their children and to provide for their development into responsible individuals for whom freedom is appropriate.”<sup>23</sup> Friedman ultimately favors a government subsidy of education financed by giving parents redeemable vouchers. When a parent cannot pay for the minimum required education, a child cannot divest themselves of their parents and bear the costs independently; this would be clearly

inconsistent with their reliance on the family as the basic social unit.<sup>24</sup>

Chief Justice Burger makes it clear that he is interested in the rights of the Amish parents and not in those of their children.<sup>25</sup> While he affirms that the State has a paternalistic duty to protect children, he also establishes that the Amish parents are best able to protect their children and prepare them for life in the separate agrarian Amish community.<sup>26</sup> Thus, I think that Friedman would decide that the Amish parents have a legitimate paternalistic interest in facilitating their children’s development into full citizens within the Amish community by shielding them from the worldly influence of formal education. Friedman would allow Amish parents to exercise their discretion on behalf of their children because it is the freedom of the family, and not of the particular child, that is his main concern.

Thus far, I have shown how Friedman would respond to *Wisconsin v. Yoder*; while he would tolerate government laws that established a minimum level of education and publicly financed that education, he would not accept a law that gave the government exclusive authority to administer that education and impose it on others because of his belief in minimal government.<sup>27</sup> He believes that denationalizing schools and allowing for the entrance of private enterprise would

widen choice for the parents, prevent the constricting of freedom of belief, and promote variety and diversity. However, I believe the autonomy of minors is inadequately considered under this interpretation, which is the main thrust of my next section.

### III. Objections to the Libertarian Reading

My strongest objection to the Libertarian assessment of *Wisconsin v. Yoder* rests on the assumption that, while the family can be considered as the basic social unit of society, it should not be viewed as such when there are clear “neighborhood effects” or when there is evidence of a parent acting against their child’s interests. Justice Douglas wrote in the dissenting opinion that “it is the future of the student, not the future of the parents, this is imperiled by today’s decision.”<sup>29</sup> He argues that the Amish are barring their children from entering a world of diversity and imperiling their children’s freedom to break from the Amish tradition by disallowing their exposure to different traditions.<sup>30</sup> Justice White notes that it is possible that most Amish children will continue to live in the Amish community, but that there is evidence that many children desert the Amish tradition when they come of age.<sup>31</sup> If this is the case, then the education of an Amish child could contribute to the development of a “neighborhood effect” because it is infeasible to identify the specific Amish children that would choose to integrate into American society and prepare only

these children for social and political leadership. While the preparation they receive at home would adequately equip them for Amish citizenship, it may not equip them for citizenship in the broader American society.<sup>32</sup> While Friedman proposes that parents are generally best able to provide for their child’s development into free individuals, he also recognizes that children have an inherent value and an inherent freedom that are not merely an extension of the freedom of their parents.<sup>33</sup> Further, while the Libertarian takes the freedom of the family as the ultimate operative unit in society, they also understand that this principle is based on the calculation that the parent can best provide for their child’s development into a free individual.<sup>34</sup> I believe that the possibility of an Amish child choosing to integrate with American society poses sufficient “neighborhood effects” to warrant educating that child. The State has a verified interest in seeking to prepare Amish children for the society that they may later choose. A parental choice to withhold such preparation, in spite of knowing that their child may choose to break with the Amish tradition, demonstrates that the parents are not providing for their child’s development into free individuals. As a result, the family cannot be viewed as the basic social unit of society because the parents are acting contrary to their children’s interests. I reject the majority ruling in *Wisconsin v. Yoder* on

the grounds that the government may obligate Amish children to acquire a minimum amount of education for citizenship because of the “neighborhood effect” and because Amish parents are not adequately preparing their children for the lifestyle they may later choose.

#### IV. Conclusions

I think that Friedman would conclude that the state of Wisconsin is depriving the Amish of their political freedom, imposing uniform standards, and suppressing strongly held minority views. While Friedman recognizes that education has clearly beneficial “neighborhood effects,” he would err on the side of limiting the ability of the government to conscript a single nationalized education because his ultimate goal is the freedom of the family. As a result, Libertarian followers of Milton Friedman would agree with Chief Justice Burger’s ruling in *Wisconsin v. Yoder* because they believe that the government should be limited in administering education and that families should have more freedom of choice. However, I believe that further consideration must lend itself to a rejection of the majority ruling because there are clear “neighborhood effects” and because there is evidence that Amish parents are acting against their children’s interests.

#### Notes:

1. Wisconsin v. Yoder. 406 U.S. 205. 1972, Section I.
2. Ibid.
3. Friedman, Capitalism and Freedom, 86-89.
4. Ibid. 89.
5. Ibid. 3.
6. Ibid. 3.
7. Ibid. 3.
8. Ibid. 5.
9. Ibid. 3.
10. It should be noted “Libertarianism” is often used in a broad sense and generally does not refer to any single coherent theory. Instead, I will be referring to the Libertarian position developed in Friedman’s Capitalism and Freedom.
11. Ibid. 86.
12. Ibid. 85.
13. Ibid. 86.
14. Ibid. 86.
15. Ibid. 86.
16. Ibid. 86-88.
17. Ibid. 88.
18. Wisconsin v. Yoder. 406 U.S. 205. 1972, Section I.
19. Friedman, Capitalism and Freedom, 85.
20. Wisconsin v. Yoder. 406 U.S. 205. 1972, Section I.
21. Ibid.
22. Friedman, Capitalism and Freedom, 33.
23. Ibid. 33.
24. Ibid. 87-89.
25. Wisconsin v. Yoder. 406 U.S. 205. 1972, Section IV.

- 26. Ibid. Section III.
- 27. Friedman, *Capitalism and Freedom*, 89.
- 28. Ibid. 91.
- 29. *Wisconsin v. Yoder*. 406 U.S. 205. 1972, Section III.
- 30. Ibid.
- 31. Ibid., Section IV.
- 32. Ibid.
- 33. Friedman, *Capitalism and Freedom*, 33.
- 34. Ibid. 33.

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## Uncertainty, Detachment, and Zhuang Zhou's Butterfly

Zhoushu Ziporyn

**Abstract:** In this paper, I will focus on the metaphysical discussions in Burton Watson's translation of *Zhuangzi*, especially Chapter 2 and the butterfly dream. There seems to be a narrative strand in Chapter 2 that goes from showing that distinctions are fallacious to saying that there must be some distinction between the butterfly and Zhuang Zhou in the butterfly dream passage. What emerges is a metaphysical picture that is, in various ways, analogous to Zhuangzi's ideas about emotional detachment. A similar attitude is evident in Zhuangzi's ideas about emotions, whereby it is only natural to be affected by first order emotions, but at the same time, they must be controlled to some extent. Just as Zhuangzi suggests that it is possible to both have and not have distinctions at the same time, you can have emotions and be in a state of not having them at the same time. In this paper, I will examine the analogy between these two metaphysical portraits.

In *Zhuangzi*, there are many metaphysical discussions that seem paradoxical. In particular, the butterfly dream passage from Chapter 2 displays a certain metaphysical discussion of this kind. Throughout *Zhuangzi*, we can see parallels between Zhuangzi's views on moral psychology and his metaphysical views. In this paper, I will focus on Zhuangzi's metaphysical claims, particularly the butterfly dream. The narrative of Chapter 2 develops by showing that distinctions are fallacious and never fixed, to claiming that there must be some distinction between the butterfly and Zhuang Zhou by the end of the chapter. This apparent tension reveals metaphysical viewpoint that is, in various ways, analogous to Zhuangzi's ideas about emotional detachment. This metaphysical picture seems to parallel and perhaps even underlie Zhuangzi's assertions about emotional detachment, whereby one can both be and not be affected by emotions at the same time.

First, I will explicate the butterfly dream passage and discuss how it illuminates a metaphysical picture. Chapter 2 ends with a passage about Zhuang Zhou's dream. According to this passage, Zhuang Zhou dreams that he is a butterfly, during which he "knows" he is a butterfly, fully immersed in just being a butterfly. At this point, he is unmistakably a butterfly. Then, he wakes up to suddenly find himself to be unmistakably Zhuang Zhou. Now at *this* point, he is not sure if he was Zhuang Zhou all along having merely dreamt of being

a butterfly, or if the *butterfly* is now dreaming that he is Zhuang Zhou. There are two equally real subjective entities at play, namely, the "I" (or the self) as Zhuang Zhou and the "I" as the butterfly. We will call these two *subjective identities*. An identity statement says what something is (what its essence is), e.g., "I am a butterfly". We already start to see a certain metaphysical picture. The key concept here seems to be that while one is fully immersed in one subjective state, one can be "certain" that one is that thing. The awakening from "fully being" the butterfly to finding himself as Zhuang Zhou is symbolic of the transformation from not knowing to *knowing* that one does not know one's own identity.

So far, this seems like a skeptical account on what this "awakening" is—from ignorant bliss to dire uncertainty. The "I" as the butterfly seems epistemologically better off than the "I" as Zhuang Zhou, since the former was not aware of the uncertainty of identity because its ignorance allowed it to be wholly itself without doubt. However, we will see that this interpretation is incomplete, as it does not take into account the last line of the passage, which reads: "this is called the Transformation of Things."<sup>1</sup> There seems to be something very important about the idea of transformation that this aforementioned interpretation fails to capture. I will now go on to explain how the idea of the self undergoing transformation becomes a key idea in helping us understand Zhuangzi's notion of detachment, the psychological state wherein you

can both be and not be affected by your emotions and desires at the same time.

One puzzling feature about Zhuangzi's account of detachment is that he describes it as a state in which we are both affected and not affected by emotions at the same time. Indeed, at the end of Chapter 5 of the *Zhuangzi*, Zhuangzi himself stipulates: "When I talk about having no feelings, I mean that a man doesn't allow likes or dislikes to get in and do him harm. He just lets things be the way they are and doesn't try to help life along."<sup>2</sup> He thus maintains that we inevitably feel *first order* emotions and desires such as likes and dislikes, but the state of detachment has to do with our minds not being affected by these in a way that would affect the mind's calm, as Nivison describes in his article, «Hsun Tzu and Chuang Tzu».<sup>3</sup>

This state of detachment is exemplified by the passage about Zhuangzi's wife's death. Huizi asks how Zhuangzi can be so calm and joyful knowing that his wife has died. Zhuangzi explains that he did in fact grieve like anyone else would when she first died, but soon realized that it was just a matter of *transformation* and so there is no use in being bothered by it.<sup>4</sup> In other words, once we realize that one's death is just a matter of transformation into a different state simply unknown to us, it suddenly becomes absurd to lament it. Further, Zhuangzi presents us with a rhetorical question in Chapter 2: "How do we know that loving life is not a delusion? How do I know that in hating

death I am not like a man who, having left home in his youth, has forgotten the way back?"<sup>5</sup> That is, there is no good reason to fear death *precisely because* we do not know what this transformation amounts to. There is no way to know that life is not just a dream or a delusion, as illustrated in the butterfly dream passage. Zhuangzi claims that therefore there is no good reason to favor one particular state over the other, and that we favor the one that we are currently in simply because we happen to be in it. Life and death are only a matter of transformation—and we will see that a transformation is not the loss of any fixed thing. Transformation is not a matter of going from one fixed thing to another. When something transforms into another thing, it is not the case that the former thing simply ceases to exist and is entirely replaced by the latter thing into which it transforms. There is something constant across both that unifies the two states and separates them. I will return to this notion later when I present a third dimension of interpretation of the butterfly dream passage.

We can directly apply this concept of transformation to the notions of life and death. Earlier in Chapter 2, Zhuangzi makes the point that there is no good reason to fear death merely because it is unknown. We can see the positive implications of the idea of transformation in Chapter 6. Mengsun Cai's mother dies, but he "wailed without shedding any tears, he did not grieve in his heart, and he conducted the funeral without any look



of sorrow.”<sup>6</sup> The fictional Confucius, who in this case is expounding Zhuangzi’s views, says that Mengsun is advanced beyond ordinary understanding to the point that he does not know why he lives or dies, why he should keep going or fall behind. He has realized that in undergoing many changes, he is not sure what this “I” or self is any longer. Therefore, “Mengsun alone has waked up.”<sup>7</sup> The ventriloquized Confucius continues, saying that we go around saying that “I” do this and “I” do that, but there is no real way to know “that this ‘I’ we talk about has any ‘I’ to it.”<sup>8</sup> Confucius continues: “you dream you’re a bird... you dream that you’re a fish...but now when you tell me about it, I don’t know whether you are awake or whether you are dreaming.” This is a clear restatement of the idea presented in the butterfly dream passage, and how it pertains to the fear of death. That is, we cannot even know if what we call “life” or “living” is just a dream, and therefore we cannot know whether or not death is simply a transformation process of waking up into another subjective state. This is parallel to Zhuang Zhou dreaming that he was a butterfly and then waking to find himself as unmistakably Zhuang Zhou. Life is but one subjective state—so why should we ardently prefer one subjective state over another?

We see this equation life and death as subjective states elsewhere in Chapter 6 as well. The four masters who instantly become friends say that they will be friends with one who can look upon “non-being as his head, on life as his back, and on death as his rump.”<sup>9</sup>

That is, these seemingly very distinct states are but different parts of one and the same thing. Going from life to death is but going from one state of being to another, from one perspective to another, as we see in the butterfly passage. So there is nothing fixed that is lost in the process of transformation. There is no real fixed distinction between all these notions. So while we are alive, or to go by the butterfly analogy, while we are still absorbed in the subjective identity of the butterfly, there is no good reason to fear the other state, namely death, which if it is anything at all can only be another subjective identity. Just as Zhuang Zhou was fully immersed in his existence as a butterfly, we too can be fully immersed in our subjective state of living and not be troubled by the other subjective state of death. This transformation to death, this waking up into another subjective state, is nothing to be feared. We therefore see, in this case, that the one who is awakened by being made aware that he does not know of his identity is in fact better off in dealing with the fear of death than one who does not yet know that he does not know. Those who do not know that they don’t know are still “dreaming and haven’t woken up yet.”<sup>10</sup> They still do not see that the distinction between life and death is unclear, as these can be viewed as different parts of the same thing. In fact, the uncertainty of the self is the one thing these subjective identities have in common. In that sense, the two ostensibly distinct subjective identities can be viewed as the same thing. This is

parallel to the uncertainty reached about identity in the butterfly dream passage. And therefore, those not awakened to this uncertainty are still susceptible to the woes that come from the fear of death. They still dwell and cling onto life, as if it were something completely opposed to and distinct from death.

At this point, the butterfly dream passage seems to provide a metaphysical justification for not fearing death. The existence of the two equally real subjective identities shows that not as much is at stake as one might think when we transform from one subjective state to another. In other words, this new interpretation helps us understand the idea of detachment insofar as we can be completely aware of and attentive to the consequences and vexing emotions pertaining to certain things in life, but at the same time prevent them from disturbing our tranquility. This is achieved through a recognition of the uncertainty of the self, which is something shared among all subjective states and thus never lost. The uncertainty recognized in one subjective identity suggests that all subjective states must also be uncertain, whether or not the self in each identity is aware of it. That is, an awareness of uncertainty is advantageous, to overcome the fear of death at the meta-level. That is, to realize that the distinction between life and death is nothing fixed and that there is an overarching constancy (the uncertainty of the self) throughout all subjective identities. However, this insight still leaves us with the puzzling

view, which Nivison and Stace note, that the mind or the self can be affected and not affected by first order emotions at the same time.

Nivison describes the state of mind of detachment as a second order posture of the mind. It is more enduring than the first order operations of the mind, since the mind stands apart from the things around it as well as the first order operations and thus it does not allow these stimuli to affect its calm and peace.<sup>11</sup> Stace makes explicit this account on detachment, whereby it is a state of mind that co-exists with first order operations or emotions of the mind, can be described as one of having “no self.” And this disappearing or losing of one’s self involves the experience of being at harmony with the rest of the universe. This account of detachment accurately characterizes that of Zhuangzi as well. Stace discerns a puzzling feature of this account of detachment. He states that: “the man who has achieved [detachment] has desires, the ordinary natural desires of other men, and he satisfies these desires too, as much as is right and proper, yet at the same time his self, his ego, is not involved or entangled in them.”<sup>12</sup> Stace then further clarifies the puzzle beautifully: “How can a man have desires and act, while his inner self is wholly unmoved by these desires, unaffected, impersonal, uninvolved, in a word, detached, as if somehow he had the desires but they were not his desires?”<sup>13</sup> Indeed, this would be a very confounding notion if we were committed to the notion that the self was a singular entity that is

constant, always fully aware of itself and not comprised of transformation into multiple mutually exclusive subjective states. Let us look back at *Zhuangzi* to appreciate how he thinks this could be possible.

I will now explore ways in which the butterfly dream can illuminate a certain metaphysical view that can aid our understanding of this paradoxical notion of detachment. To do so, I will put forward another interpretation of the butterfly dream passage, one that synthesizes the first two, which considered uncertainty and transformation. Let us carefully examine the metaphysical implications that can be drawn from the butterfly passage. As I mentioned earlier, there are two equally real subjective states at play, namely, the “I” as Zhuang Zhou and the “I” as the butterfly. Given the discourse of Chapter 2 up to the butterfly dream passage, the implication seems to be that we can never truly know whether we are in fact the human beings we believe ourselves to be or a butterfly dreaming that *it* is a human. Yet the “I-ness” applies equally to both, which suggests that there is a unifying “I” or self that transcends these two distinct subjective identities that seems to undermine this apparent distinction after all. But this “I-ness” is not a single specific content; it is rather attachable to any content at all, and thus its nature is the very uncertainty of identity. We simply cannot know if we are one or the other of the two subjective identities. But we are told at the very end that there must be *some* distinction between the butterfly

and Zhuang Zhou.<sup>14</sup> What is therefore interesting here is that our very *uncertainty* yields a new distinction, namely, that of Zhuang Zhou's awareness of the other consciousness of the butterfly. The very idea of our uncertainty about our consciousness in a particular subjective identity actually gives rise to a new distinction within our own consciousness of our own difference from the consciousness of another subjective identity. That is, *we cannot help but make this distinction; it is an inevitable consequence of this uncertainty.*

This notion becomes key in understanding how we can understand the reading of “no self” that Stace affirms. According to *Zhuangzi*, there is not any *one* self, and that is precisely why the amorphous self is capable of not being fixed to any one thing. That is, we cannot identify a single “I” as any specific thing. This was already hinted at in the passage refer to earlier from Chapter 6 that reads: “I do this, I do that—but how do we know that this ‘I’ we talk about has any ‘I’ to it?”<sup>15</sup> Further, we see constant references to idea of “losing oneself” throughout the text. Indeed, Chapter 2 begins with Ziqi saying that he has lost himself.<sup>16</sup> This is followed by a discussion of what the “sound of wind” is,<sup>17</sup> as an analogy of the self. The truth is, the wind makes many sounds, and there is no one definite “sound” that can be named and identified as “the sound of the wind.” And whatever sound the wind makes, when it has passed on, the hollows it went through are empty again. This analogy is concluded with the rhetorical question,

“but who does the sounding?”<sup>18</sup> Where does this sound reside? What is it that caused the sound? What is the sound after all? Indeed, it is not one thing that does the sounding of all the vicissitudes of sounds that wind makes. The same can be said about the self—we cannot identify the self as any specific thing. It is a multifaceted entity whose existence cannot be identified or pointed out as one single entity. It is later clarified that the sounds of the wind or the “music from empty holes” represent the first order emotions that we have, such as “joy, anger, grief, delight, worry, regret, fickleness,”<sup>19</sup> etc. The self acts as a kind of pivotal axis at the center of all these emotions, these subjective states, that is thus both involved in them and not stirred by them at the same time. The self is thereby not absorbed in any one thing. Later in the chapter, Zhuangzi says that the state in which seeming distinctions and changes no longer find their opposites is called “the *hinge* of the Way.”<sup>20</sup> The translation “hinge” is a bit misleading for the original character in the text: 枢, which has a closer meaning to what we would call an “axis” or “pivot.” The self is like the still axis of a spinning top. The things that rotate around the self are constantly changing, and yet the self is able to be unmoved in the center and yet also be in accordance with all the changes, “[riding] the changes.”<sup>21</sup> And this is precisely what Zhuangzi means by the self being tied to first order emotions, the various things and changes that go around the pivotal

self, and yet also stable and unmoved, like the central axis of a spinning top.

This conception of the self is very similar to the notion evident in the butterfly dream. In the butterfly dream, it is the uncertainty about one’s subjective identity that brings about a new distinction of the butterfly’s consciousness. We have a distinction and non-distinction at the same time, centered and strung together by a pivotal self, a self as an empty center that serves as a pivot of various subjective states. By just being something at all, Zhuang Zhou already necessarily has to bring about a distinction. In the process of awakening to uncertainty, one becomes a “thing.”<sup>22</sup> Indeed, just by being called a thing, you are already introducing a distinction between that thing that you are and whatever the thing you are is not. Transformation is not a matter of going from one fixed thing to another. When something transforms into another thing, it is not the case that the former thing is just replaced by the latter thing into which it transforms. Just as there is always the common unifying factor that is the self or “I” between the butterfly and Zhuang Zhou, there is always a unifying pivotal self in every change or transformation, but in order to participate in these distinct and mutually exclusive states, this constant self must be an emptied self, a self that has no specific contents, a self that has been “lost” or uncertain of its identity.<sup>23</sup> It is this emptiness that allows us to contrast

these states and even be aware of their difference in the first place.

Therefore, every change or transformation implies the making of a distinction, but the experience of a transformation qua transformation also involves being aware of what lies on the other side of this distinction. But by being aware of it, the self also necessarily inhabits the other identity, such that the self that is transformed is no longer certain about its identity.<sup>24</sup> And that uncertainty is precisely what allows it to be equally at home in these two opposed states. Hence the transformation is never complete or fixed, and the two things X and Y that are distinguished can also be simultaneously considered as aspects of the same thing, devoid of distinction. For in order for there to be distinction, there must also necessarily be non-distinction between the distinguished items, such as the transcending self that identifies itself with both of the mutually exclusive subjective identities. For there to be a transformation from or distinction of one thing to another, there needs to be a constant element between these two things. We need both the initial ignorant state of being the butterfly, along with the later state of uncertainty about identity to undergo the transformation.

Zhuangzi's butterfly dream illuminates his fascinating metaphysical view of distinction and transformation, whereby uncertainty of the self is common to both subjective identities, giving rise

to a new distinction within the consciousness of Zhuang Zhou between his own consciousness and the consciousness of the butterfly. We see a very similar notion in Zhuangzi's account of detachment where we are to both have and not have first order emotions at the same time. There is a common paradox here, wherein the self takes a pivotal role in the first order emotions and desires while also being an unchanging constant,<sup>25</sup> an axis if you will, at the center of all these emotions and changes. It is the unchanging constant that allows for change, and it is likewise the constant that allows for distinction. Indeed, this paradoxical thought is what Zhuangzi means by having and not having emotions when he describes being on two roads at the same time.<sup>26</sup> Once we see life and death as aspects of a common transformation, we see that there is no tragedy in losing life, since the very distinction between life and death rests upon constancy. That is, this distinction is brought about *precisely by* a profound uncertainty.

**Notes:**

1. See page 44 in Watson's translation.
2. See page 71 in Watson's translation.
3. See page 135 in Nivison's article, «Hsun Tzu and Chuang Tzu.»
4. See page 115 in Watson's translation.
5. See page 42 in Watson's translation.
6. See page 84 in Watson's translation.
7. See page 84 in Watson's translation.
8. See page 85 in Watson's translation.
9. See page 80 in Watson's translation.
10. See page 84 in Watson's translation.
11. See pages 135-136 in Nivison's article, «Hsun Tzu and Chuang Tzu.»
12. See page 25 in Stace's article, «Oriental Conceptions of Detachment and Enlightenment.»
13. See page 26 in Stace's article.
14. See page 44 in Watson's translation.
15. See page 85 in Watson's translation.
16. See page 31 in Watson's translation.
17. See page 32 in Watson's translation.
18. See page 32 in Watson's translation.
19. See page 33 in Watson's translation.
20. See page 35 in Watson's translation.
21. See page 26 in Watson's translation.
22. See page 84 in Watson's translation.
23. See page 31 in Watson's translation.
24. See page 35 in Watson's translation.
25. See page 26 in Watson's translation.
26. See page 36 in Watson's translation.

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## Unconventional Conventionalism

Willa Tracy

**Abstract:** Conventionalism intends to reconcile empiricism with our knowledge of the necessary certainties of logic and mathematics. I will argue that this story of conventionalism as told by A.J. Ayer, accords with Ferdinand de Saussure's work in structural linguistics, in that these systems emerge from similar intentions and share the same implications. This resemblance supports my understanding of conventionalism as a form of structuralism, which provides an overarching methodology that defends conventionalism against the relevant objections.

*“In logic, there are no morals. Everyone is at liberty to build up his own logic, i.e. his own form of language, as he wishes. All that is required of him is that, if he wishes to discuss it, he must state his methods clearly, and give syntactical rules instead of philosophical arguments.”*

– Rudolf Carnap, *The Logical Syntax of Language*

Conventionalism intends to reconcile empiricism with our knowledge of the necessary certainties of logic and mathematics. This philosophical attitude characterizes Carnap's understanding of logic as a matter of conventions about syntax that are supported by rigorous formal theories rather than philosophical arguments. A. J. Ayer ventriloquizes Carnap's position in his discussion of the a priori, in *Language, Truth and Logic*. I will argue that this story of conventionalism as told by Ayer, accords with Ferdinand de Saussure's work in structural linguistics, in that these systems emerge from similar intentions and share the same implications. This resemblance supports my understanding of conventionalism as a form of structuralism, which provides an overarching methodology that defends conventionalism against the relevant objections.

I will first elucidate Ayer's picture of conventionalism, which is motivated by his desire to preserve empiricism, despite its ostensible incompatibility with the necessary certainties of logic and mathematics. Verificationism

makes philosophy fairly empty, where sentences have meaning only when they can be empirically verified. This stipulation would render all metaphysical claims senseless, quite literally, as sense experience is required to determine factual propositions. Moral and normative discourse endure under verificationism, if we hold an expressivist attitude about morality, where moral claims have no relevant content, rather they express emotional states.

Ayer maintains that we may still rationally believe propositions whose validity cannot be logically guaranteed, and relies on Hume's principle of custom or habit<sup>1</sup> to argue that it is in fact irrational "to look for a guarantee where none can be forthcoming; to demand certainty where probability is all that is obtainable."<sup>2</sup> The empiricist thesis therefore comports with our belief in potentially fallible scientific hypotheses, but does not readily align with the a priori domains of logic and mathematics.

At this point, the continued defense of empiricism has two available avenues, where the only alternative would be to embrace rationalism. Empiricism insists that no proposition with factual content can be necessary or certain, so we must relinquish either the belief that logical and mathematical claims are necessary truths, or the belief that these claims have factual content. Mill pursues the former course, by characterizing logical and mathematical propositions as inductive generalizations based on numerous instantiations, which are therefore

highly probable, but not certain. Ayer takes issue with Mill's consignment of logic and mathematics to the same realm as scientific hypotheses, because logical and mathematical propositions behave differently under the pressure of apparent contradiction. Ayer illustrates this distinction by imagining a situation where his counting of what he believed to be five pairs of objects amounts to only nine. He argues that such an anomalous instance would not motivate us to confute the mathematical proposition ' $2 \times 5 = 10$ ':

One would say that I was wrong in supposing that there were five pairs of objects to start with, or that one of the objects had been taken away while I was counting, or that two of them had coalesced, or that I had counted wrongly. One would adopt as an explanation whatever empirical hypothesis fitted in best with the accredited facts. The one explanation which would in no circumstances he adopted is that ten is not always the product of two and five.<sup>3</sup>

Ayer thus arrives at his position that logic and mathematics consist of tautologies, analytic propositions which we never allow to be false. He defends this stance against Kant's understanding of mathematics as synthetic a priori judgments, by challenging the criteria Kant uses to distinguish between synthetic and analytic. Kant argues that the proposition ' $7 + 5 = 12$ ' is synthetic, using the psychological criterion that our concept of twelve is not inherently contained

within our concept of the union of seven and five. In contrast, Kant employs a logical criterion to argue that the proposition ‘all bodies are extended’ is analytic, because it rests on the principle of contradiction. As these criteria are not equivalent, a proposition might be described as both synthetic and analytic, which indicates the weakness of Kant’s distinction between these mutually exclusive categories. Ayer proposes his own criteria: that a proposition is analytic when its validity depends solely on the definitions of the symbols it contains, and synthetic when its validity is determined by the facts of experience.

While I believe Ayer’s criteria for distinguishing between synthetic and analytic judgments are stronger than Kant’s, I would argue that some mathematical propositions can be understood as analytic according to Kant’s own criteria. Kant argues that our concept of a sum is not inherently contained within our concept of the addends, which may be accurate for the proposition ‘ $7 + 5 = 12$ ’. For smaller sums, however, we inherently conceptualize the addends in the instance of subitizing. Subitizing is the ability to immediately discern the numerical amount of a small grouping of objects without counting them, as we do when rolling a six-sided die. Part-part-whole understanding is usually used to subitize numbers greater than four or five, where a grouping of seven objects might be seen as three and four, or two and five. I would therefore argue that our concept of a sum may be analytically intertwined with

our concepts of the addends. While this argument does not extend to all mathematical propositions, and Kant would most likely dismiss it by arguing that subitizing is a synthetic process involving numbers’ impression on sensibility, I believe it lends further support to Ayer’s contention that the propositions of logic and mathematics are analytic.

This understanding that logic and mathematics consist of analytic propositions allows the empiricist to maintain that these propositions are necessarily true, by denying that they have factual content. That is not to say that logical and mathematical propositions are senseless, in the way that metaphysical claims are senseless under empiricism. Conventionalism sees logic and mathematics as tools to illustrate the way we use certain symbols, allowing us to make concealed assertions explicit. Our conventions frame definitions to illuminate analytic truths, and “record our determination to use words in a certain fashion.”<sup>4</sup> The inductions we perform on the analytic propositions of logic and mathematics do nothing to extend our knowledge, as we are operating within an immense tautology. We experience mathematical discovery at the edge of our limitations to reason, when we stumble upon further consequences of our definitions. Ayer argues that “a being whose intellect was infinitely powerful would take no interest in logic and mathematics,”<sup>5</sup> as it is only the frailty of human intellect that allows us to learn from logical inference.

While conventionalism provides a coherent picture of logic and mathematics that aligns with our ways of thinking, its implications expose potential grounds for objection. Saussure's work in structural linguistics runs parallel to Ayer's argument, thus lending the support of structuralism to strengthen conventionalism against counterarguments.

I understand conventionalism as a form of structuralism, a methodology that applies structural linguistics to systems beyond language. For the linguist, "language is a convention, and the nature of the sign that is agreed upon does not matter."<sup>6</sup> At the helm of structuralism is the concept of representation, which is the legislated connection between an arbitrary signifier and its associated meaning. Structural linguistics separates that which is specific to language, from its broader application as a system for making meaning.

Saussure's departure from historical linguistics resembles Ayer's rejection of Mill's view. Empiricism demands we relinquish either the belief that logical and mathematical claims are necessary truths, or the belief that these claims have factual content. These courses of argument are mutually exclusive, just as "the opposition between the two viewpoints, the synchronic and the diachronic, is absolute and allows no compromise."<sup>7</sup> Historical linguistics employs a *diachronic* approach, considering the development and evolution of a language over time. Saussure's *synchronic* approach aims to describe the rules

that regulate a language at a specific point in time, to discern the underlying system. Mill's view that logical and mathematical propositions are inductive generalizations based on numerous instantiations can be characterized as diachronic, because he relies on repeated occurrences over time to justify what we come to hold as logical and mathematical propositions.

Saussure's position is similar to Ayer's, as they share an interest in maintaining necessary truths as they exist synchronically. Like mathematics, grammar is "unscientific," in the sense that its propositions cannot be confuted.<sup>8</sup> When a rule of grammar is violated, it provides no evidence against the rule. We instead find fault in the speaker, just as Ayer finds fault in his own calculation of five pairs of objects totaling nine. Conventions are true because we never allow them to be otherwise. Saussure and Ayer therefore understand conventions as a priori and necessary, not as products of repeated experiential instantiation. For Saussure, "language alone seems to lend itself to independent definition and provide a fulcrum that satisfies the mind."<sup>9</sup> Structuralism extends this system of independent definition to conventionalism about logic and mathematics.

Conventionalism and structural linguistics both involve deflationism about truth, where empirically verified factual content resides outside the system of signification. Saussure delineates three components of the linguistic sign: the *signifier* refers to the perceivable

‘sound-image’ that stands for the *signified*, which is the concept that the signifier brings to mind. The *referent* is the third component, the external entity that the sign could refer to. This model of the linguistic sign primarily concerns the bond between the signifier and the signified, and for most of his discussion, Saussure brackets out the referent. This external entity does not participate in linguistic signification, just as facts about the world do not play a role in conventionalism. Our conventions allow us to perform inductions on the analytic propositions of logic and mathematics, to make further propositions explicit, without extending our knowledge of any factual content. There are no truths about conventions, or about anything, but propositions are made true by our conventions.

Conventionalism and structural linguistics both involve independent definitions that are formally devised. Saussure insists on the arbitrariness of the sign, where the bond between the signifier and the signified is social and conventional, not natural or motivated. With the exceptions of onomatopoeia and interjection, the signifier has no inherent relationship with the signified. To say the signifier is arbitrary is not to say it is empty, just as logical and mathematical propositions are devoid of factual content, but not senseless. Analytic propositions are evaluated with respect to their form, therefore “every logical proposition is valid in its own right.”<sup>10</sup> This independence or arbitrariness supports Carnap’s conventionalist thesis that “everyone is at

liberty to build up his own logic, i.e. his own form of language, as he wishes.”<sup>11</sup> Logic is a language whose signifiers are conventions, which are valid independently of philosophical motivation.

Structuralism contributes to resolving the apparent contradiction between our experience of mathematical discovery and the conventionalist picture of mathematics as an immense tautology. Ayer attributes this asymmetry to the limitations of human reasoning, but structural linguistics provides further understanding. Saussure distinguishes between *language*, “a self-contained whole and a principle of classification,” and *human speech* as the execution of ‘sound-images,’ which in no way affects the system itself. Language is a system of distinct signs corresponding to distinct ideas, a finite abstraction of the seemingly infinite utterances of human speech. Mathematics is a language of necessary propositions, which provides the tools for discovering countless mathematical utterances. The distinction between language and human speech also relates to the necessary truth of conventions. Logic and mathematics as forms of language, compare to a symphony that “stands completely apart from how it is performed; the mistakes that musicians make in playing the symphony do not compromise this fact.”<sup>12</sup>

Under the umbrella of structuralism, conventionalism is shielded from potential objection. An intuitive problem with conventionalism is the absence of normative considerations. Carnap insists that our

conventions can be anything, and does not value any system of rules over another. Conventionalism finds nothing objectionable about logic that implements slurs and hate speech, so long as it follows syntactical rules for induction. Carnap allows a convention to be rejected on practical grounds regarding its usefulness, which gestures at the feature of structuralism that precludes the slurs argument. The solution is evident in Saussure's discussion of the arbitrary sign:<sup>13</sup>

The reason is simply that any subject in order to be discussed must have a reasonable basis. It is possible, for instance, to discuss whether the monogamous form of marriage is more reasonable than the polygamous form and to advance arguments to support either side. One could also argue about a system of symbols, for the symbol has a rational relationship with the thing signified (see p. 68); but language is a system of arbitrary signs and lacks the necessary basis, the solid ground for discussion. There is no reason for preferring *soeur* to *sister*, *Ochs* to *boeuf*, etc.

Inductions on slurs would consequently be rejected as conventions, as they do not abide by the necessary arbitrariness of the sign. Slurs are thick terms, because they convolute normative and descriptive content. The signifiers of slurs are motivated by an attitude of contempt, and therefore cannot be readily interchanged with words expressing the same descriptive content, in the way Saussure demonstrates for arbitrary signs.

Conventionalism does not take a normative stance on any given convention, because normative content is already bracketed out of structuralism.

W. V. Quine opposes the idea of truth by convention, on the grounds that it is not sufficiently robust to account for the enduring necessary certainty of logical and mathematical propositions. He conceives of conventionality as a passing trait, which is therefore a trait of events, not sentences. Quine argues that conventionalism implies a commitment to "speaking of a sentence as forever true by convention if its first adoption as true was a convention."<sup>14</sup> The distinction between synchronic and diachronic methodology alleviates this concern, because conventionalism, as a form of structuralism, takes a synchronic approach. While conventions are susceptible to alteration, structuralism pertains to the relationships among the elements of a system of representation as it exists at a single point in time. Conventionalism does not purport to describe the evolution of logic and mathematics over time, rather it speaks to the nature and behavior of propositions within a given system. "Language is a system whose parts can and must all be considered in their synchronic solidarity," where changes do not affect the system as a whole, but instead pertain to specific elements, and therefore must be studied outside the system.<sup>15</sup>

Quine's strongest objection to conventionalism points to explanatory circularity, where we use logical



vocabulary to articulate our conventions, so an understanding of logical terminology must predate convention. This seems to indicate that logic itself cannot be conventional, because it is built into the conventional system. Quine's objection draws on the work of Lewis Carroll, as he argues, "if the convention whereby those statements are singled out as true is to be formulated in finite terms, we must avail ourselves of conditions finite in length which determine infinite classes of expressions."<sup>16</sup> Infinitely many instances of logical entailment must be organized into bundles as conventionally true, but if conventions take the form of such bundles, some kind of entailment must be involved in the application of conventions to individual sentences.

In relationship to my argument that conventionalism is a form of structuralism, this objection aligns with post-structuralism. Jacques Derrida argues that the model of a system put forth by structuralism is paradoxical in nature. The coherence of a system depends on the structural center, which "permits the play of its elements inside the total form."<sup>17</sup> Derrida's use of 'play' refers to the possibility of permutation or transformation of the elements within a structure, without altering the nature of the structure itself. The center makes play possible within a structure, but it is the point at which substitution of contents, elements, or terms is no longer possible. The center thus escapes structurality; it is "paradoxically, *within* the structure and *outside*

*it.*"<sup>18</sup> The explanatory circularity of conventionalism is a manifestation of this paradox, where the conventions governing logic and mathematics cannot be placed within the system.

I would respond to this post-structuralist argument by invoking metalanguage to discuss conventions as the structural center of logic and mathematics. The rules governing a language are articulated in that same language, yet there is nothing paradoxical about learning a language. The argument that an understanding of logical terminology must predate convention, is analogous to insisting that complete knowledge of a language is necessary to understand its linguistic conventions. The intrinsic nature of structuralism, as a methodology with broad application over a variety of systems, calls for the implementation of metalanguage to integrate conventions within the relevant systems. The conventions governing logic employ logical vocabulary in a way that supervenes on individual logical utterances.

**Notes:**

1. Hume, David. *An Enquiry Concerning Human Understanding*.
2. Ayer, A.J. *Language, Truth and Logic*. New York: Dover Publications, 2014. p. 38.
3. Ayer, 40.
4. Ayer, 47.
5. Ayer, 48.
6. Saussure, Ferdinand de. "The Object of Linguistics." Introduction. *Course in General Linguistics*. New York: Philosophical Library, 1959. p. 10.
7. Saussure, Ferdinand de. "General Principles." Part One. *Course in General Linguistics*. New York: Philosophical Library, 1959. p. 83.
8. Saussure, 82.
9. Saussure, 9.
10. Ayer, 45.
11. Carnap, Rudolf, and Amethe Smeaton. "17: The Principle of Tolerance in Syntax." *The Logical Syntax of Language*. Chicago: Open Court, 2002. p. 52.
12. Saussure, 18.
13. Saussure, 73.
14. Quine, W. V. "Carnap and Logical Truth." *Synthese* 12.4 (1960): 362.
15. Saussure, 87.
16. Quine, W. V. "Truth by Convention." *The Ways of Paradox, and Other Essays*. Cambridge, MA: Harvard UP, 1976. p. 91-92.
17. Derrida, Jacques. "Structure, Sign and Play in the Discourse

of the Human Sciences." *Writing and Difference*. Chicago: University of Chicago Press, 1978. p. 279.  
18. Derrida, 279.

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