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EDITOR'S NOTE

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I count myself lucky to be a member of a society as supportive as the New Mexico Texas Philosophical society and to have colleagues willing to volunteer their time toward making *Southwest Philosophical Studies* successful.

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On Violence: Guns or Roses in Texas?
with Reflections on SB 11

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Presidential Address

> *"At the center of morality is not obligation, but the faculties of thinking and judging, which we learn by education—in our ability to cull meaning from the stories of the past."[1]*

For last year's Presidential Address at the annual conference of the New Mexico/Texas Philosophical Society, Andrew Pavelich, in his talk "Should One Own a Gun," presented his reflections on the then-pending legislation for Texas Senate Bill 11 (SB 11), the State of Texas law that would legalize carrying weapons into public university classrooms. He sketched out the arguments for and against owning guns: for saving lives, for self-defense, for preventing serious crimes, against accidental deaths, against wrongful deaths or harm, against suicide, and against taking the life of one's partner. While he provided social scientific data to minimally question the obligation to own a gun, and thus to carry a gun into a public college classroom, what was most significant about Pavelich's talk for me was his focus on the issue of ethical normativity, namely, should I own a gun at all? For me, an even more basic question of ethical normativity entails raising the question about the fact that humans use violence against each other to address their differences. The question then becomes not "should I own a gun," but should I act violently?

In her essay *On Violence*, Hannah Arendt distinguishes between violence and power. She maintains that, even though theorists of both the Left and Right regard violence as an extreme manifestation of power, the two concepts are, in fact,

antithetical. Power comes from the collective will and does not need violence to achieve any of its goals, since, because it is voluntary and willing, collaborative compliance takes its place. As governments start losing their legitimacy, violence becomes an artificial means toward the same end and is, therefore, found only in the absence of power. For Arendt, bureaucracies then become the ideal birthplaces of violence since they are defined as the "rule by no one" against whom to argue and, therefore, recreate the missing links with the people they rule over.

From early on in her treatise, Arendt turns Carl von Clausewitz's dictum on its head, with his definition of war as "the continuation of politics by other means"[2] and later contests Engels's version of that continuity with his definition of "violence as the accelerator of economic development (*On Violence* 6)." Rather, Arendt argues that we are faced in our military industrial societies with the condition of "peace [as] the continuation of war by other means." The acceleration of terrorist attacks, of unexpected violence, is simply—on Arendtian terms—the *predictable* course of events when the language of human relations is reduced to the language of instrumentality and the end of a gun. We can think here of the *apparently* senseless massacre of tourists by Al Quaeda on the beaches of the Ivory Coast, and of the *coordinated* terrorist attacks in Paris and Brussels by ISIS.[3] She sets up, in opposition to the predictability of terrorist attacks, a theory of speech-acts that depend on a metaphysics of…

> Events, [which] by definition, [she states] are occurrences that interrupt routine processes and routine procedures; [she goes on to assert that] only in a world in which nothing of importance ever happens could the futurologists' dream come true. Predictions of the future are never anything but projections of present automatic processes and procedures, that is, of occurrences that are likely to come to pass if men do not act and if nothing unexpected happens; every action, for better or worse, and every accident necessarily destroys the whole pattern in whose frame the prediction moves and where it finds its evidence. (*On Violence* 7)

Her philosophy of action, which is bound up with her philosophy of language, relies on her theory that speech-acts that occur in the public and political realm are, and should be, "free" from coercion. Such speech-acts are the only kinds of human behavior that result in original or authentic kinds of acts, precisely because they are unexpected and unpredictable. What this means is that, for Arendt, action is the result of freedom, specifically, political freedom.

Arendt controversially rejects the legitimacy of political liberalism because it wants to both embrace human rights *and* national sovereignty. She rejects modern forms of liberalism because, while she was at first and in part remained sympathetic to its U.S. social-contractarian form, she came to question that form on the grounds that in practice it does not accept exiles or stateless immigrants,

either through attempting to repatriate them—thus submitting the exile or immigrant to the violence from which s/he fled—or through naturalization, which the "local" population rejects because it threatens their identity and property claims. She supports, alternatively, forms of direct democracy, which are based on authentic authority that is freely worked out in dialogue with equally autonomous members of society. What constitutes society are those members who attempt to persuade each other with their differing opinions and who do not impose on each other the oppressive politics of aristocratic oligarchy, patriarchy or matriarchy with their associated "experts". In this way, she hoped to address the problems of the political origins and problems she found in her studies of historical imperialism and totalitarianism.

Arendt's reflections are set against the background of the violence that has characterized human relations during the course of her lifetime, the first two thirds of the twentieth century. But their applicability can be just as readily extended to encompass the violences that have marked the rest of the twentieth and the twenty-first century. For me, those global wars and genocides are ones that I have personally witnessed, from afar, but also includes acts of violence such as those against immigrants along the U.S. Mexico border attempting to flee persecution, degradation, or death in their homelands. Those acts are closer to my home in El Paso on the U.S.-Mexico Border and thus, like many of my other experiences, have to do directly with my life as a philosopher living with and on that border. In that sense, it is an exercise in phenomenological ethics that stresses my first-person point of view through which any and all interpretations of how the world works and our social relations necessarily have to pass.

More specifically, my reflections today have been provoked by the recent passage of SB 11 in the State of Texas, the state in which I move, dwell, and mostly enjoy my being. The passage of this particular Bill is personal for me and has nothing to do with any kind of indifferent ethical objectivity. Precisely because it is personal, the event takes on meaning since claims of meaningfulness only make sense as they are set in this or that historical context of interdependent and interpersonal significations.

I return to Arendt to address this issue of the dependence of meaningfulness on historical context and take up as an exemplary case in point the history of philosophy. In the relatively recent past, given that human history spans many millennia, an influential group of Anglo-European philosophers spurned those branches of philosophy that have to do with ethics, aesthetics, politics, and religion, even calling for the "Elimination of Metaphysics Through [the] Logical Analysis of Language."[4] Today, we all know that there has been considerable retrenchment in such a draconian intellectual agenda and that streams of Anglo-American philosophers of language have attempted to justify their professional right to speak with epistemic authority about ethics, aesthetics, politics, religion and, yes, even, and especially, metaphysics—at least for professional and

economic reasons; we all need to work for a living after all. But the effect of such a disavowal and retrenchment has been that philosophers, and philosophy as a disciplinary profession, have been struggling with the relevance of their practices. Kwame Anthony Appiah popularized just such a critique with his *Experiments in Ethics*.[5] But before Appiah, in the middle of the century, Arendt resisted identifying herself as a philosopher because of what she considered to be a world-alienating philosophy of language espoused by her fellow philosophers, that made the traditional work of philosophers irrelevant to the essential concerns for understanding and promoting a world that should promote and nourish human well-being.

However, as Simon Swift notes in his book, *Hannah Arendt*, Arendt locates the blame for this alienation with Plato and the allegory of the cave and not directly with her contemporaries.[6] Arendt's reading of Plato's cave allegory goes something like this: humans have always been imprisoned in the cave and so they do not know that they are prisoners and they do not know that the shadows cast on the wall by the fire out of their line of sight are just reflections, and thus illusions. What this meant for Arendt is that: first, for Plato and most other philosophers who followed him in the Western tradition, most humans are living lives of illusion and they don't even know it. Secondly, most humans know that there exists a higher world of truth that determines their world of illusion. Thirdly, and most importantly for her interpretation of Plato, is that since childhood we have been coerced and imprisoned in this condition of illusion by our social conditions. This, by the way, is also how she also traces her reading of Marxist ideology, that is, that our social relations of exploitation and enforced alienation depend on the illusory, invisible ideological forces that make us do things in certain ways against our will and against our authentic self-interests. The key to her interpretation, though, which is an essential point for my reflections on the Texas law SB11, is what she does with her understanding of Plato's claim that only the philosopher can escape from the cave into the bright light of the realm of ideas because only the philosopher knows that the illusion is an illusion; he is an expert in discerning true ideas from false ideas. For Arendt, but not only for Arendt, such expert knowledge alienates the philosopher from a society that is chained to illusions that she has seen through. Historically, many philosophers have arrogantly claimed their privilege of being experts in knowing the difference between illusion and reality, in being able to judge whether or not something is bullshit, for instance.[7] This is what Arendt challenges, namely, that social relations are fundamentally coercive—violent—and illusory and that philosophy and philosophers are somehow free of this purported illusion.

Arendt formulated these ideas in an originally unpublished lecture that she gave at Notre Dame University in 1954, describing the ways that Plato's distinctions adversely set into motion ways of thinking about speech and politics that would lead to contemporary forms of philosophical world alienation.

In her reading, focusing on how Plato defines an irresolvable conflict between "dialectic" as the typically philosophical form of thinking and "persuasion" as the specifically political form of speech. The problem with Plato, she argues, is that he taught that attempting to persuade others by my opinion should not to be trusted because doing so simply reiterates the illusions of the cave. However, Arendt maintains that the result of Plato's rejection of the non-expert's attempts at persuasion in favor of the expertise of philosophical dialectic means rejecting the idea that people could hold different opinions that are, or at least can appear to be, equally valid. In support of her position Arendt contends that the world "appears differently to different people, according to their differing standpoints on reality (Swift 24)". Plato, however, taught that the truth, or true ideas, are only available to the philosophers who have dialectically "seen the light" and thus have seen through the illusions of the cave and who do their meta-thinking and meta-ethics in the bright light abstracted from the cave. In doing so, in thinking this way, the philosopher turns away from the actual public realm of speech and persuasion because "true ideas" are beyond all speech and persuasion, as they are beyond all appearance. They are of the Forms; and thus, they are in or from a separate realm of absolute truth. For Arendt, this has created a dangerous precedent that, I argue, underlies and, minimally, allows for the kinds of violence-affirming and, thus, violence-inducing politics of our contemporary world.

Arendt's critique is that Plato's insistence on how philosophy should be practiced puts philosophers historically at odds with anyone seriously interested in engaging in politics as a philosophical task and, most significantly, lays the foundations for turning philosophers and the task of philosophy away from the public, political world. Even more problematic for Arendt, is Plato's apparently contradictory view that the public world should necessarily be ruled by philosopher-kings and philosophical ideas. She calls this Plato's Ideocracy. But Arendt, always a diligent student, shamelessly borrows from Marx's purported materialist attempt to turn the Idealist Hegel on his head and, in her turn, seeks to turn Plato on his head. However, unlike those philosophical giants, Arendt was a phenomenologist and a pluralist and so she thought that even though public space—the space of appearances—could not give us access to truth, or at least to absolute truth as the realm of abstract, formal ideas, she thought that speech-acts of persuasion enacted in the public realm provide us with the possibility to form a meaningful world view through forming meaningful, authentic relations. Only in freely forming such interdependent relations was the possibility of disrupting the dialectic of war and violence possible. Only thus could we philosophize in peace. This is based on her commitment to the need to accept plurality and mutuality— with the concomitant need to hold and validate different opinions or positions—as the fundamental human condition. Against Plato, she also thinks it important to validate 'speech' and speech-acts for their meaningfulness in socio-political relations, that is, for their performative, imitative, and creative functions. However,

her philosophy of language should not be confused with those formalist forms espoused by Austin, Grice, or Searle since Arendt was primarily concerned with a common sense sort of sensus communis, derived from her reading of Kant, whose *Critique of Pure Reason* she read as a teenager. In line with her understanding that politics should ultimately be motivated by friendship and building the life of community in common, as opposed to Plato's forms of truth as justice, Arendt sought situations in which our speech-acts opened up the world to each of us differently, according to our different positions in the world. Persuasion, then, in public places where free speech is freely practiced, would be a way to reconcile, as it were, or to understand and mutually work out in creatively pragmatic and practical ways, our differing claims, needs, and desires. Moreover, as opposed to prioritizing contemplation and Plato's "utopian reorganization of political life," such speech acts prioritize action and "the articulation of different ways of life" (Swift 25).

As noted, these ideas came from Arendt's originally unpublished lecture that she gave in 1954 at the University of Notre Dame, "Philosophy and Politics," but included ideas that formed her most influential works on political philosophy, *The Origins of Totalitarianism* (1951), *The Human Condition* (1958) and *Between Past and Future* (1968).[8]

During the course of the rest of this essay, I focus almost exclusively on the short text that Arendt published in 1970 entitled *On Violence*, finished shortly before she died in 1975. To help identify how that work guides my reflections on Texas law, SB 11, however, I refer to another German-Jewish philosopher who was Arendt's friend and inspiration and who also wrote on violence but fifty years before Arendt did. In 1921, Walter Benjamin wrote an essay entitled "Critique of Violence," which examines the foundation of violence by providing a short, historical account of the systematic institution of positive and natural laws. With this essay, written early in his life, Benjamin gives us what he considered a definitive treatment of the origins and consequences of violence by connecting violence with myth and the formation of the sovereign nation-state, and non-violence with religion and revolution. The essay was more or less ignored, except by the Nazi theorist Karl Schmitt, who thought Benjamin's position endorsed his own views about the need for a totalitarian state. But fifty years, later Jacques Derrida took up Benjamin's essay in an address on the relationship of law to violence presented at the Cordoza Law School, agreeing with Benjamin's entire critique except for the final conclusion about divine violence, intimating that accepting such a position would leave us open to somehow validate an "exceptional" expiatory event like the Holocaust. Since then, Benjamin's essay has been, more or less, an unavoidable standard to be considered by which to 'critique' violence. Slavoj Zizek's book, *Violence*, published in 2008, culminates with his favorable commentary on Benjamin's position, criticizing the contemporary, populist German philosopher, Sloterdyk for his rejection of all "global

emancipatory project[s]" as various forms of pathological Nietzschean resentments. Zizek affirms Benjamin's "divine violence" as neither the "heroic-criminal state-founding violence celebrated by Heidegger" nor "anarchic explosion"[9] but, as Benjamin articulates, it is to be distinguished from "the mythic violence that founds and maintains the state, sanctioned statist violence, but as the "assumption of the solitude of sovereign decision (Zizek 202). The "divine" violent act refers to a spontaneous Event, a means without an end. Zizek aligns such a means without an end to the embrace of violence from figures as diverse as Che Guevara and Søren Kierkegaard, arguing not only that "all you need is love" but also that in order to truly love you have to be able to love with hatred. To love one's enemy is the flip side of loving God—or loving the other—so much so that, quoting from Kierkegaard's "Works of Love," that the Christian would, "if it is demanded, be capable of hating his father, and mother, and sister, and beloved (Zizek 204)".

Other commentaries followed Derrida's. Beatrice Hansen, in her book, *Critique of Violence: Between Poststructuralism and Critical Theory*, published in 2000, devotes the entire first chapter to the theme-setting work of Benjamin's position.[10] And most recently, Simon Critchley pursued his public feud with Zizek by contesting his interpretation of Benjamin as mistaken, namely, that Benjamin was not calling for an affirmation of violent, anarchic "liberatory" revolution but that his "ambiguous" position at the end of his essay—which affirms opposition to the injustices of state-sponsored and state-sanctioned violence, opens up the real possibility for an actual non-violent response to statist violence that is supported by the mythic narratives that found and provide coherent support for the modern nation-state.[11]

What for me is more important than aligning myself with any of these viable interpretations is that we can move further along in understanding the relationship of violence to the "work" of the state by attempting to better understand Arendt's position on violence and why she avoided directly taking on or taking up Benjamin's controversial stance. It will be helpful, then, to roughly know the position that Benjamin staked out on violence in order to more clearly understand how Arendt's position moves us further along in how she deals with violence, power, force and authority in her book *On Violence*. This will also help me to better articulate my critique of Texas SB 11 and my opinion about how liberal gun laws in Texas and other states in the United States diminish security and the possibilities for exercising free speech.

I look now at Benjamin's essay to better understand Arendt's position and to show how their philosophies help with my critique of violence as that is related to Texas SB 11.

To begin with, Benjamin aligns violence with the very foundations of the modern nation-state including, and especially, constitutional democracies based on variations of the social contract. He then aligns non-violence with revolution but

comes up with a paradoxical formulation of a kind of non-violent/violent revolution. The way that he conceives such a possible non-violence is that the parties in any conflict or possible agreement, have to come to an agreement prior to coming together; not a dogmatic agreement, but one where the parties have to actually talk with each other and agree to non-violence beforehand. And he bases this "prior coming together" not on the traditional starting point for Euro-Anglo-oriented theories and practices of the liberal state, that is, on prioritizing seeking one's own self-interest with its philosophical justifications of autonomy and sovereignty based on labor theories of value that justify my individual rights to property, inheritance, and capital. Instead, after laying out his analysis for how violence is the very guarantee and warrant for governing the modern nation-state, he pivots, as it were, and rejects the natural desires of the violent revolutionaries who see the only possible, pragmatic response to violent oppression in the dialectical response of answering violence with just as much or more violence. In short, Benjamin rejects the putatively realist argument that relative peace and independence can only be established in the ongoing détente of mutually assured destruction that would occur if one party misspeaks or does not hold up their end of the contract. Instead, Benjamin asserts that the only way forward to some kind of non-violent resolution is to begin by guaranteeing that we will act with "love, understanding, and language" in forms of concerted action towards and with each other; that we will agree to stand outside of the dialectical repetitions of violence, deliberately and self-consciously. Doing so is an engaged act and, for the historical-materialist Benjamin, such acts are economically based acts as well, which is why he sets his critique not only in the context of an analysis of law but in an analysis that refers to unjust labor laws, presenting a controversial distinction between violent and non-violent labor strikes. Such a distinction enables us to consider the possibilities of "non-violent" revolutions and Benjamin's creative use of Georges Sorel's *Reflections on Violence* as a baseline for his argument.[12] The controversial part of Sorel's theory is that class struggle and change depend on the creation of a catastrophic and violent revolution achieved through a general strike. Benjamin takes up Sorel's calls for violent revolution through a "General Strike of the Proletariat" (as Arendt also did) but makes a distinction between the state-sanctioned function of labor protests and the non-state sanctioned protest, whereas Sorel identifies both as the general proletariat protest. Benjamin uses Sorel's justification for staging a violent revolution as the *means* to seize control of the labor process in order to argue for the need to make a distinction between different kinds of labor protests—violent and non-violent forms. But as an historical-dialectical materialist, Benjamin understands the argument that in order to counteract one force, another equally strong, or stronger, but opposite force is called for.

Benjamin was also well aware of the traditions of union labor organization in Germany prior to the violent events of WWI and the founding of the Social

Democratic Party by William Liebknecht in the 1890s, in opposition to the imperialism of Bismarck and Prussia. Those early leaders of politically organized socialism rejected involvement in the Franco-Prussian War of 1870 by the labor unions as against their group-interests. He was additionally well aware of the rejection of involvement in the war and the non-violent stance of labor unions and the far-left wing of the SPD by Rosa Luxembourg in 1914. Knowing his sympathies to those groups enables us to speculate on his paradoxical commitment, at a deep metaphysical level, to the divine violence of a non-violent revolution.

Arendt read Benjamin's work and appears to have taken up his distinction without citing him because while Sorel's thought is central to both of them she uses Sorel's ideas differently while building on Benjamin's. Namely, she introduces distinctions between violence, power, and force while Benjamin leaves the ambiguity in play in using the German term *Gewalt*, which can mean both violence and force. But Arendt's focus on the differences in meaning is not a trivial play of semantics on her part. For her, the importance of Sorel's work on violence is in how he recognized the "power" in concerted and skilled group action. Benjamin moved that recognition and potential for revolutionary change along by attempting to distinguish between violent and non-violent forms of revolution. He identified violence with the tradition of myth and non-violence with the traditions of religious narrative and practices. He based this on the context of the history of actual strikes in Germany, such as the mass labor strikes in the Ruhr District, the Rhineland, and in Saxony that erupted in 1919 and that were associated with the fall of the Imperial government, the defeat of the Empire, and the rise of the Weimar Republic. The latter event is notable for its socialist, parliamentary form of government which followed from utterly disastrous displays of violence during World War I.

But the issue of how power works is nonetheless ambiguous in Benjamin's *Critique of Violence* and is not nearly as clear for him as it is for Arendt insofar as she makes a clear distinction between violence and power. Moreover, Arendt argues that authority—as authoritative power—only comes about through non-violent understandings between people; specifically, it comes about through agreements that politically "free and independent" people reach with each other through their respective non-violent speech-acts. With this philosophy of action, she moves Benjamin's analysis of violence forward because, as they both recognize —Benjamin implicitly and Arendt explicitly—the violent exercise of power is ultimately non-legitimate because it is based on *instrumentalism*. The uniqueness of her position is in how she highlights the instrumentality of *action* which is an essential support for my reflections about the problems of Texas SB 11.

In short, the ethos of legalizing gun-carrying and gun use in classrooms entails understanding the gun first and foremost as an instrument *and thus*, critically, as an extension of instrumental relations. With Arendt's philosophical support, I

argue that carrying a gun, revealed or concealed, creates the conditions that eliminate the possibility of free speech because it necessarily creates an environment that is restricted to instrumental relations, both in principle and in practice. As most well-educated U.S. Americans know, proponents of liberal gun laws are quick to proclaim that carrying a gun is a constitutionally protected right to free speech and thus, for them, constitutes a legally protected speech-act that expresses their constitutionally guaranteed right to freedom. That may be so, but I want to resist that interpretation of freedom on the basis of Benjamin's analyses of law and with Arendt's claim that to do violence one has to have an instrument, which is based on the commonsensical position that all acts of violence come from our *ability* to act instrumentally. For instance, I can do violence with my eyes or with my tongue or with my body alone, but accepting Arendt's position entails that each of those acts are secondarily derivative from our ability to use instruments. The essential point is that the capacity for instrumentality is prior to the exercise of the violent act and is that which provides the grounds for enacting violence. Also, and just as significant for her argument and my position, Arendt does not believe that humans are metaphysically evil by nature or are somehow naturally inclined to violence.

As a significant aside, there are many diverse traditions that do support this way of thinking as, for example, the Confucian Chinese tradition of Xunzi, who taught that humans are by nature evil and violent, and that we need the artificial constraints of education and social institutions to discipline and punish us, thus straightening our otherwise crooked or bent virtue.[13] In such a world-view, the masses have to be kept in line with severe punishment by the elite few who are alone capable of full virtue, because of their privileged socio-political background. This, in fact, seems to be the position of Texas lawmakers masked by the lip service that they pay to constitutional protections of free speech. More in line with Arendt's and Benjamin's positions, on the other hand, is the Jewish tradition of "*yetzer hara*" which teaches us about the use and misuse of physical or natural human inclinations. The Jewish tradition argues that humans are born with two inclinations, the *yetzer-hara*—the evil inclination, and the *yetzer-hatov* or the good inclination. And by extension, there is also the Christian tradition of original sin. In both traditions, Jewish and Christian, humans work out their own ultimate happiness freely choosing one way or the other based on the confluence of their biological and environmental conditions.

Because of her Jewish background, Arendt was more inclined to the teaching of free will from the Jewish ethical tradition, evidenced by her choice to write about Augustine's doctrine of neighborly love and the divided will for her dissertation.[14] However, it seems to me that none of these traditions quite capture Arendt's position. Already in her work on Augustine we find her latent critique of instrumentalism with her emphasis on identifying the tension between an inner world of love and the challenge of how to actually live in this world and how we

exercise the techniques of or the techné that emerges from our body. For Arendt, human violence is not natural but is a learned, environmentally conditioned behavior, as is love. They are attitudes and approaches to the world that we work out with each other and that we only learn *from* working and freely speaking with each other.

What this means for my opposition to Texas SB 11 is that—for Arendt—the *only way to notice* the instrumentality of our engagements with each other is through actually engaging with each other in public discourses that are non-violent, in public spaces that provide the *conditions* for non-violent discourse, and that suspend that instrumentality which means—again from an Arendtian perspective—that we either have to create or maintain such public spaces. We learn about the violence of instrumentality by practicing speech-acts of love and understanding in a context of respect for differences of opinion and of free expression. With that in mind, the core of Arendt's work, in what I call a phenomenology of the political, turned into various efforts to create such kinds of public spaces in a process that sh*e* referred to in various places as the philosophy of natality. Such spaces can be and perhaps should be institutional, but more importantly they become public spaces where we can talk with each other that is non-violent and, following Benjamin, are set up with the preconditions that we will engage in language—in speech-acts—that develop relationships of understanding and love. Arendt develops those ideas from what she says about caritas and neighborly love, forgiveness and generosity, first set out in her Augustine book but then more extensively developed in her magnum opus, *The Human Condition*.[15] For both of these philosophers, the university should be one of those spaces/places, because the university is the 'protected' space where we learn to develop the philosophical tools of thinking, listening, and speaking that enable us to visit the thoughts and "worlds" of others without colonizing them for our own instrumental self-interest. Rather, we learn to listen and to understand the other precisely because their position is different than mine and because that other may have something to teach me which is not something that I can learn from myself. Learning from the shared stories and perspectives of others—and their meaning-endowing acts—takes me out of my isolated and lonely world into relationships of new knowledge, new ideas, and collaborations and co-productions that would only be possible by developing forms of mutual cooperation.

For Arendt, there is another essential distinction that determines the difference between violent and non-violent uses of power, namely, the philosophy of acts and action that she works out, based on how she differentiates between the power of genuine authority and the misuse of power in authoritarian rules of governance. She distinguishes between organic force as that which happens when a crowd gathers together and is whipped up into a frenetic frenzy, when the speaker draws on the "organic" force of the audience by drawing them into agreeing with and thus "mindlessly" imitating her dogmatic stereotypes and prejudices. What results

is violence, authoritarian violence. It is what happens when a speaker speaks to her followers and urges them to physically and brutally attack those who protest against what she is saying: "Get them out of here!" "I would punch him in the face if I could!" "In the old days, there were punishments for that kind of (protesting) behavior!"[16]

But that's not an *authoritative use of power* which, for an Arendtian, can only be non-violent precisely because it presupposes the condition of the creation of a public, physical space where non-violent dialogue can occur. I agree with Arendt's assertion that the only way that one can get things done in the world that is non-violent *and* productively engenders new and flourishing growth in any community is by respecting the dignity of others through allowing others who differ from me to have their say. We make new beginnings through listening to others *first*, which is a practice that ensures and encourages the mutuality of sovereign freedoms. As Arendt learned from her own experience and through the research that she did in writing and publishing *The Origins of Totalitarianism* in 1951, I have to allow the other person to have her freedom which means providing for the conditions for the kind of free speech-acts that are not constrained by instrumental conditions.[17] I learn from and with the other—in relationships of mutual respect but not in relationships of fear and coercion, fearing that violent reaction from the other for a misdirected remark or with which I am coerced to agree or disagree, at the point of a gun—open or concealed.

Those observations seem obvious and commonsensical to me, but what is more difficult is how to connect the use of instrumental violence and validating or sanctioning that use as law, a move that I explored in more detail in a talk that I delivered at the University of Texas at El Paso on Benjamin's *Critique of Violence*, and my claim that such sanctioning *via* Texas SB 11 legally establishes the gun-toting citizen in a role as a free-roving quasi-vigilante.[18] This law extends the already arbitrary state-sanctioned violence of the police state, which Benjamin so aptly criticizes as the foundation and maintenance of all state militaristic violence.

For me, and from Arendt's perspective, coming to terms with how violence plays out matters, and not for trivial meta-ethical or semantic reasons, but precisely because of our lived world conditions. Arendt was writing from the perspective of the student revolutions of the 60's and 70's, the Vietnam War, the Cold War and her own lived experiences of fascism, totalitarianism, and genocide-inspired exile. Each of these instances represents massive political exercises of police-force-as-brutality or instrumental, dictatorial military force on global and local bases. For example, it is an instrumental use of violence to *not* allow students to protest, to not allow people to determine their own governing ways, and to *not* allow others to peacefully disagree with me or any other governing body, in public. Moreover, and this is directly relevant for the critics of Arendt, these are not academic thought experiments of the Kantian public and private use of reason. Because of her concern for action and practical-political application, she does not let Marxism off

the hook either, asserting that there are misunderstandings of how violence works in misinterpreting Engels and Marx. In fact, while she initiates her argument by noting how Engels diagnosed the problem of violence completely in how he recognized that it is entirely based on the instrumental use of protection of property, protection of my inherited, ill-begotten property rights that then need to be protected violently, that is, instrumentally. But she also proceeds to criticize both Marx and Engels for their ideas about abolishing the working class through violent means, which presupposes some ideal condition of the abolishment of labor. She notes that the key argument in Engels' "property" essay hinges on the underlying attack on how property is a cornerstone for the Capitalist market economy system.

That is how Arendt starts off her book and her argument, namely, that violence is property based and executed through instrumental means (a gun, a bomb, etc.), and that the protection of property rights, or one's professional privilege, or one's inherited "rights" are all based on "instrumentality" and the instrumental use of reason. Arendt is critical of the property-based argument as just another ends-means justification and so, ultimately, she is also critical of the attempts to justify violence for the sake of a "just" revolution of the colonized or dispossessed by Sorel, Fanon, and the Italian activist Portelli. The most obvious consequence for Arendt's position is that being "engaged" does not always or necessarily have to entail violence.

But what she also gets from Benjamin is a new-found ability to critique the account-giving or storytellings of others for their unexamined protection of injustices. Here is the distinction that she wants to make: giving an account that relies on recreating a myth or creating a new fiction, even for the sake of liberating the masses from oppression, is unacceptable for her because it does not engage with the sources of the instrumental use of power or, by extension, the instrumental use of reason. The complication with Arendt's critique is that someone like Fanon wants oppressed people to be engaged, but not manipulated, and that sometimes such engagements call for acts of violence, because that is the only way that the oppressed can actualize their own autonomy and freedom, that is, through themselves. As I noted earlier, Zizek defends Benjamin's similar position, namely, Benjamin's defense of coming to a decision that entails violence as one, however, that simultaneously commits me to an internal dialogue that takes form as a deliberate, responsible, and serious intellectual and ethical struggle. It is both an internal and external struggle precisely because engaging in any act of violence necessarily changes the existing "external" socio-political order. And "internally" one has to fret for oneself and not follow, dogmatically or obediently, the dictates of the violent proposals of this or that leader. Rather, one has to rely upon one's own moral lights to act, not for some ideological end but for a personal end that only makes sense in the moment and not by its situatedness in this or that political context. Moreover, the injustice which calls for a violent response has to be

apparent.

For Arendt, however, that is not enough. She departs from Benjamin's paradoxical position and bases her critique of violence on her understanding of the science of the day and how science is used to justify a way of exercising politics that says this is the natural way for humans to act because they are naturally violent, self-seeking, and determined by their material conditions. She is critical in this regard of both Hobbes and of the social Darwinists, who used different modes to make the same claim, namely, that it is natural to use violence because that is the nature of things. For those theorists, humans are by nature violent beings and need a social contract or a stronger violent force to keep them in order.

Arendt begins her critique of Hobbes with a quote from *Leviathan*: "Covenants, without the sword, are but words (Arendt, *On Violence*, 5). She builds her position by recounting the traditional understanding of Hobbes's materialistic metaphysics that thus entail a consistent and thoroughgoing mechanistic determinism. What this obviously means is that everything can be explained in terms of matter and motion and that there are no grounds for immaterial substance or powers. In terms of values, good and evil are simply what we desire or detest and freedom is simply the force of unimpeded desires, even though free acts are physically originated. The problems with materialism in general and Hobbes's version in particular is that, in brief, given that everyone is free to follow their self-interests, humans are naturally in constant strife with each other which makes it impossible to (completely) satisfy those self-interests. And since self-interests can never be completely satisfied one is always compelled or perhaps condemned to live an unsatisfied existence resulting in a natural state that Hobbes famously characterized as "solitary, poor, nasty, brutish, and short." The consequence of Hobbes' metaphysics, moreover, is that we are in a "war of all against all." As a consequence, and as is well known, in such a Hobbesian world humans are driven to society and to form social contracts for both rational and passionate self-interested reasons but primarily to seek peace so that they can work to obtain and enjoy material possessions.

In *The Sovereign and the Social: Arendt's Understanding of Hobbes*, Annelies Degryse reconstructs Arendt's argument that Hobbes is not only the political father of totalitarianism, but of the violent consumption practices of the modern mob as the Blob. I will not go into the details of Degryse's argument here, but the gist of it is that under the authoritarian governance of the social contractarians, beginning with Hobbes, the ultimate warrant of violence that underlies the modern liberal state correlates with the socializing function of modern bourgeois, capitalist societies. It is interesting to note that in his *History of Political Philosophy*, John Rawls claims that Hobbes's *Leviathan* is the greatest single work of political thought in the English language.[19] For Degryse, Arendt's alternative to Hobbes, and by extension to Rawls, is her metaphysics of presence which entails that "only actually acting brings about the political."[20]

In *On Violence*, Arendt is unambiguous about the problems with Hobbes' metaphysics. For Hobbes, because humans are by nature violent on the one hand and seek to meet their desires to consume and to secure property on the other hand, they must give up their "rights" to naturally redress—through violence—the lack of fulfillment of their desires, contractually ceding that right to the state monarch that acts on their behalf. Arendt criticizes Hobbes' formulation of the social contract as a *means* to create an agreement where we create sovereign nation states that merely displace the violent compromises that we have already accepted as the "normal" state of affairs of living in fear of the potential violence that we face with each other. Her critique aims at what she took to be the Hobbesian science of the day and what she saw as the adverse political consequences of its blunt scientific materialism and determinism. As Arendt goes on to say, we humans are not plants; we humans are also not non-human animals; we are human animals, but even more than that we are humans who think and reflect self-reflexively on ourselves and on our condition. We create technology and we freely create art. Her trenchant critique of what she understood to be liberal, social contractarian ways of thinking has resulted in her phenomenology of the political as being dismissed as conservative and anti-liberal. But it is clearly not conservative and, from my perspective, given the depth of her understanding of the metaphysics of human nature on the one hand and her mastery of the history of philosophy and the politics and science of her day, such criticism strikes me as shallow and self-serving. Clearly, she does not entirely disavow the political endeavor and, in fact, professes just the opposite, namely, that we need to reform our political systems top to bottom and from the inside out. At the core of her critique is scientific positivism that atomizes people into an alienating "rights" way of thinking that is based upon affirming the necessity of acting competitively and thus violently towards each other. She is relentlessly critical of the sorts of Ayn Randian pseudo-metaphysics—objectivism—that underwrites libertarian individualism and that promotes ongoing self-serving competition, rather than collaboration. Such thinking can also be aligned with Rawlsian "liberal" ideal theory. It is based on what I often refer to as the "last man standing" kind of practicing philosophy.

Where Arendt is critical of Ayn Rand and John Rawls who can be brought into a strange kind of self-serving collusion that minimally provides for the intellectual structures that maintain neo-liberal, colonizing governments—she is just as critical of those on the "violent" left such as Franz Fanon. The weakness of Fanon's prognosis in dealing with the psychopathology and brutality of colonization is his insistence that one only achieves coherent creativity by a body of people that can be brought into violent coherence. Arendt insists that we do not have to foster creativity out of violent coherence, which leads to the mob mentality of fascism and of mindless authoritarianism. Rather, her counter-position is that we can act creatively through what she calls a philosophy of natality (Arendt, *The Human Condition* 178) What she means by a philosophy of natality is the sort of dialogical

phenomena that engenders new and fruitful ideas through talking with each other in free terms. Her point is that there are really only two ways to understand power: (1) when power is collapsed into force, resulting in being stuck in the metaphysics of an atomizing dynamic of violence which, as solitary and violent can never lead to "actual" power; or (2) power as non-hierarchical and non-instrumental and thereby non-omnipotent. Instead, "actual" power is relational and potential, that is, its exercise releases ever-new potencies and possibilities.

I draw on Arendt's position in order to be able to better criticize the intent of Texas State legislators and the proponents of liberal gun laws for what seems to me to be their attempt to instrumentally create an ongoing climate or environment of instability that allows them to control and maintain their colonized or colonizing privileges. Arendt's alternative, by contrast, is to create the political conditions for actual spaces such as the spaces of our university classrooms—that allow for the possibility for people to speak and to act creatively and freely with each other without the fear or exercise of violence, and without the specter of violence hanging over our conversations. I align myself as a philosopher and educator with her project because I also understand how it can be seen to contribute to flourishing forms of sustainability, but that argument is part of my larger project. Arendt proposes that we establish those conditions where the philosophy of languages that we teach our students are such that we learn to engage the language of instrumentality, without having to engage with the language of a gun. Construing such language as an expression of free speech ignores, I maintain, the ontological condition of the gun as instrumental.

For Arendt, the bottom line is that violence is instrumental, and when one is immersed in an environment where instrumentalism and utility are the guiding values, that is, when education is done at the legislated end of the barrel of a gun, then, I suggest, we would be well advised to adopt Jonathan Swift's *Modest Proposal*, that we sell our poor children as food for the rich and be free of the burden of caring for them by educating them to become responsible citizens of the state of Texas. Our Texas lawmakers have reinforced the ultimate warrant of the modern, liberal nation state that the law can be enforced arbitrarily by any anonymous gun-toting citizen. Licensing is not the critical issue at stake in this case. What is at stake is what we mean in the United States and the State of Texas by a liberal education. I would agree with Arendt in her final analysis that we have lost our moral compass in our educational endeavors by confusing force with power, that is, by mistaking the spontaneous authoritarian exercise of power—which is necessarily enacted with violence and instrumentality—with the ethical restraint of authoritative power, which is enacted in the non-violence of public spaces of free-speech, collaboration and mutual agreements. Such public spaces are where we respect the differences of each other and attempt to persuade and not arrogantly bully the other.

Arendt created a judgmental grid, building on what Benjamin sets up by

strongly differentiating between violent and non-violent protest and revolution. And like Benjamin, who pointed out the possibility of acting "in concert" in non-violent ways—and specifically identified the university as one of those places where the language of love and understanding can and should take place—the implication for both of them is that the university is also one of those places to cultivate non-violence. Arendt goes one step further by wading deeper into the political domain and distancing her analysis of violence from that of Benjamin's who, in his critique of violence, drew more directly on the treatment of violence by Sorel and Fanon.

Unlike Benjamin, Arendt clarifies how her work *is* about institutions as such, and not just political institutions. It is also about the university as an institutional place where we can practice and engage in critiques of political institutions. In good Hegelian fashion, she philosophizes about the institutionalizing and bureaucratizing of things as an important task for the modern philosopher and educator. And at the deeper levels of her analysis we find her positioning our perspectives, that unless we can address the process and the conditions for how we carry on our philosophical dialogues then we are going to be stuck with the authoritarian use of power which, for Arendt, is both fascist and totalitarian.

Underlying this critique of the authoritarian use of power is an additional critique of what counts as progress. Arendt wants to know: what have we learned from studying the history of our choices in deciding which laws are going to govern our lives? Are we making any progress at all? What are the signs of progress?

As I mentioned earlier, Arendt self-consciously identified with Rosa Luxembourg who led the pacifist wing of the Leftist SPD Socialist Party in Germany at the beginning of WWI, in 1914. Arendt was born in 1906 so she learned about fascism and pacifism only later in life, because of her own experiences of exile and the violence of National Socialism. And while she famously supported putting Eichmann and other Nazi leaders to death for their involvement in the genocide of European Jews and many millions of other designated enemies of the state, I want to put forward the claim that her position continues to be one upon which we can build to challenge injustices and the those sorts of violent means enacted into the legal systems of the modern liberal nation state, unjust laws that promote or nourish instrumental forms of violence.

As many know, the white rose is the oldest of roses and has long symbolized pure love and peace, expressing friendship, respect and hope. During the 20th century, this has become even more poignant and powerful. During Nazi wartime in Germany, a non-violent intellectual resistance movement, a group of students from the University of Munich—many of them philosophy students led by their philosophy professor, Kurt Huber—banded together to non-violently resist the violent laws and brutal militarism of the Nazis, enforced through legislating a philosophy for children that would normatively produce a comprehensive class of

German citizens faithfully replicating the noble leadership principles set up by philosophers of the state such as Karl Schmitt and, at least in the early days of Nazism, Martin Heidegger. But some of the university students involved in that educational endeavor, conscripted to serve in the German military, had personally witnessed the persecution of Jews on the Russian Front and in the Warsaw and Lodz ghettos. They called themselves The White Rose. The six most recognized members of the German resistance group were arrested by the Gestapo, tried for treason by the People's Court (*Volksgerichtshof*) on February 22nd, 1943 and put to death by guillotine the same day at Stadelheim Prison in Munich.

White Rose survivor Jürgen Wittenstein described what it was like to live in Hitler's Germany:

> The government—or rather, the party—controlled everything: the news media, arms, police, the armed forces, the judiciary system, communications, travel, all levels of education from kindergarten to universities, all cultural and religious institutions. Political indoctrination started at a very early age [they were very effective philosophers for children], and continued by means of the Hitler Youth with the ultimate goal of complete mind control. Children were exhorted in school to denounce even their own parents for derogatory remarks about Hitler or Nazi ideology. (http://www.historyplace.com/pointsofview/white-rose1.htm)

The students acted in concert, attempting to avoid the comprehensiveness of the Nazi fascist government to invade every corner of their private thoughts and activities. They printed leaflets, intending to spark the consciences of their fellow students and German citizens, with the following messages:

> *Isn't it true that every honest German is ashamed of his government these days? Who among us has any conception of the dimensions of shame that will befall us and our children when one day the veil has fallen from our eyes and the most horrible of crimes—crimes that infinitely outdistance every human measure– reach the light of day?*
> —*1st leaflet of the White Rose*

> *Since the conquest of Poland, 300,000 Jews have been murdered in this country in the most bestial way… The German people slumber on in dull, stupid sleep and encourage the fascist criminals. Each wants to be exonerated of guilt, each one continues on his way with the most placid, calm conscience. But he cannot be exonerated; he is guilty, guilty, guilty!*
> —*2nd leaflet of the White Rose*

Almost all of the students and their mentor, Huber, were caught and put to death but their leaflets were smuggled out of the country and dropped by airplane in cities across Germany by the Allied Forces. The students who were involved in The White Rose, who attempted to create a non-violent revolution in the face of overwhelming forces of normativizing teachings and practices of violence, are today considered heroes and as reminders streets, schools and statues have been institutionalized as part of the teaching of non-violence.

In 1996, more than 40 years after that non-violent attempt by the students and teachers involved in concerted actions of The While Rose, attempts to recreate a public space without guns where free speech and the working out of differences of opinion could take place, peace accords were signed in Guatemala after 36 years of civil war. To commemorate those agreements, every day a white rose is placed on the Peace Courtyard of the National Palace to mark another day of peace. We know that in both places, acts of violence rather than acts of peace have taken place and continue to happen.

But let us imagine, with those students and Arendt, what a different climate we might have in our classrooms in Texas if instead of attempting to perform speech-acts in the ethos created by legally sanctioning concealed handguns, we would awake from our slumber as students and teachers and by coming to class carrying open or concealed white roses? In order to begin implementing such a philosophy of natality, and in order to interrupt the incremental implementation of legally sanctioned violence, I extend to each and every reader of this article a symbolic rose to carry with you in the hope that if you were thinking of packing a gun during your next classroom visit, that you would begin to think and act otherwise.

NOTES

1. See Hannah Arendt, "Some Questions of Moral Philosophy" in *Responsibility and Judgment*; Edited and Introduction by Jerome Kohn; New York: Schocken, 2003; 49 ff. Arendt criticizes the moral concept of "obligation" as a form of coercion.

2. Hannah Arendt. *On Violence*, New York, New York: Harcourt, Brace, and World; 1970; p. 5. See also Karl von Clausewitz, *On War* (*Vom Kriege*). Edited and translated by Michael Eliot Howard and Peter Paret. Princeton: Princeton University Press, 1989; originally published posthumously by his wife Marie von Brühl in 1832). Clausewitz argues that war is always an instrumental extension of *Politik*, justified by the strength of one's emotional and political motivations and that it is essentially.

3. On 13 March 2016, three gunmen opened fire at a beach resort in Grand-Bassam, Ivory Coast, killing at least 19 people and injuring 33 others. ISIS claimed responsibility for the attack. On the morning of 22 March 2016, three coordinated suicide bombings occurred in Belgium: two at the Brussels Airport and one at the Mallbeek metro station killing thirty-two civilians and the three perpetrators. The bombings were the

deadliest act of terrorism in Belgium's history. On Friday 13 November 2015 in Paris, France and the city's northern suburb, Saint-Denis, three suicide bombers struck outside the Stade de France in Saint-Denis during a football match. This was followed by several mass shootings and a suicide bombing at cafés and restaurants. Gunmen carried out another mass shooting and took hostages at an Eagles of Death Metal concert in the Bataclan theater. The attackers killed 130 people, including 89 at the Bataclan theatre. The attacks were the deadliest on France since the Second World War.

4. See Rudolf Carnap. "The Elimination of Metaphysics Through Logical Analysis of Language" in Alfred Jules Ayer (ed.), *Logical Positivism*; Westport, Conn.: Greenwood Press, 1966; pp. 60-81.

5. See Kwame Anthony Appiah, *Experiments in Ethics*. Cambridge, MA: Harvard University Press, 2010), for his argument on how analytic philosophy has created a moat between its professional obsession with moral dilemmas and thereby created a 'moat' of irrelevance between its professional thought experiments and how the world actually works.

6. See Simon Swift, *Hannah Arendt* by Simon Swift. London: Routledge, 2008; p. 23 ff.

7. See Harry G. Frankfurt, *On Bullshit*. Princeton: Princeton University Press, 2005. The popularization of Frankfurt's claim has led to the likewise 'populist' Anglo-American philosopher bias (at least in the 21st century) in judging any work that does not meet the 'standards' of the Anglo-American philosophical tradition for 'truth'—that is, stipulated standards of correct grammar and linguistic usage, as bullshit. The philosophical style of John Symons, who was once a regular member of the New Mexico-Texas Philosophical Society, fits into this latter category.

8. For a good overview of the coordination of these ideas, see Elisabeth Young-Bruehl, *Hannah Arendt: For Love of the World*. New Haven: Yale University Press, 2004; p. 294.

9. See Slavoj Zizek *Violence: Six Sideways Reflections*. New York, NY: Picador/Macmillan, 2008; p. 201.

10. Beatrice Hansen, in her book, *Critique of Violence: Between Poststructuralism and Critical Theory*,

11. See Simon Critchley, "Violent Thoughts about Slavoj Zizek" in *Philosophy and the Return of Violence: Studies from the Widening Gyre*, edited by Christopher S. Yates and Nathan Eckstrand. New York, NY: Bloomsbury Academic, 2011; pp. 61-80.

12. See Georges Sorel, *Réflexions sur la violence*. Geneva: Editions Labor et Fides, 2006 (originally published 1908). Sorel was a French revolutionary syndicalist whose work Benjamin was introduced to by Bertolt Brecht and Ernst Bloch. Syndicalism: economic socialism—alternative to capitalism, whereby industry would be run by cooperative and mutual confederations or syndicates, composed and managed by labor unions/workers; to overcome industry aristocracy through union democracy, informed and managed by skilled workers to create fair practices.

13. Xunzi ("Master Xun") was one of the most sophisticated and influential philosophers of China's Warring States period (479–221 B.C.E.). He considered himself a follower of Confucius and was one of the central early figures in the consolidation of what came to be thought of as the Confucian tradition.

14. See Hannah Arendt, *Love and St. Augustine*. Edited by Joanna Vecchiarelli Scott

and Judith Chelius. Chicago: University of Chicago Press, 1998. This was Arendt's unpublished doctoral dissertation which deals with love for the world, for the sake of its independent self and thus as a good towards which we aim or desire.

15. See Hannah Arendt, *The Human Condition*. Chicago: The University of Chicago Press, 1958; 238-243.

16. These are from Donald Trump's 2016 presidential campaign. For example, the last quote comes from a rally in the eve of the Iowa caucus, 23 February 2016: http://nymag.com/daily/intelligencer/2016/02/trump-on-protester-id-like-to-punch-his-face.html (retrieved 4 January 2018).

17. See *Origins of Totalitarianism*

18. See my unpublished Invited Talk: "On Religion and Violence: Language, Anarchy, and Walter Benjamin" invited lecture for The Religion and Culture Speakers Series, co-sponsored by the Race, Authority, and Violence in the 21st Century Lecture Series at the University of Texas at El Paso, El Paso; 15 February 2016.

19. According to Rawls: "Hobbes's *Leviathan* is the greatest single work of political thought in the English language." See John Rawls, *Lectures on the History of Political Philosophy*. Cambridge, MA: Harvard University Press, 2007; p. 1.

20. See Annelies Degryse, "The Sovereign and the Social: Arendt's Understanding of Hobbes" in *Ethical Perspectives: Journal of the European Ethics Network 15. 2, (2008)*, p. 239.

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Music and What It Is Like:
What Theories of Mind Tell Us About the
Experience of Music

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What is an experience of music?

An experience of music can be something as complex as playing an instrument and composing, or it can be something as simple as just listening to Beethoven's *Ninth Symphony*. However, at the point when Beethoven was composing his *Ninth Symphony*, he had already spent several years of his life unable to hear certain sounds and tones. It is estimated that at this point in his life Beethoven had already suffered from hearing loss for more than twenty years (Davies 42-43).[1] The cause of Beethoven's gradual hearing loss and eventual deafness are still debated and not completely understood.[2] Just two years before the first performance of Beethoven's *Ninth Symphony*, during a rehearsal of his work *Fidelio* in late November of 1822, friend and musician Anton Schindler accounted to a friend that "from the beginning of the duet in the first act, it was clear that [Beethoven] heard nothing of what was going on, on the stage" (MacCarthy 51). During this same rehearsal, the seventeen-year-old soprano Wilhelmine Schröder recounted of Beethoven:

> At that time the Master's physical ear already was deaf to all tone. With confusion on his face, with a more than earthly enthusiasm in his eye, swinging his baton to and fro with violent motions, he stood in the midst of the playing musicians and did not hear a single note! (Davies 56)

Both Schindler and Schröder describe in their accounts of the rehearsal that the usual conductor of the orchestra was also aware of Beethoven's inability to conduct the rehearsal.[3] Schindler describes that "fatal November day" as one in which Beethoven "had been smitten to the heart, and to the day of his death he lived under the impression of that failure" (MacCarthy 52). Succumbing to his hearing loss, Beethoven secluded himself after the incident during which time he wrote one of his most influential and brilliant compositions, his *Ninth Symphony*. How is it possible for a deaf Beethoven, in spite of lacking an essential ability to fully experience music, still able to compose a piece of music that he cannot himself properly experience? Beethoven's experiences of music help show how complicated experiences of music are. Even though Beethoven lacks the ability to experience music aurally, his mind is not affected by this disability because he is still able to continue to compose and write music. Beethoven's experiences of music help show that the relationship between music and the mind is both deeply personal and experientially complicated.

If experience does bear a relationship to the mind, then theories of mind ought to provide the information necessary for better understanding what is involved in an experience of music. The aim of this essay is to show that reductive and non-reductive theories of mind fail to fully capture subjective experience. This is a problem for understanding what an experience of music is because such theories do not clarify the relationship between mind and music—that is, the relationship between mind and the subjective experience of music. I believe that these theories of mind are unable to provide an explanation of the relationship between the mind and experience because both theories do not account for the first-person phenomenal dimension of conscious experience. Since these theories of mind fail to capture this subjective dimension of experience, I believe that reductive and non-reductive theories of mind cannot fully explain what an experience of music is like. By accounting for the first-person phenomenal dimension of experience that escapes these theories of mind, we can begin to understand what makes our human relationship with music so unique.

THE MIND AND THE EXPERIENCE OF MUSIC: REDUCTIVE PHYSICALISM & NON-REDUCTIVE DUALISM

In this section, I will examine the neurological findings of the differences in the brains of musicians and nonmusicians and how these findings in conjunction with reductive and non-reductive theories of mind are understood to relate to the experiences of subjects.

Both reductive and non-reductive theories of mind understand the mind in relation to available information about mental phenomena but differ in their understandings of mental phenomena. Reductive theories of mind are views where complex thoughts or mental states can be reduced to physical information about

the mind. In the case of neuroscience, the mind is reducible to physical information about the brain and neural activity. On this view, the mind and the sorts of activities associated with mental processes come together in the body and the two do not exist separately. Reductionism is aimed at explaining mental phenomena described in one theory in terms of mental phenomena described in another theory.[4] reductionism, then, would contend that mental phenomenon can be simplified in terms of physical information about the neurological findings of the brain. If this sort of reductive physicalism is able to explain mental phenomena in terms of physical information about the brain, then physical information about the brain should also be able to tell us something about subjective experience. Since reductive theories of mind associate the mind with neural activity and the processes that come together in the brain, neuroscience, then, provides a way of understanding the subjective experience of music using physical information about the neurological findings of the brain. This means that it is possible that our subjective experiences of music can be fully explained by cognitive activity and physical states of the brain while experiencing music. If this is the case, then physical information about the brain should be adequate for understanding the subjective experience of music.

A study conducted by Gottfried Schlaug was aimed at addressing the differences between the brains of musicians and nonmusicians.[5] What this study found is that there are structural differences in the brains of musicians that correlate to the complex physical and mental operations that musicians perform. According to this study, a musician was defined as someone who has had exposure to musical education and is proficient in reading music as well as performing it. A non-musician was defined as someone who has never played a musical instrument and has little to no education in music. This would suggest that the experiences musicians and non-musicians have of music somehow attribute to the physical structure of the brain. According to this study, A musician is defined by her experiences because physical information about the brain reflects her experiences. In this sense, physical information about the brain is able to tell us something about experience because the brain *is* the relationship between mind and experience. For example, the corpus callosum is a part of the brain that is associated with inter-hemispheric communication that underlies motor sequences. This area of the brain was significantly larger in musicians, particularly in those who began musical training before the age of seven years old.[6] Those musicians who had early experiences of music also exhibited symmetry between the left and right hemispheres of the brain which was found to have strong correlations to the age of commencement of musical training.[7] The symmetry exhibited by the hemispheres of the brain is understood as having to do with the motor cortex and handedness.[8] What this physical information suggests is that the kinds of complex motor skills involved in playing a musical instrument engages both hemispheres of the brain and there is an increased communication between the two hemispheres that

attributes to their physical symmetry. This physical information about the brain of musicians suggests that mental phenomena underlie experience. What can be concluded from this sort of physical information about the brain is that mental phenomena and experience exhibit a relationship that is reflected in the physical structure of the brain. However, if we can gain an understanding of both mind and experience from physical information about the brain, then what exactly does physical information about the brain tell us about the experience of music?

On the other hand, non-reductive theories of mind maintain that the mind and the body exist separately but interact, causally or otherwise. Whereas reductive theories of mind reduce consciousness and intentional states to cognitive processes, non-reductive theories preserve the separation of mind and body. Frank Jackson offers an argument opposing reductive theories of mind through his famous example of achromatic Mary.[9] This thought experiment in conjunction with what has become known as the knowledge argument,[10] provides support against a purely physical understanding of the mind. If it is possible to gain a sense of mental phenomena as related to the experiences of both the musician and non-musician from physical information about the brain, then physical information should be able to tell us something about the experience of music and the mental phenomena associated with it. Yet, even if physical information is able to tell us something about the experiences of musicians and non-musicians, what about the experience of music can it tell us? Jackson's example of achromatic Mary[11] shows that if physical information is able to tell us something about experience, then Mary should know something about the experience of color if she is given all the physical information about color vision. What Jackson shows is that although Mary may be an expert on all physical information about color vision, Mary does not know everything about the experience of color because she has never experienced seeing color for herself.[12] It stands to reason that upon being let out of her colorless world and into a colored world, Mary would undoubtedly learn *what it is like*[13] to visually experience color.[14] In this regard, physical information about experience does not provide Mary with everything she needs to know *what it is like* to experience seeing color for herself. Mary does not know *what it is like* because physical information does not provide her with the conscious mental phenomena that underlie the experience of color. So, if Mary cannot know *what it is like* to experience color from physical information about color and color vision, then contrary to reductive physicalism, "consciousness" as a mental phenomenon is not reducible to physical information about the neurological findings of the brain. In other words, mental phenomena are not reducible to physical phenomena. What Mary shows is that there are non-physical aspects of experience that are left out of a physical account because she acquires new knowledge about *what it is like* to experience color that she is not given in physical information about color vision.

Jackson's Physical Knowledge Argument
1. Reductive theories of mind provide all the **physical information** about experience. (premise)
2. There is some information about experience that **reductive** theories of mind do not provide, namely the **'what it is like'**-experience. (premise)
3. Thus, some facts about experience are left out of a **reductive** account. (1,2)
4. Therefore, some aspects of experience are **not physical**. (3)

Through Jackson's argument, what Mary shows us is that she cannot know *what it is like* without subjective experience. This is because physical information cannot provide knowledge of the subjective states of experience. Since subjective experience is not reducible to physical knowledge, then this aspect of experience must be non-physical. The subjective aspects of experience that tell us *what it is like* are non-physical aspects that reductive physicalism cannot fully account for. If we consider that the mental phenomena associated with subjective experience is in one way reducible to physical information about the brain and yet also non-physical, then perhaps it is possible to provide Mary with the knowledge she is missing about the experience of color through a non-reductive dualist account. A non-reductive dualist account of mental phenomena and conscious experience would provide all the non-physical information about the experience of color that physical information does not provide. Consider Jackson's Physical Knowledge Argument and the same scenario with Mary, except that this time she has all the non-physical information about color vision instead. So, in this case, Mary is provided with all the non-physical information about subjective experience and 'what it is like' to experience color. Now, if this information is truly non-physical, then the mental phenomena that underlie subjective experience cannot be reduced to anything physical. This means a newly informed Mary should now have all the information she needs to know what the experience of color is like. As it turns out, non-physical information cannot fully account for the physical aspects of experience.

Churchland's Non-Physical Knowledge Argument
1. Non-reductive theories of mind provide all the **non-physical information** about experience. (premise)
2. There is some information about experience that **non-reductive** theories of mind do not provide, namely the **physical aspect** of experience. (premise)
3. Thus, some facts about experience are left out of a **non-reductive** theory. (1,2)
4. Therefore, some aspects of experience are **physical**. (3)

Since all the physical information about color vision does not provide Jackson's Mary with knowledge of *what it is like* to experience seeing color for herself, then perhaps Churchland's Mary is in a better position to know *what it is like* if she has all the non-physical information about color vision. As it turns out, non-physical information about color vision also falls short of providing knowledge about subjective experience. What Churchland's argument and Jackson's thought experiment about Mary help show is that she cannot acquire knowledge about *what it is like* without subjectively experiencing it for herself. A reductive approach to the mind presents a theory that is unable to account for subjective experience because mental phenomena are not reducible to physical phenomena. However, a non-reductive approach to the mind presents a theory that also cannot fully account for subjective experience because mental phenomena are not reducible to non-physical phenomena. Subjective experience includes a first-person aspect of experience that these theories of mind cannot fully account for. Without firsthand experience, Mary cannot gain the requisite knowledge needed to know *what it is like* to experience seeing color for herself.

CONCLUSION

As both Beethoven and Mary show, "experience" is not something that can be fully explained in reductive and non-reductive theories of mind because it is more than an event, process, or occurrence. There is a first-person aspect of experience that cannot be fully accounted for through physical and non-physical information about the mental phenomena that underlie experience. Beethoven's knowledge of *what it is like* to be a deaf musician is based on his subjective experiences of music and is not something he can gain knowledge of through information about the experience of music because he was becoming increasingly deaf and is no longer able to fully experience music for himself.

> But how humiliated I have felt if somebody standing beside me heard the sound of a flute in the distance and I heard nothing, or if somebody heard a shepherd sing and again I heard nothing- Such experiences almost made me despair, and I was on the point of putting an end to my life- The only thing that held me back was my art. For indeed, it seemed to me impossible to leave this world before I had produced all the works that I felt the urge to compose; and thus I have dragged on this miserable existence- a truly miserable existence, seeing that I have such a sensitive body that any fairly sudden change can plunge me from the best spirits into the worst of humors. (From The Heiligenstadt Testament, quoted in Davies 45)

Beethoven's accounts of what his experiences of music are like show that knowledge of his experiences can be both a source of inspiration and torment for him and that this information finds its full expression when it is understood as being situated according to the subject whose experience is also mediated by hearing loss. If it is possible to gain a sense for the subjectivity of experience through accounts of *what it is like*, then it is because these descriptions refer to knowledge about a first-person aspect of experience. To properly understand what an experience of music is like for someone like Beethoven, the first-person aspect of experience that is captured in knowledge about *what it is like* must also be taken into consideration because his experiences of music had gradually changed throughout his life as a result of his hearing loss. Since knowledge about subjective experience seems to be left out of physical and non-physical information about the mental phenomena that underlie experience, then perhaps Phenomenology can account for the first-person aspect of experience that is necessary for fully understanding *what it is like* for Beethoven to continue to be a part of the world of music despite losing a crucial ability for the full experience of music. A phenomenological approach would mean beginning with consciousness and conscious experience which should provide a more appropriate access point for knowledge about *what it is like* to experience music with a disability like Beethoven's. Phenomenology provides a way to clarify the role of hearing loss in Beethoven's experiences of music which makes it possible to understand how Beethoven's disability changes his experiences of music without impeding his ability to continue to create music that he cannot fully experience for himself. In other words, if Beethoven cannot acquire the requisite knowledge of *what it is like* to fully experience music because of his hearing loss, then Beethoven's connection to the music world must point to a perceptual relationship in subjective experience that does not compromise or damage the relationship between mind and music. A phenomenological account of perception leaves the connection between mind and body open to new and changing information about *what it is like* to experience music so that Beethoven can continue to compose new music even though he cannot fully experience the music he has written for himself.

NOTES

1. Beethoven mentions his "strange deafness" in a letter to friend, physician Franz Wegeler, but does not date the letter. The estimated date of the letter is Junje 29, 1801.
2. See Davies, P.J., 2001 & MacCarthy, M., 1936.
3. Davies, P.J., 2001, pp.56-57, & MacCarthy, M., 1936, pp.50-51. Shröder's account alleges that Conductor Umlauf "had to charge himself with the heart-rendering business of calling [Beethoven's] attention to the fact that the opera could not be given under his direction". Schindler, on the other hand, suggests that the conductor had "proposed a pause of rest, without giving the reason" after the chorus had become confused, after which "the same thing began again with the same confusion". It was after

this break that Schindler claims that he wrote in the notebook Beethoven used to communicate, 'I beg you not to go on. I will tell why, at home.' Whether or not Beethoven was spared the humiliation of being told he was unable to conduct is not important, but what does matter is that it is clear from both accounts that Beethoven was affected by his hearing loss and could no longer conduct.

4.   This understanding of reductionism is modeled after what is presented in this article: Churchland, P.S. & Sejnowski, T.J. "Neural Representation and Neural Computation" in *Philosophy of Psychology: Contemporary Readings*, edited by Jose Luis Bermudez, pp.151-181.

5.   I am referring to two particular articles by Dr. Gottfried Schlaug. Please see *References* for both articles.

6.   Schlaug, G., 2003, pp.368-369.

7.   Schlaug, G., 2003, p.369.

8.   Schlaug, G. , 2003, p.369.

9.   Jackson, F., 1982, pp.127-136.

10. See also Jackson, 1986

11. Jackson, F., 1982, p.130.

12. For whatever reason, Mary has been confined to a black and white room that is completely devoid of color for her entire life.

13. Nagel, T., 1974, pp.435-450.

14. Just to clarify, Mary has always had the ability to perceive colors but she has only had achromatic experiences; i.e. experiences devoid of colors.

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American Indigenism and Democracy: Churchill, Marshall and Villoro on Assimilation, Pluralism, and Autonomy

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Luis Villoro's political philosophy is significant not only for philosophers in Mexico. His thought emerges in part from Native American thought and this is relevant to all of the Americas, North, Central and South, given that the Native American culture is common to all of the Americas and historically previous to our respective colonizers (Spanish, British, Portuguese, Dutch, French, Danish).[1] The Native American fate after 1492 has been similar throughout the American continent in so far as Indigenous peoples have suffered great traumas and much of their culture has been wiped out due to colonization and its aftermath.

Given that Villoro's political thought grew out of a colonized consciousness and his experiences with Mexican Indigenous peoples, I argue that Villoro's political insights provide important criticisms of mainstream Western liberalism and mainstream theories of democracy. In order to elaborate on Villoro's Indigenism and his political philosophy this paper is divided into three sections. First, I provide two important perspectives from North American Indigenism. These come from Ward Churchill and Joseph Marshall who argue in favor of autonomy and pluralism, and against assimilationist policies. Our second task is to become acquainted with Villoro's views on homogenization, pluralism, and autonomy. After discussing Churchill, Marshall, and Villoro, the third task is to consider how Villoro's political insights advance what Marshall and Churchill propose. I defend the thesis that Villoro's Indigenist background and his understanding of the historical aftermath of colonization place him in an insightful

position from where he calls into question the assumptions that Western mainstream democratic theories are working from.

I. CURRENT NORTH AMERICAN INDIGENISM: HOMOGENIZATION AND AUTONOMY

Indigenous peoples in North America have had a somewhat different fate than the Indigenous peoples of Central and South America. All Indigenous peoples throughout the Americas have suffered great hardships due to the European colonization of the American continent. In Central and South America, The Spanish and Portuguese enslaved the Indigenous people, and forcefully converted them to Christianity. The Spanish divided the land and the people who lived in it into encomiendas so that the Indigenous people who lived in this land were considered to be the property of the encomendado. The Natives who survived the violent attacks against them by the Spanish and Portuguese, and who survived the exposure to European diseases were forced to work in agriculture or mining to export the American resources to Spain and Portugal.

The main difference between the Indigenous peoples in the American continent has been the miscegenation that has taken place in Central and South America. Whereas in Central and South America the Indigenous peoples were enslaved and exploited by the Spanish, Portuguese and Dutch, the North American Indigenous communities were subject to genocide at the hands of the British and French. Indigenous peoples in North America were either killed or driven into decreasingly smaller parcels of land away from European colonies. In some instances the European colonizers engaged in trade with the Native Americans— they traded guns for tobacco and furs, but generally the Native American people were swindled out of their land and forced to relocate in reservations. If, however, the European colonizers needed the land to cross from Eastern to Western routes, or if, mineral deposits were found in the reservations, then again, the Native Americans were forced to relocate or to sell their land. This practice has been taking place since the early English colonies in 1585 and continues today.[2]

North American Indigenous peoples have not only lost most of their land, regrettably, a large part of their culture has also been lost. From 1870 to 1920 The Reservation Boarding School System either adopted out the Indigenous children or simply took them from their homes and institutionalized them in their boarding schools in order to assimilate them into the European culture and away from their Indigenous roots. In a commencement address to a graduating class of Native Americans, Reverend A.J. Lippincott tells the Indigenous children to: "Let all that is Indian within you die!...You cannot become truly American citizens, industrious, intelligent, cultured, civilized until the INDIAN within you is DEAD" (Adams 300).
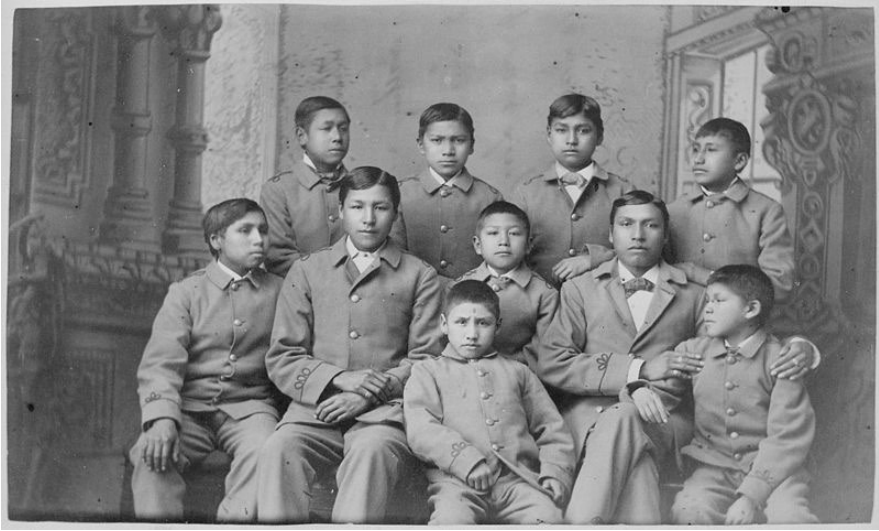
Photo taken from "Remembering the Children."[3]

In his book, *From a Native Son: Selected Essays on Indigenism*, Ward Churchill argues that modern day North Americans owe it to Native Americans to allow them to have a recognized voice regarding their own land. Churchill's demand is often dismissed by his critics as either unrealistic or not important, given that there are other more critical and pressing issues such as unemployment, or national defense that affect the larger community. To these criticisms, Churchill replies that his demand is not unrealistic. It is true for instance that 200 years ago it would have been unrealistic for women to own property and have the right to vote, or that 200 years ago African Americans would have had equal rights under U.S. law. Ridiculous and unrealistic as these ideas were 200 years ago, women and African Americans forged forward and have gained access to a better life. Churchill writes that Native American recognition stands to "pave the way for the realization of most other agendas—from anti-imperialism to environmentalism, from African-American liberation to feminism, from gay rights to the ending of class privilege—pursued by progressives on this continent. Conversely, succeeding with any or even all of these other agendas would still represent an inherently oppressive situation if their realization is contingent upon an ongoing occupation of Native North America without the consent of Indian people" (Churchill 88).

Regarding the present-day dynamics among Native Americans and European-Americans, Joseph Marshall (Lakota elder) recommends the following. First, awareness of two things: one, of our history so that we do not repeat it, and second, awareness of our attitude towards those who are different from us:

> ...all of us function, or operate, or live from what our values are and what our attitudes are.... Euro-Americans came to this continent with that sense of superiority, that sense that they were a better people, a more moral and enlightened people... there was one Pope ...who issued an edict that it was acceptable tokill native people because they did not have souls like white people did, like Christian people did. When you have those kinds of attitudes, certainly you're going to act from those foundations, from those attitudes. (Marshall)

The attitude of cultural or moral superiority of one race over another underlies the genocide and enslavement of Indigenous peoples of the Americas by Europeans. I say more regarding our attitude towards others who are different from us in conjunction with Villoro's plurality in the following section.

II. VILLORO'S INDIGENISM: HOMOGENIZATION, PLURALITY AND AUTONOMY

Homogenization

Like Joseph Marshall, Villoro highlights the importance of pluralism. The Mexican Indigenous communities have been assimilated into the mestizo culture by different means than the North American Indigenous peoples. Whereas in the U.S., Native Americans were placed into boarding schools to "civilize" them, Mexico has homogenized its subcultures in a number of different ways.

One of Villoro's concerns is that given the homogenization of the Mexican society, the significance of the Indigenous history and much of the Indigenous' values has, at best, been done away with. Villoro explains that the modern Mexican nation-state conceives itself as a homogeneous unit constituted by the decisions of a number of individuals who are equal among themselves. Historically, this nation-state has ignored or destroyed individual aspects of different communities, groups, and lifestyles. In order to homogenize a society within a nation-state, different tools have been used, such as a market economy, a uniform federal law, a central administration, a common language, patriotic celebrations, national heroes, and so on. The modern nation-state is equivalent to all of its citizens who are allegedly treated as similar elements in a common aggregate. The few in power attempt to assimilate all diverse communities and cultures into a dominant lifestyle. In Mexico, equality is understood as homogeneity. In order to avoid special privileges, everyone presumably gets the same treatment. The individual is not so much a particular subject or a unique human being, but rather a bearer of civil and political rights just as everyone else.

Plurality

Villoro writes how it was not until several years after the Spanish had divided the American land along with the people who lived in it into encomiendas, that the

Jesuits asked themselves whether the Spanish conquest and colonization was an ethical act. Basque Quiroga and Bartolome de las Casas argued that the Indigenous people were human beings with the same rational capacity as the Spanish. Juan Lopez de Palacios Rubios and Juan Gines de Sepulveda defended the Spanish duty to colonize the Natives because these were "natural slaves."

From the disagreement between those who defended the Indigenous peoples' human status and those who justified their slavery, it was decided that the Natives were not entirely natural slaves, but they were not entirely rational beings either (Bakewell 143). The Spanish concluded that the Natives occupied an in-between status, that is, between natural slave and rational human, characterized by an infantile mind that had yet to develop. Thus, the Spanish justified to themselves their paternalistic duty to colonize the Indigenous people and decide for them until they were able to make their own rational decisions. The well known stereotype of the Native with an innocent and infantile mind who is incapable of making his or her own decisions forms the basis of many of Latin America's liberation movements such as José Carlos Mariátegui's revolutionary myth, as well as many of the humanitarian approaches towards social change by mestizos, North Americans and Europeans towards Indigenous people.

The Spanish colonizers exhibited this lack of pluralism as they were not able to consider the possibility that the Spanish and Native cultures were simply two different manifestations of our human spirit. For the Spanish, their culture and religion were the "True" culture and religion. This meant that the culture and religion of the natives was a type of abomination, which needed to be properly assimilated to the Spanish culture. It is precisely this lack of pluralistic sensibility that now precludes mestizos from formulating other options besides either assimilating or separating the Indigenous cultures.

Currently, many mestizos commit a similar mistake insofar as we objectify Indigenous peoples, even when our intentions are to help them. Villoro believes that the development of a pluralistic sensibility is essential in the process of reaching our freedom, a sense of community, and democracy. In his book, *Estado Plural, Pluralidad de Culturas*, Villoro writes that during the Spanish conquest, not even the most subversive monks such as Sahagun and De Las Casas had the capacity for humility in the face of the "other" (159). De Las Casas writes:

> They are fairly tall and good looking, well made. They should be good an intelligent servants, and I believe that they could be converted into good Christians, for it does not appear that they have any other religion. (De Las Casas 204)

The Spaniard's disposition was already habituated to dominate. For them, only the colonized had to be transformed; they, as colonizers, had no reason to change. In other words, their desire to dominate was prior to any exchange with the "other."

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Autonomy

Like Ward Churchill, Villoro also advocates the importance of respecting the autonomous decisions of Indigenous peoples on their own terms. Villoro writes how the interactions between the Natives and the Spanish who conquered and colonized/Christianized them ranged from complete domination to the defense of the Indigenous people as human beings. When it comes to Indigenism and the interactions between the Spanish and the Indigenous peoples, two things are clear: The first is that although some of the Spanish did believe that Indigenous peoples were in fact human beings, most Spanish did not consider the Indigenous peoples as equals. For the Spanish, their culture and religion were unquestionably superior to the cultures and religions of the Natives. The second point that has been made clear is that the Indigenous people have been the objects of the Spanish and the mestizos.

Villoro tells us:

> Since the sixteenth century, the Indigenous peoples of America have been for criollos and mestizos, the other – the other who is judged and manipulated for their use, or conversely, for their redemption. We, the non-Indians, have decided for them. We have been not only the ones who use them, but also the ones who intend to save them. The oppression of Indigenous peoples has been the work of non-Indians, and of the Indigenist, who aims to liberate them. While it is European-Americans who continue deciding for Indigenous peoples, Indigenous peoples will continue being the subject of the history that others make.

> True liberation of the Indians would entail recognizing them as the subjects that they are, who have their own fate in their own hands; subjects who are capable of judging us according to their own values, just as we have always judged them; subjects who can exercise their own freedom without restrictions, just as we demand to exercise ours. To be a complete subject is to be autonomous. The Indigenous "problem" has only one definitive solution: the recognition of the Indigenous peoples' autonomy. (Villoro, *Estado Plural* 79)

The disregard for the autonomy of the Indigenous peoples continued after the independence movements in the Americas. Villoro points out that after their independence from Spain, the new republics followed the same administrative divisions as the Spanish colonies without considering the differences among the various Indigenous peoples. The criollos and mestizos formed the new states and imposed these institutions upon the Indigenous communities. Villoro: "The Indigenous people did not enter into this constitutive agreement. No one consulted them regarding whether or not they wanted to form part of the new agreement.

However, they ended up accepting it" (80). The fact is that the Indigenous people never had the option of *not* joining the modern state.

The way in which the human autonomy of Indigenous peoples is ignored when they are subjugated is obvious. Less obvious but equally damaging is how they are not taken into consideration when the mestizos decide to "save" or "help" them. The choices mestizos have generally formulated are as follows:

(a) Leave the Natives with their pre-Hispanic culture and values and separate them from   the rest of society.
(b) Assimilate them into the Western culture to emancipate them from their oppressed condition and integrate them into the mestizo society.

Both options originate from a mestizo perspective, and do no consider the Indigenous peoples' perspectives and interests. Option (a) would undermine the Indigenous peoples' ability to resist their oppression. This option is similar to the way in which the United States government has dealt with Native American people in North America. They have been removed from the rest of society and placed in reservations. Option (b) entails forcing the Indigenous peoples to adopt a culture foreign to theirs. Villoro writes: "The fanatical Indigenous rights advocate treats the Indian as a free man, but deep down would like for him to remain a slave. The excited Western liberal wants the Indian to be exalted as free, but as a matter of fact treats him as a slave " (Villoro, *Los Grandes Momentos* 242). Both options originate from the mestizo, Western liberal, or European perspectives and these completely ignore the Indigenous peoples' possible interests.

Villoro argues in favor of responding to the assimilation and homogenization push in our governments with pluralist advances, which emphasize that all cultures are manifestations of the human race, even in the vast diversity of its manifestations. In response to the challenge of homogenization, Villoro recommends that we extend to others that which we want for ourselves. People who are physically, emotionally, and psychologically healthy are able to establish their own sense of autonomy. In the existential sense, it is only through our autonomous decisions that we can live an authentic life. "Personal autonomy is the ability to choose a life plan and follow it," Villoro tells us (Villoro, *Los Grandes Momentos* 92). It is by extending to others our own sense of autonomy and authenticity that we are able to understand and judge members of other cultures according to their own expressions, on their own terms. Villoro explains how being able to do this entails understanding and judging others according to their own values and objectives, and not according to the values and objectives of our culture. "This is the only way by which the other is understood and properly judged as a subject and not as an object" (124). This does not mean that we must accept everything the other does, it simply means that we attempt to "trust him, which means understanding and judging him by his own criteria, without imposing our

own" (ibid.). For Villoro, if we understand that just as we ourselves have goals and envision future actions that will allow us to continue our life plan, so likewise all human beings feel the need to live an authentic life.[4] When this realization takes place "the principle of authenticity opens up and along with it the possibility of recognizing the other as a subject" (Villoro, *Los Grandes Momentos* 124). This means recognizing and considering others, however different from our culture, as humans who act based on their goals and values to achieve an independent and authentic life.

The Indigenous culture is a constitutive element of the Mexican state and culture, but it is not the only one. Western liberalism in the form of laws and institutions constitutes most of the modern Mexican state. Villoro writes "the Chiapas uprising... did not seek to subvert democracy, instead it sought its fulfillment. It did not mean the dissolution of the state, but its transformation. It is not against "modernity," but against injustice. For the first time the idea of unifying the two streams that run through the history of Mexico into a new conception of the nation-state became a possibility" (Villoro, *Estado Plural* 47). The two currents that Villoro mentions are Western liberalism (in the modern state) and the Indigenous values.

Villoro explains that it is clear that we cannot go back in history. Mexicans have forged a national identity that is neither solely Indigenous nor solely modern mainstream liberal. Even if it were possible, he does not advocate separating the modern state into its Indigenous and modern elements. What Villoro postulates is that we accept the multiplicity of cultures. "In the face of the homogeneous nation-state, a possibility opens up: a pluralistic nation-state that fits the social reality which consists of a multiplicity of ethnicities, cultures and communities" (Villoro, *Estado Plural* 47). According to Villoro, this would be a state in which no one would impose her values or ideas on others.

Villoro advocates that the role of the state be reduced to coordinating and facilitating the projects of local communities as well as suggesting a common direction. As a consequence of the decentralization in its power dynamics, the homogeneous Mexican nation state that currently subsumes the Indigenous and other minorities would become more pluralistic. This is so because the local communities would be encouraged to stand on their own instead of assimilating to the mainstream culture, language, and so forth. "The source of power would get increasingly closer to the autonomous communities that constitute society," and the acceptance of the plurality of cultures in Mexico would acknowledge the autonomy of the Indigenous on their own terms (Villoro, *Estado Plural* 48).

III. VILLORO'S CRITICISMS OF MAINSTREAM DEMOCRATIC THEORIES

Like Marshall, Villoro emphasizes a respect for plurality as the necessary basis for all democratic developments. Like Churchill, Villoro also argues in favor of

respecting the autonomous decisions of the Indigenous peoples on their own terms. Moreover, Villoro is critical of the mainstream democratic theories because these do not address previous transgressions, instead they focus only on distributive models that do not take into consideration the numerous historical injustices that have led to many people's current context, namely, a context where they are not yet in the position to exercise their rights. Villoro is also critical of our current mainstream democratic theories because these err too much on either the side of liberalism or the left, and both of these extremes are oppressive.

In order to situate Villoro's thoughts on democracy vis a vis other conversations on the topic, we must consider Villoro's starting point. Villoro's approach to democracy is different than mainstream democratic theories because the established theories regarding democracy generally take the starting point of democracy to be a type of consensus, Habermas's ideal speech situation, and Rawls's original position, for instance. Villoro points out that many of the theories regarding democracy have been elaborated by philosophers from developed countries. The background context of these countries is such that they do not experience tyrannical governments, instead, working social and economic systems are in order. Generally, these theories take their citizens to have equal political rights, to be able to speak to each other and come to a rational consensus.

The starting point for democracy that Villoro suggests is due to the fact that there are many countries, Mexico among them, who must think about democracy from a different background context. In this context democracy has not yet been established, and social, political, and economic inequalities abound. In this sense, the starting point to think about democracy cannot be the same for all peoples. Villoro suggests that rather than beginning to think about democracy and justice from theoretical places such as overlapping consensus, ideal theory, or an ideal speech situation, we instead begin to think about democracy and justice from its *factual absence*. Rather than moving from the establishment of universal principles of justice towards their realization in a specific society, Villoro suggests that we move from a real experienced injustice towards a solution of what could ideally resolve the injustice (Villoro, "Sobre el Principio de la Injusticia, 103-142).

Given these criticisms, Villoro believes that democracy can be thought of as a matter of degrees. He recommends that we think of democracy as an ideal, a regulative idea, a standard that guides our practice to approximate our ideal. It is important, however, that we do not make the mistake of thinking either that democracy is already a matter of fact, or that democracy will be an established fact in the near future. Democracy can function as an ideal to guide our interactions with others. Democracy is not something that is immutable, nor is it possible for democracy to become fully permanent at some future time. Furthermore, democracy as an ideal, also functions as a tool of criticism of our existing practices and institutions.

Kim Díaz

Villoro on Liberalism
Equally important as Villoro's criticisms of mainstream democratic theories are his criticisms of liberalism and the left. Although tolerance is a fundamental and necessary value for democratic practices, the problem is that the modern nation state places too much importance on tolerance and tolerance alone does not make for a healthy community. Villoro explains that to form part of a community, tolerance is a necessary but not sufficient condition because tolerance respects but does not acknowledge the value of our cultural differences. It is possible for a person to tolerate other peoples and cultures while feeling superior to them. This type of tolerance is not helpful. We need the kind of tolerance that acknowledges the value of cultures and beliefs foreign to ours. This type of tolerance attempts to understand the perspective of the other, and this in turn leads us to the dialogue and collaboration needed to feel a sense of belonging within a community.

The criticism developed by Villoro addresses liberal assumptions and the consequences of holding these assumptions, such as exclusion *from* others, exclusion *of* others, lack of opportunities, and our understanding and limitations regarding what it means to be tolerant. Villoro believes the modern liberal state is based on two types of exclusion. First, liberalism contends that the state must respect everyone's right to choose her life plan, but only this much. In other words, liberalism does not ask, and, much less demand of the state to provide the circumstances or opportunities for every individual to be able to realize their life plan. Villoro writes:

> If one wants to accomplish what one chooses, it is not enough to have legal guarantees and consent from others, what is necessary is that there be the adequate social conditions. No individual is free if she is not in a position to realize her reasonable lifestyle choices ... A society that does not seek these conditions for all of its people is necessarily divided. This cannot fail to produce a necessary consequence: the exclusion of a significant portion of the population. The sense of all people belonging to the same community has been broken. (Villoro, *De la Libertad a la Comunidad* 23)

This is the first sense in which liberalism generates a sense of exclusion. The equal opportunity of all people to realize their life plan presupposes, first, that the minimum conditions such as food, shelter, and clothing are already a matter of fact. Second, it also presupposes that there is actual equality of social opportunity to carry out our life plan. However, to demand that these conditions be available to all people is a type of requirement that does not originate from liberalism. The demand that the minimal social conditions be in place for individuals to flourish originates from a sense of solidarity with our community.

Classical liberalism is primarily concerned with the rights of the individual and with the protection of individual privacy. Consequently, each individual is

especially concerned with her own interests, each emphasizes her personal life plan, and may feel that collective interests infringe on their individual rights. A society based on liberal values is characterized by competition among individuals; it is not characterized by cooperation. This is the second sense in which liberalism generates exclusion.

Classical liberalism is concerned with negative rights, so that the liberal concerns work well for those who have the financial means to bring about their life plan without the help of a community. It is important to stress this point because a consequence of liberal democracies is that liberal institutions benefit the few who have the wherewithal, however, they hide a growing inequality among citizens. The legal guarantee of negative rights is not sufficient for the vast majority of people. The vast majority require not only the right to formulate their own life plan, but also the means and opportunities to accomplish it.

The Left as a Moral Stance

Villoro writes "the left is not a doctrine, it is a lifestyle choice" (Villoro, *Los Retos de la Sociedad por Venir* 130). For him, to be a leftist does not mean we have to adopt a particular ideology, but rather to take a moral stance, which consists in adopting a disruptive attitude against any oppressive power. Villoro believes it is useful to distinguish between the left as a way of life and the political left because "the same political doctrine can have a disruptive role in one context and be reiterative of a dominating situation in another" (131). The function of the left can be paradoxical. This means that in one context, the left may oppose the imposition of a dominating power. However, if the left stops its opposition and instead comes to take the place of power, then its government only makes sense if it is carried out in a way that contributes to the elimination of oppressive power structures. "If the left ends up imposing its power, then it has forgotten its dissident vocation and establishes a new system of oppression. The left betrays itself and is no longer a political left" (132). It is, therefore, useful to distinguish between the political left and the left as a value that guides our actions. The left as a value is more than just a political perspective. It is a moral stance and a lifestyle choice that is critical of power and disruptive of oppression in its actions.

CONCLUSION

As other American Indigenists, Villoro is concerned with issues of autonomy, pluralism, and assimilation. Also, Villoro advocates that mestizos acknowledge and respect the autonomous decisions of the different Indigenous peoples. Doing this is not only the right thing to do, but it would also take us a step in the direction of Mexico being a community of people who not only tolerate our differences but who can learn from our differences and be supportive of each other's life's plans. Furthermore, I have argued that Villoro's Indigenist background and his

understanding of the historical aftermath of colonization place him in an insightful position from where he can easily call into question the assumptions that Western mainstream democratic theories are working from.[5]

NOTES

1.   See John E. Kicza and Rebecca Horn's *Resilient Cultures: America's Native Peoples Confront European Colonization, 1500-1800.*.

2.   See Ward Churchill's *From a Native Son: Selected Essays on Indigenism, 1985-1995*.

3.   Jeffries Design. "Copy of Enrollment Records." Found, Remembering the Children, 2023, https://www.rememberingthechildren.org/copy-of-enrollment-records-2?pgid=kb19f33e4-d493c90c-a6a5-11ea-8c85-12879e2400f0

4.   This is a generalization on Villoro's part, namely, that all human beings feel the need to live an authentic life, but it is a generalization for the sake of what is plural and specific about each one of us. Here Villoro is making an empirical generalization about humans, not a claim that there is a universal human nature behind our cultural differences.

5.   I would like to thank Mario Sáenz for his thoughtful suggestions for this article. All translations from Spanish to English in this text are mine.

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The Relation Between Vulnerability and Virtue in Plato's *Phaedo*

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I. INTRODUCTION

Though the notion of vulnerability is considered traditionally to have negative connotations,[1] several scholars in the last couple of decades have offered important reassessments of it, arguing that it plays a crucial role to live a virtuous life in many respects. For instance, MacIntyre (5) contends that our vulnerabilities *qua* human beings to different types of afflictions (e.g., hunger, thirst, illness, bodily or mental injury, etc.) are intimately connected to human flourishing when he writes that 'the virtues that we need if we are to develop from our initial animal condition into independent rational agents, and the virtues that we need, if we are to confront and respond to vulnerability and disability both in ourselves and in others, belong to one and the same set of virtues.' In addition, McCoy (ix) argues that, because vulnerability "strengthens interpersonal bonds within a community," it is therefore a "necessary component of living a rich and authentic human life in community."

The general goal of my paper is, echoing the views put forth by MacIntyre and McCoy, to offer a defense of the notion of vulnerability as a crucial element needed to live a virtuous human life for Plato.[2] My strategy to do this consists in examining a passage from Plato's *Phaedo* (89d1-91c3) where Socrates accepts his vulnerability to misology and to other threats (in particular, to error and, if he is indeed mistaken, to death). This passage, which is often overlooked because commentators tend to focus on other parts of the dialogue (for instance, those that present Socrates' arguments for the immortality of the soul), is nonetheless important because it casts light on an important challenge to the practice of

elenchus, which has for Socrates a crucial moral dimension since the *elenchus* is the main tool that allows us to attain moral excellence in the care of our souls. Indeed, in this passage, Socrates acknowledges that, given the specific circumstances in which he finds himself (with Simmias and Cebes having voiced strong objections to the thesis that the soul is immortal as his execution approaches), he is "in danger of not having a philosophical attitude" and of becoming a misologue.

The thesis that I defend in my paper is that it is precisely Socrates' awareness of his vulnerability vis-à-vis the threat of misology (and vis-à-vis the other threats) and his realization of the limitations of the e*lenchus* that make possible, in spite of the fact that his life might be about to end, the cultivation of certain *human* virtues.[3] The paper proceeds in the following way. In section 2, I present a characterization of misology in Plato's writings and I offer a brief discussion of the nature of the condition as Socrates describes it, the conditions under which it arises in persons and the dangers that it poses to them. In particular, I argue in this section that the circumstances in which misology may arise involve the realization that human beings are subject to a form of epistemic vulnerability. This form, which has been highlighted by Jacquette and which I call *elenctic vulnerability*, consists in one's being susceptible to overestimate the power of the elenchus, forgetting that even if the *elenchus* is a very useful tool that enables us to detect error in many cases and to convince others, it is nonetheless limited in some respects. In section 3, I show how this vulnerability does not necessarily have to lead people to misology, as the case of Socrates makes clear. In particular, to make this case, I rehearse an argument given by Socrates (89d1-91b4) that shows how he channels his elecentic vulnerability and the other types of vulnerability that he is susceptible to (in particular, his epistemic vulnerability to error and his physical vulnerability to death) to develop some important virtues. Finally, in section 4, I provide a brief conclusion.

II. The Nature of Misology and its Connection to Vulnerability

Plato discusses the nature of misology (i.e., the hatred of argumentation) in the *Phaedo* by referring to misanthropy. Indeed, just as the misanthropist hates all men, the misologue hates all rational discourse. In addition, both conditions are not only structurally similar, but they also emerge because of the same type of circumstances as Plato points out:

> There is no greater evil that one can suffer than to hate all reasonable discourse. Misology and misanthropy arise in the same way. Misanthropy comes when a man without knowledge or skill has placed great trust in someone and believes him altogether to be truthful, sound and trustworthy; then a short time afterwards he finds him to be wicked and unreliable, and

then this happens in another case; when one has frequently had that experience, especially with those whom one believed to be one's closest friends, then, in the end after many such blows, one comes to hate all men and to believe that no one is sound in any way at all. (*Phaedo* 89d-e)

Subsequently, Plato draws the parallel between both conditions more clearly by contending that misology arises "when one that is unskilled in argumentation puts his trust in an argument as being true, then shortly afterwards believes it to be false— sometimes it is and sometimes it is not—and so with another argument and then another" (*Phaedo* 90b). As Plato himself notices, the similarity between misanthropy and misology is not perfect because, while the misanthrope may be in some sense partially justified since men can be indeed wicked and unreliable, arguments are not by themselves wicked or unreliable. Rather, for Plato, the misologue typically adopts his characteristic attitude because, given that he is unskilled at argumentation, he fails to appreciate his own limitations and, consequently, "in the end gladly shift[s] the blame away from himself to the arguments, and spend[s] the rest of his life hating and reviling reasonable discussion and so [is] deprived of truth and knowledge of reality." (*Phaedo* 90d).

These passages make clear that, for Plato, both misanthropy and misology are moral failings, and they suggest too that, out of the two conditions, misology constitutes an even more problematic one. Indeed, a misanthrope who turns his back on men fails to perform his duties to the *polis*, but he may still retain his faith in the power of argumentation as a tool of enlightenment for himself. However, a misologue who turns his back on all argumentation neglects not only his duties to the *polis*, but also to his soul as he abandons the path to moral excellence:

If we become misologues in Socrates' sense by turning our backs on argument, refusing to appreciate its value, then we cut ourselves from what Socrates believes is the only method for attaining the kinds of philosophical truth that is necessary to the soul's welfare. (Jacquette 9)

Considering that misology is not only a serious type of epistemic failure but also a moral one, it is not surprising that Plato offers advice through Socrates on how to resist the urge to succumb to misology when he writes: "we should not allow into our minds the conviction that argumentation has nothing sound about it; much rather should we believe that it is we who are not yet sound and that we must take courage and be eager to attain soundness" (*Phaedo* 90e). However, even if this proposal seems to be initially appealing to prevent misology, it leaves a potential difficulty unaddressed, which he been raised by Jacquette:

The difficult question remains how we can achieve this resolute denial if misology is not itself the result of a conscious choice, but something that

may come to us like a virus, against our will, when a triggering event of some kind finally makes us completely disillusioned about the value of argument. (9)

In response to this worry, Jacquette suggests a series of practical measures such as properly mentoring individuals from the beginning of their education, so that they become aware of the limitations of the *elenchus*. However, these measures are, as he (15) himself acknowledges, *prophylactics*: they do not eliminate the threat of misology and they seem to be ineffective vis-à-vis individuals who are already misologues since "we cannot expect to convince misologues by means of argument because they hate argument." However, this raises a further question: should we strive to eliminate the threat of misology altogether? In response to this, I contend that, even if this could be done, eradicating the threat of misology would not be a desirable goal since the possibility of succumbing to misology (which is a type of human vulnerability) and the susceptibility to other ills such as error and death allow the cultivation of certain human virtues. In the next section, I will defend this claim by showing how the threat of misology and other vulnerabilities Socrates is subject to enable him to cultivate and exhibit certain human virtues.

III. VULNERABILITIES AS CONDITIONS FOR THE DEVELOPMENT OF CERTAIN VIRTUES

As I mentioned in the introduction, Socrates confesses to his interlocutors that he is vulnerable given his circumstances when he states: "I am in danger at this moment of not having a philosophical attitude" (*Phaedo* 91a). This vulnerability is actually the result of different types of vulnerability that interact with each other in rather complex ways. The first type of vulnerability is what I call *elenctic vulnerability*. This vulnerability arises in light of the fact that participants in a discussion who rely on the *elenchus* often use it to get the better of others in argument, while sometimes overestimating his persuasive power and forgetting that it is limited in virtue of its open-ended character.[4] Socrates makes clear that he is vulnerable in this sense when he states that "like those who are quite uneducated, I am eager to get the better of you in argument, for the uneducated, when they engage in argument about anything, give no thought to the truth about the subject of the discussion but are only eager that those present will accept the position they have set forth" (*Phaedo* 91a).

Now, in virtue of his awareness of the discursive vulnerability that he is subject to, Socrates then moves on to argue that this elenctic vulnerability allows him to develop of a form of epistemic humility. Indeed, even though he is as interested as the uneducated men to have others accept his position through the deployment of the *elenchus* (which is precisely what opens the door to a certain form of

intellectual vanity), he points out that there is a crucial difference between the uneducated men and him in the following respect:

> I differ from them only to this extent: I shall not be eager to get the agreement of those present that what I say is true, except incidentally, but I shall be very eager that I should myself be thoroughly convinced that things are so. (*Phaedo* 91a)

As we can appreciate, since Socrates realizes that the *elenchus* has limitations in virtue of its open-ended nature, he channels his eagerness to get the better of others into an eagerness to use the *elenchus* to convince himself of certain claims. In doing this, Socrates is very clearly using the elenctic vulnerability that he is subject to in order to develop a certain form of *epistemic humility*: he no longer aspires to convince others that his position is correct (except as a secondary goal) but he is satisfied if he is able to convince himself of the correctness of his position, which is a more modest goal.

Subsequently, Socrates points out that, even if he limits his goals to just being able to convince himself using the *elenchus*, he is still subject to another type of vulnerability, which is epistemic vulnerability to error. This form of vulnerability arises to the extent that human beings are susceptible to error. Plato introduces and discusses this form of vulnerability at the end of the *Gorgias* when Socrates presents the Myth of Last Judgment. According to the myth, when Zeus was made aware that men were being judged while still alive and that the judges often issued verdicts that did not correspond to their true selves, he ruled as follows:

> Many … whose souls are wicked are dressed in handsome bodies, good stock and wealth, and when the judgment takes place they have many witnesses appear to testify they have led just lives. Now the judges are awestruck by these things and pass judgment at a time when they are fully dressed themselves, too, having put their eyes and ears and their whole bodies up as screens in front of their souls. … What we must do first … is to stop them from knowing their death ahead of time. … Next, they must be judged when they are stripped naked of all these things for they should be judged when they are dead. The judge, too, should be naked and dead, and with only his soul he should study only the soul of each person immediately after his death, when he's isolated from all his kinsmen and has left on Earth all that adornment, so that the judgment may be just. (*Gorgias* 533c-e)

What is remarkable about this passage, as Fussi and McCoy have pointed out, is that Plato seems to suggest that the epistemic vulnerability to error that the judges are subject to is to be corrected by stripping all the souls naked (i.e., by

making them vulnerable), and that it is precisely this condition of vulnerability of both the judges and those being judged when their souls are entirely denuded that allows remedying the epistemic vulnerability to error and the flourishing of justice. Now, I contend that, in a similar way, Plato shows in the *Phaedo* how the epistemic vulnerability to error that Socrates acknowledges he is susceptible to (which opens the door to a form of physical vulnerability with respect to death if he is indeed mistaken) allows him to develop some important virtues:

> For I am thinking—see in how contentious a spirit—that if what I say is true, it is a fine thing to be convinced that things are so; if, on the other hand, nothing exists after death, at least for this time before I die I shall distress less those present with lamentations and my folly will not continue to exist along with me—that would be a bad thing—but will come to an end in a short time. (*Phaedo* 91a5-91b3)

In this passage, Plato shows in my opinion that, even if Socrates is susceptible to epistemic vulnerability vis-à-vis error and to physical vulnerability vis-à-vis death, the interplay between these two forms of vulnerability allows him to develop two important human virtues. Indeed, insofar as Socrates does not distress those present with lamentations, even though he acknowledges that he might be wrong, the epistemic vulnerability vis-à-vis error allows him to develop a valuable form of emotional resilience. In addition, the vulnerability vis-à-vis death that emerges if he is wrong about the immortality of the soul allows him to develop and exhibit a form of benevolence towards others that is realized through self-sacrifice. This virtue, which reflects Socrates' well-known commitment to the well-being of the *polis* (*Apology* 30e-31a), is of crucial importance since it illustrates the depth of Socrates' social duty towards others. As Socrates maintains that he has a social duty towards others, the interaction between his sense of social duty and his awareness of his epistemic vulnerability to error results in his willingness to self-sacrifice for the sake of benevolence to spare others the danger of his folly.[5] In virtue of this, it seems clear that the vulnerability to certain dangers (in particular, misology, error, and death) has a positive side as the case of Socrates illustrates since it is required to develop some important human virtues such as epistemic humility, emotional resilience and benevolence.

IV. CONCLUSION

I have argued here, following McCoy and MacIntyre (and *pace* Nussbaum), that vulnerability is for Plato not a negative trait that systematically limits or hinders the possibility of living a virtuous life, but that, when it is properly acknowledged (as Socrates does when he accepts his elenctic vulnerability, his epistemic vulnerability vis-à-vis error, as well as his physical vulnerability vis-à-vis death if

he is mistaken about the immortality of the soul), it makes possible developing and exercising some human virtues. In future work, I want to examine in a more systematic fashion how human vulnerability to certain conditions or threats is necessary to develop certain virtues in Plato's works.[6]

NOTES

1.   George Harris provides a good statement of this view in the following passage: 'There is a view of the dignity and worth of persons that goes back through Kant and Christianity to the Stoics. According to this tradition, when character either weakens or succumbs to life's troubles, it fails because it lacks the kind of strength ideal character should have" (1).

2.   In virtue of this, a secondary goal of is to partially question Martha Nussbaum's interpretation of Plato. Indeed, she argues that Plato viewed vulnerability in negative light when she writes: "We know, however, from the *Phaedo* and from the *Republic*'s earlier books that the philosopher, to be that, must first be an ascetic, dissociating him or herself from the body's needs. It is, then, from the viewpoint of one who no longer sees his characteristic human needs as genuine parts of himself that Plato rejects the associated activities as valueless" (154). Though I do not dispute that there are certain passages that support this interpretation, I aim to show here that vulnerability had also a positive side for Plato in the *Phaedo*.

3.   This qualification is important because *if* there are divine (or, at least, non-human) beings that are not subject to hunger, illness, fear, death or ignorance, these beings may have virtues that are not tied to human vulnerabilities and limitations. However, these virtues are not *human* virtues. Moreover, my contention here is that only *some* human virtues (e.g., courage) depend on the existence of vulnerabilities and limitations, but I leave here open the question of whether *all* human virtues are independent of vulnerabilities or limitations. I thank Robert Pasnau for pressing this point.

4.   Several commentators have pointed out the open-ended character of the *elenchus*. See, in particular, J. H. Lesher.

5.   I want to make an important remark here: though I think benevolence plays an important role in Socrates' decision at this juncture, it need not be the sole or the even most important virtue that is weighed in deciding what is the proper course of action in all cases involving the possibility of self-sacrifice. In this respect, I agree with Stuart when he writes: "[O]ther virtues apart from the virtue of benevolence are relevant in reaching a decision about what is the right thing to do. Further, a good proportion of these virtues can be manifested in a decision to take the non-self-sacrificial action" (23).

6.   A prior version of this paper was presented at the 2015 Front Range Ancient Philosophy workshop that took place at the University of Colorado-Boulder. I thank for excellent feedback and questions on that occasion Robert Pasnau, Mitzi Lee, Robert Colter, Antonio Chu, Jeffrey Ogle, and Elizabeth Cantalamessa.

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Revisiting "Non-Inevitability"
in Social Construction

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Winner of the Glenn Joy Award

I analyze to what extent vagueness surrounding the meaning of "non-inevitability" affects the theoretical cogency and practical efficacy of social constructionist programs. My task is successful if it can explain, organize, and clarify how this issue affects social constructionist programs and ameliorative versions of social constructionist programs especially. Very roughly, descriptive social constructionists ask "What is X?" or "In virtue of what social factors is X constituted?" Given issues of social justice in particular, ameliorative social constructionists ask "What should X be?" or "How should we alter our conception of X?" I propose that the claim of "non-inevitability" on the part of social constructionists has not been adequately justified: Its meaning has not been made precise or relies too heavily on intuitions about what is social/natural, unnecessary/necessary, and alterable/inalterable. To then defend and bolster social constructionist programs, I propose two understandings of "non-inevitability," which, though somewhat course-grained are not thereby merely half-baked. The understandings I recommend are both more substantive and precise than what has so far been offered in existing literature.

According to Hacking (1999), social constructionists about X usually hold that:

(0) In the present state of affairs, X is taken for granted, X appears to be inevitable (12).

(1) X need not have existed, or need not be at all as it is. X, or X as it is at

present, is not determined by the nature of things; it is not inevitable (6).

They often go further and argue that:
(2) X is quite bad as it is.
(3) We would be much better off if X were done away with, or at least radically transformed (6).

Hacking's presentation of the employment of "non-inevitability" by social constructionists is vague. André Kukla (2000) expounds upon this same theme in *Social Constructivism and the Philosophy of Science*. As Kukla notes, Theses (2), (3), and (0) elucidate "the point" of social constructionist claims rather than their meaning (2). This is to say that Hacking's Theses (0), (2), and (3) and are not critical prerequisites for descriptive social constructionist claims, though they are, I propose, for ameliorative or emancipatory versions. However, Thesis (1) *is* a necessary condition for the truth of the claim that "X is socially constructed." For Hacking and most social constructionists, "X is socially constructed" entails that X is not inevitable (Kukla 2). To put the point differently, according to Hacking's understanding of Thesis (1), a necessary condition for the validity of social constructionist claims (i.e., that "X is socially constructed") entails that "X is not inevitable" and vice versa. Yet, X's being socially constructed does not fully define "non-inevitability" nor does "non-inevitability" fully define the meaning of "socially constructed." While Kukla does not proffer, nor does he take as his primary goal to proffer, an amended account of the meaning of "non-inevitability" in the context of social constructionist programs, I take this as my main task in what follows.

Making clearer what inevitability amounts to is important since what establishes X's non-inevitability, and indeed, whether X is or is not non-inevitable, is often precisely what is in question between social constructionists and their opponents (and even among social constructionists as well). Stated as it is, Thesis (1) offers no criteria to delimit the inevitable from the non-inevitable and the natural or non-social from the social. It is the criteria that decides these matters that is part of what is at issue between advocates and opponents of social constructionism, as well as among some social constructionists themselves. Thus, I attempt to make clearer the various ways in which the claim of X's non-inevitability might be understood. I also present what I take to be Thesis (1)'s most promising interpretations, which I name the "Dependence Reading" and the "Alterability Reading" respectively. While not entirely fine-grained, I see the two readings I advocate, whether taken individually or together, as offering a substantive account of non-inevitability that, as a matter of course, is more metaphysically and logically cogentl as well as more politically and practically useful.

I begin by way of elucidating what I call the "Extremist Reading" of Thesis (1), a reading I take to be largely implausible. I do so to underscore this reading's inadequacies with the larger goal of showing, later in this paper, how the Dependence or Alterability Readings might avoid them. On the Extremist Reading, Thesis (1) means that X is not inevitable in the sense that everything might be non-inevitable - for example, most extremely, perhaps there need not have been something rather than nothing. The problem with this reading is that everything (including everything physical or part of the empirical world) is not inevitable, including the obviously non-social (e.g., planets, evergreens, sloths). It might be that only such things as mathematical or logical truths are inevitable in this sense, though I will not discuss this possibility further. The Extremist Reading shows that the distinctive feature of social constructions cannot be that they are not inevitable in this sense. Nevertheless, expounding upon this reading is valuable as it reveals that "natural" should not be understood as necessarily coextensive with "inevitable" and that "socially-constituted/caused" should not be understood as necessarily coextensive with "non-inevitable."

I now turn to the Dependence Reading, a more plausible understanding of Thesis (1). On this interpretation, the claim of inevitability on the part of social constructionists is a claim about what features are central to X's existence. To claim that some phenomenon X is not inevitable is to think of it in terms of its degree of dependence on social phenomena. Understood this way, non-inevitability falls on a spectrum. Thus, the more dependent X is upon social factors, the more X is not inevitable. There is, then, no hard and fast distinction between the inevitable and the non-inevitable. Rather, at one end of the spectrum are those phenomena that are more directly a result of biological or other physical features, and hence, relatively independent of social phenomena. Moving along the continuum are phenomena that are more dependent on other social factors. Non-inevitability increases, for example, as one moves from kinship structures (phenomena highly dependent upon biological features) to marriage (a pervasive cross-cultural phenomenon), to such phenomena as engagement rituals, the wearing of a ring on a given finger, bachelor and bachelorette parties, and wedding/bridal showers. To reiterate, the less X is the result of non-social factors (the less causally or constitutively dependent X is upon social factors), the more X is inevitable, and the more X is a feature of, or parasitic upon, social practices or features, the less X is inevitable. We can know, therefore, that marriage is more non-inevitable than kinship structures since without the latter, there would not be the former. We also know that engagement parties are more non-inevitable than marriage because without marriage, there would not be engagement parties. Again, though this reading cannot perhaps offer an infallible or highly exact manner of assessing grades of social dependence, it goes quite some way in articulating a principled method of settling debates about whether and to what extent X is a social construction.

Closely related to the issue of X's non-inevitability is that of X's alterability - specifically, X's potential for alteration by human action, intentional or otherwise. The Dependence Reading is closely connected to alterability, though logically independent from it. Revealing the dependence of X upon culture and individual or group decisions suggests that it is within our power to change X through future choices. Highlighting X's dependence upon social factors may also stress our responsibility to modify X if X is (thought to be) unjust. Yet given the particularities of socio-political-material circumstances, some social phenomena may be difficult or even impossible to alter at a given point in space and time due to conceptual or physical limitations - consider the likelihood of same-sex marriage being considered a conceptual or substantive legal possibility in Canada in the year 1900. According to the Alterability Reading, then, the claim that "X need not have happened or be at all as it is" refers to the extent to which it *is* within our control to some significant extent to determine whether X continues to exist as it is currently or at all in some space and time.

Again, the Alterability and Dependence Readings are not equivalent. According to the former, X must be alterable substantively and not merely theoretically and X must be, at least in part, socially caused or constituted. Without adding this last caveat, too many obviously non-social phenomena would be included under the banner of "alterable," phenomena we would certainly not want to qualify as social constructions (e.g. the distance between Earth and Mars and the genome of the fruit fly). While the Alterability Reading specifies that X must be alterable *by us*, our alteration of X, whether synchronically or diachronically and whether historically or in the time to come, need not be deliberate. The Alterability Reading offers a strengthened version of the Dependence Reading (or, to put the point differently, a more strict or robust criterion by which X can be said to count as a social construction). On the Alterability Reading, the claim that "X is not determined by the nature of things, it is not inevitable" is roughly equivalent to stating that X (where X meets the conditions specified by the Dependence Reading) *is* within our power to alter in the here and now. The Dependence Reading thus requires less of an X in order that it qualify as a social construction: X can qualify as a social construction without meeting the conditions of the Alterability Reading (e.g., X may be dependent on social factors for its existence at time t^1, but be inalterable, given ideological constraints, at t^1).

Whether X is within our power to alter is both a theoretical and a practical issue. While X may be theoretically alterable (while X may be alterable in the widest sense of counterfactual possibility), it may be practically inalterable in some space and time - in this case, one may want to say that X meets the conditions of the Dependence Reading, but not those of the Alterability Reading. To put the point differently, even if the social constructionist sees the here and now as good and timely for X's alteration, as a matter of course, X may fail to be altered in the way the social constructionist envisions or may fail to be altered at all. In other

words, the ameliorative social constructionist's program may fail to be taken up and substantively enacted by some or all of its audience. This may be because the program fails, in the audience's opinion, to accurately capture what it intends to capture or because the audience, even accepting the program as persuasive, fails to take up, for a variety of reasons, the ameliorative or transformative aspects that the program specifies. Oftentimes, independent of whether there exist good reasons for a community to alter X, whether X really is alterable by human effort in a given space and time is an issue that can only be answered after the fact. As Charles Taylor writes on this theme, "[h]uman science is largely *ex post* understanding. Or often one has the sense of impending change, of some big reorganization, but it is powerless to make clear what it will consist in …" (50). There is, to put it simply, an issue about whether there are good reasons for people to be moved to alter X and an issue about whether they will.

With these difficulties on the table, I nonetheless illustrate how the Alterability Reading might function. I do this through a consideration of alterability as it applies to the following case, namely the baptism of a child as "female-" or "male-" gendered by the child's parents and community in a context where conceptually, only two gender categories exist. Given the social conditions, that is, given that the community recognizes only two mutually exclusive gender categories, the child will be declared either female or male. This situation is counterfactually alterable - it was possible (in some wide sense) that the community did recognize more than two gender categories or that the community even rejected the concept of gender altogether. The degree to which the situation (in this case, gender assignment) is counterfactually alterable is, in turn, dependent on the particularities of the social-historical context. In this sense, gender and sex designation is more likely to be made inclusive of non-binary genders and sexes in the year 2024 in some parts of the world than it was in the year 1900 in Canada. But one does not want to say that in Canada, circa 1900, gender assignment was not a social construction *tout court*: Categories of gender assignment were and are, at least in part, dependent on social factors. Whether anyone knows it, gender met and meets the simple Dependence Reading both in 1900 and today. And by now, at least in some parts of the world, it is commonplace to accept that gender is a social construct and that gender also meets the conditions stipulated by the Alterability Reading. That gender is alterable (contemporarily and in some places) is made plausible by the proliferation of terms/concepts such as "ze," "gender fucking," "pan-genderism," and materially, by the designation of more and more "gender-neutral" bathrooms, for instance.

While gender meets the Dependence Reading's conditions, thus constituting an instance of a social construction, gender assignment in Canada circa 1900 did not meet the criteria stipulated by the Alterability Reading. This is because, in the not so distant past, the actual capacity for gender assignment's being conceived as non-binary (and even more recently and only in select places, the capacity for sex

assignment's being non-binary) was not within our power to amend because it was not within our imaginations. With the Alterability Reading in mind, perhaps it is best to say that gender was *less* socially constructed in Canada in 1900 precisely because it was less alterable. One might not want to commit to this claim and may wish rather to stipulate plainly that gender either was or was not a social construction in 1900. According to the latter reading, given my defense and elucidation of the Dependence Reading, and given that gender met the conditions of the Dependence Reading in 1900, it simply *was* a social construction. Meeting the condition of the Dependence Reading seems, thus, to be the most minimal condition by which some X can count as a social construction.

Socially constituted phenomena alterable at a given time may be inalterable or vary in their degree of alterability at another time or location. As the gender assignment example illustrates, X can count as a social construction according to the Dependence Reading, but nonetheless be inalterable at some point in space and time; thus, I stress once more that the Dependence and Alterability Readings are logically independent. The Dependence Reading seems to capture what descriptive social constructionists want to capture, namely, that X's being a social construction is a matter of degree or the degree to which X's existence is dependent on social factors. The Alterability Reading intends to persuade its audience that if X is a social construction, then X *is* substantively (and not merely in the widest sense of theoretical possibility) alterable by us in the here and now. But X's actual potential for alteration by us is something to be determined after the fact and depends on audience uptake, complicated ideological relations, and so on. The Dependence Reading does not emphasize our current state or make a claim about our actual ability to change X, but merely underscores the degree of dependence of X's existence upon social factors. I suggest that meeting some degree of dependence on social factors is sufficient to qualify X as a social construction. Alterability, as I have defined it above, is a stricter or more robust version of the Dependence Reading. Hence, one might say that if X meets the conditions of the Alterability Reading, it is more robustly a social construction.

The Alterability Reading faces complications. The usual thought, or at least the usual implication on the part of social constructionists, is that phenomena more dependent on social factors are more easily alterable than phenomena that are less dependent for their existence upon social factors. At worst, this thought is simply wrongheaded, and at best, it requires much more careful analysis (certainly more than I can provide here). But let me say at least a few words on the issue. There may exist some natural or empirical (biological, chemical, physical) factors over which we have as much or even *more* control than social factors. Intervention into the physical differs from intervention into the social for a variety of reasons. Insofar as mechanisms of causation are sometimes more easily isolatable in the physical domain, the alterability of natural (non-social) phenomena undertaken by us may be more straightforwardly or effectively carried out than in the case of our

attempts to alter social phenomena. As Taylor writes of the social domain, "we cannot shield a certain domain of human events, the psychological, economic, political, from external interference; it is impossible to delineate a closed system" (49).

A condition of success of social constructionist debunking and the successful alteration of elements of the social world in turn requires an effective analysis and critique of ideology. But ideologies are not typically bounded. Delineating how many ideologies are at work and how to separate and target their force is epistemically and practically challenging. Further, ideology's normalizing and hegemonic effects also challenge the alterability of some social phenomena. Once an ideology is well entrenched, it can be invisible to those who participate in upholding it. Thus, social phenomena may be difficult to alter on account of human beings' tendency towards the status quo. Further, while there exist interactions between social-scientific and lay classifications and practices and broader habits or cultural practices, these interactions are typically between classifications and individuals who *un*reflectively conform or react to them. Since it is unclear to what extent ideologies are volitional, it is also unclear how to go about undermining their force. Another major impediment to amending current concepts or practices relates to the relevance of space and time to the contents of consciousness. As the gender conferral example above serves to illustrate, in the ever-present now, human beings are not capable of conferring any meaning whatsoever upon a situation and nor are they capable of understanding any individual or group as falling under any social category whatsoever. Individuals and groups are constrained in their ability to alter or possess concepts by their situatedness in space and time. The very possibilities for the content of consciousness or directions of concrete action are limited by one's social-historical-political situation.

These complexities do not wholly undermine the Alterability Reading of "non-inevitability," but they do show that if one adopts the Alterability Reading, then some phenomena that are socially constructed or non-inevitable in the here and now were perhaps not in the past and vice versa. Unless this is an intolerable consequence, which I do not think it is, the existence of these complexities does not present a damning case against the Alterability Reading's understanding of "non-inevitability" or of what it means to say that some X is socially constructed. Even in contexts where X is widely agreed to be a social construction, that is, a phenomenon moderately to highly dependent upon social features and which is, at least to some extent, knowingly within our power to alter (given history, present amendments), a social constructionist analysis has purchase. Such an analysis serves to clarify or delimit the nature of X and to *remind* and keep open-minded a particular audience of X's nature.

I have suggested that the claim of non-inevitability on the part of social constructionists can be fruitfully understood as (i) a claim about what kind of features are central to X's existence (i.e., a claim about the degree of dependence

of X on other social features) and (ii) a claim about X's alterability which refers specifically to why, in the here and now, it *is* within our ability to change X. Though the distinction between the inevitable and the non-inevitable is not hard and fast, and although the possibility of successful alteration must be relativized to context (space/time/imaginative possibilities), the social constructionist's assertion of Thesis (1) is not therefore rudderless. The social constructionist offers a productive program just in case she can do as little (or as much) as disrupt an interlocutor's confidence or fideism in the view that some X's existence is independent of social factors or inalterable. Minimally, the social constructionist succeeds in her program if she can move her interlocutors to be skeptical rather than dogmatic about X (even where X refers to the notion of "non-inevitability" itself). Inducing skepticism does not necessarily lead to quietude or to defeatism. If one's commitments can be shaken concerning the inevitability of X or the necessity of X's particular features, one may become more willing to alter their commitments, both theoretically and practically.

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Incompatibility and
a Logic of Rejected Concepts

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Natural language is neither pure nor innocent. It contains concepts that have inferential liaisons preventing us from applying those concepts directly to anything in the world. Think, for example, of a concept from a discarded scientific theory, such as that of phlogiston. Someone might reasonably deny that *anything* contains phlogiston. However, if instead we were to say that nothing has phlogiston, then by the very meaning of the term (namely that phlogiston is necessary to support combustion), that would seem to imply that *nothing* is combustible. Thus, one might wish to deny of anything that it either has or doesn't have phlogiston. My goal here is to introduce a new kind of propositional content, formally symbolized by striking through a candidate atomic formula, which is meant to capture, at least in part, the rejection of the actual application of some portion of the subsentential conceptual content of that formula. Oscar Wilde's prosecutor is said to have posed the following charge, "I put it to you, Mr. Wilde, that this is *blasphemy*. Is it or is it not?" To elide an obvious trap set up for him, Oscar Wilde is said to have replied, "Sir, 'blasphemy' is not one of my words." My project is to provide an initial step towards a formal understanding of the logic of attitudes like that of Mr. Wilde's toward blasphemy.

So on the syntactic front, let us stipulate that for any atomic proposition P, ~~P~~ is a well formed formula (wff). Bear in mind that I'm not conceiving the strike-through as a general sentential operation. I mean to apply it here only to atomic formulas (or sub-sentential components), not logically compound contents, and it is not meant to be iterated.

The strikethrough is meant to symbolize the rejection of some of the conceptual content contained in that atomic formula. As such, it signifies in a given context of discourse the preclusion of any direct application of the rejected concept or term involved – be that application affirmative or negative. So the rejection of P, symbolized by P̶, is to be understood as incompatible with both P and also with ~P.

Such preclusion might seem to indicate on my part some rejection of the law of excluded middle, and so the adoption of a logic that introduces truth-value gaps, or at least some truth-value beyond the standard true and false. The latter inference is *not* my intent! Instead of introducing new semantic values or gaps, I'm actually trying to introduce new kinds of assertible *contents* (or things that can legitimately be said), which cannot be handled in truth-functional semantics except through such drastic measures. Nevertheless, there is something to the suggestion that I'm advocating a non-standard logic, for I'm not at all enamored by semantic theories centered around the specifications of truth-values.[1] Instead, my preferred semantic framework is that of Brandom's incompatibility semantics, in which the semantic value of a propositional content is understood to be the set of sets of all other such contents commitment to which *precludes* commitment to it (Brandom, *Between Saying and Doing* 117-175). So one lesson that could be taken away from this paper concerns the advantages of adopting a semantics that takes incompatibility relations to be its primitive over more traditional truth-functional alternatives, insofar as that enables us to overcome the challenges of dealing with propositions we neither wish to assert nor deny, without having to do anything so drastic as inventing whole new semantic values or gaps.

Accordingly, the semantic primitive in such an incompatibility framework is that of an *incompatibility frame*, from which one can discern all sets of materially incompatible commitments. The trick then is to show how incompatibility sets for logically compound formulas can be generated recursively out of such an incompatibility framework. In his Locke lectures, Brandom has shown how this may be done with negation and the familiar sentential operators, as well as modal operators, which behave just like the box and diamond in S5.[2]

Brandom introduces ~P as a content which is "minimally" incompatible with P. That is, anything incompatible to P (in particular, those sets of sentences which are stipulated to be materially incompatible with P by an incompatibility frame) will entail ~P.[3] And so, anything incompatible with ~P will be in the *intersection* of the sets of sets of sentences that are incompatible with sentences incompatible with P. To be sure, that's a mouthful! The basic idea is that the negation of P is supposed to capture what is in common with everything incompatible with P – namely they all rule out P.

One thing to notice here is that Brandom's approach is one of introducing new assertible contents (analogous, say, to the introduction of the negatives to the

natural numbers), which may or may not not line up with (or be logically equivalent to) anything that otherwise could already be said without the use of such contents. Brandom's project, which goes under the heading of "logical expressivism," is to domesticate these introduced contents by specifing the inferential roles of negations and other logical compounds, and it happens to be a virtue that these compounds can be shown to be inferentially conservative. Given the familiar rules for introducing and eliminating negations, for instance, negation so understood will not license any new inferences between non-negation-involving contents that weren't already materially licensed before by an incompatibility frame.[4]

In a similar spirit, I wish to extend the domain of possible assertible contents by introducing new contents, grammatically marked with the strikethrough, which we may understand to represent an even "deeper" level of incompatibility than the negation. The task is to specify the inferential roles of strikethrough contents by saying in turn what those strikethrough contents are incompatible with. On Brandom's understanding, ~P is understood to be entailed by anything incompatible with P. The introduction of P̶, however, forces a slight revision of that idea. Instead, any set of commitments incompatible to P will either have to *entail* ~P or it will have to *include* P̶. Moreover, the strikethrough content P̶ is further stipulated to be incompatible with ~P. The effect of these stipulations is straightforward: whereas ~P is still straightforwardly incompatible with anything entailing P, P̶ is understood to be incompatible with anything entailing *either* P or ~P. In that precise sense, P̶ is more *deeply incompatible* to P than is ~P.

Strikethrough contents may in turn embed to form logically compound contents, which behave in the familiar, classical fashion. The conjunction of P̶ with some formula Φ will entail each in turn, and be jointly entailed by both. And their disjunction will entail one or the other, and be precluded by the preclusion of either.[5] Of perhaps more interest is the negation of some strikethrough content. Since ~P̶ is stipulated to be minimally incompatible with P̶, anything incompatible with P̶, including most importantly P and ~P, will in turn entail ~P̶.

With the advent of strikethrough contents, we can see that in a context in which one is coherently committed to P̶, one can thus coherently be *precluded* from commitment to (P v ~P). Other than stubborn allegiance to the necessity of the law of excluded middle, perhaps out of some misguided fetishization of truth-functionality, I see no principled objections to the coherent introduction of such new contents and contexts. Indeed, those very semantics seem designed precisely to cover up the deeper level of incompatibility revealed by strikethrough contents.

The last three paragraphs, by the way, illustrate another important theme running through Brandom's work: "expressive bootstrapping." The conceptual resources sufficient to describe the proper use of some expressive device need not require one actually to deploy that device. Thus, one can begin with relatively meager expressive resources and show how to say something important and useful

that could not otherwise be said in the limited vocabulary.[6] The introduction of strikethrough content allows us to say something that otherwise couldn't be said before, or said only in an awkward, misleading fashion. In this respect, the introduction of this type of content is like the introduction of imaginary numbers to arithmetic, and the trick is to explore how such an introduction interacts with familiar, existing logical vocabulary, and how it might alter the familiar landscape of sentential, quantificational, and modal logics.

Fortunately, the introduction of such contents need not force any great revision to formal systems of proof. Here let's think of a familiar tree-system of logic, or "Tableau." In introductory texts, this method is often presented in sections devoted to semantics under the guise of "semantic" tableau (or the method of "truth trees"). As such, it is often presented in texts primarily as a device for quickly navigating truth tables in order to expose inconsistencies or to generate possible counterexamples, and so it is typically regarded as inherently tied to truth-functional semantics. Nevertheless, this very same method can also be given a ready interpretation in terms of the *pragmatic* attitudes of *commitment* and *preclusion* in an incompatibility framework.[7] The tree method works by developing the consequences of being *committed* to some assertible content, alongside the consequences of being *precluded* from certain commitments with the aim of exposing incompatibilities between patterns of commitments and preclusions. (In the more familiar "one-sided" trees, preclusion from a commitment is represented by commitment to that content's negation.) Intuitively, one can see why such a method would be commensurate with natural deduction systems deploying Gentzen- or Fitch-style elimination and introduction rules for the various sentential operators. The rules for developing commitments to certain contents obviously correspond to elimination rules, while the rules for developing precluded contents correspond to the introduction rules – except (as explicitly suggested by one-sided trees) that they work in the "opposite" direction. In essence, preclusion rules in Tableau, serve to "tollens" Gentzen-style introduction rules.[8]

With that in mind, let's spell out the rules for Tableau, now that we've introduced strikethrough contents. The rule for developing strikethrough contents on the left is straightforward: when a strikethrough is on the left, put both the formula stricken through and its negation on the right (see figure 1).[9] This captures the idea that the strikethrough of some content is so deeply incompatible with some content that it precludes both it and its negation.

Likewise, we need to introduce new rules for the preclusion of strikethrough contents. Basically, when a strikethrough is represented as precluded (or on the right-hand sight of a path), one develops all open paths on which it lies by branching that path and placing that which is struck through on the left of one branch and its negation on the left of the other (see the left-hand portion of figure 2).[10] We will also need to amend the negation rule on the right, so as to allow for

violations of the law of excluded middle. This is achieved in an entirely similar fashion. Negations on the right are developed by branching paths and placing that which is negated on the left of one branch, and its strikethrough on the left of the other.

Note that so conceived, these rules introduce an asymmetry between the pragmatic attitude of being committed to some content and being precluded from it. Specifically, the attitude of being committed to ~P is handled differently from the attitude of being precluded from P. For that reason, this system requires the deployment of "two-sided" trees rather than the "one-sided" variety one more often sees in introductory logic texts.[11]

Pleasantly, none of the other familiar Tableau rules need to be altered, which means that—except at the margins (literals) —this formal system (and the logic it supports) behaves classically.[12] It is also demonstrably sound and complete.[13] Of course, this completeness result does not mean that all classically derivable arguments will remain so, as attested by the invalidity of $\models$ (P v ~P), and the corresponding failure of its being a theorem. Double Negation Elimination and the DeMorgan's equivalencies also fail to hold in this setting, specifically for literals. Indeed, one might well quip that this system is "strange" only at the atomic level. Since this system is evidently weaker than a purely classical system, it pleasantly follows that it is just as inferentially conservative as a purely classical logic. It won't introduce any run-about inference tickets.

So far, I've shown how one might begin to domesticate formally an attitude of rejection toward the direct application of a concept. To see how we might put strikethrough contents to good philosophical use, consider Dummett's well-worn example of a so-called rejected concept, that of a Boche. According to the received telling of the tale, this concept has introduction and elimination rules (or conditions and consequences of application) that effectively license inferences from someone's being of German descent to their being inhumane. The trouble with asserting that either somebody is a Boche or is not is that such an application effectively endorses the inference license embodied in the concept. To claim that I am Boche licenses one to conclude that I am inhumane, while to claim that I am not is to deny that I am of German descent. What are we to do?

The answer of course is to take Oscar Wilde's route and appeal to something like strikethrough contents. The correct attitude is to refuse to apply such suspect terminology in the current conversational context, in the precise sense of precluding the direct application of the rejected concept in claims that would be represented by stand-alone atomic formulas or their negations. Note that this is *not* to say that the rejected concept is altogether incoherent or nonsensical, or that we can't work with that concept in compound constructions. Indeed, it is the fact that we understand the concept all too well that prohibits our applying it directly to things in this world! But that doesn't mean that such a prohibition needs to carry over to other contexts accessed, for instance, through modal operations. While we

might refrain from applying a certain concept to things in this world (so to speak), that doesn't mean that we can't "think" in those terms, or that those terms can't be part of our language when we talk about various hypothetical or counterfactual contexts. One can quite well countenance scenarios in which a concept like Boche admits of direct application, just not "here."[14]

In a more tentative vein, let me suggest that the logical apparatus I've introduced here might be well-suited for supporting a novel response to the conceivability argument against materialism (aka the "zombie" argument). Just as the concept of Boche embodies the inhumanity of the Hun, it's not hard to see that the very concept of a philosophical zombie—of a minimal physical duplicate that lacks phenomenal consciousness—similarly incorporates an anti- or "super-" materialistic understanding of consciousness. So, it would seem that any materialist response ought to incorporate some rejection of the concept of a philosophical zombie.

Proponents of the conceivability argument (chiefly Chalmers) craftily demonstrate that the intimate connection we seem to bear to our own consciousness means that the bare conceivability of zombie-worlds dictates their metaphysical possibility, which in turn can seem to spell the end of the world for materialism. By way of reply, opponents have tried either to challenge the conceivability of zombies altogether or to block the inference from such conceivability to their possibility. Thus, they acknowledge that some sort of rejection of the zombie concept is in order. However, I would suggest that framing this rejection in terms of conceivability or possibility is not the best way to go. And indeed, these replies have met with limited success. The problem with the first strategy is the eminent conceivability of zombie worlds (distinct from our own); though perhaps ontologically repugnant, "super-"material worlds do seem at least epistemically possible. However, in order to take the second strategy by granting this weak sort of possibility while maintaining that they are not genuinely possible requires one to draw a satisfactorily sharp boundary between these two flavors of possibility. Usually, this difference is cashed out in a "two-dimensional" framework—that is, in terms of the difference between the "actual" denotation of some term and what that term "could" have denoted. Thus, the typical "type-B" rejoinder to the zombie argument is that it surreptitiously slides between what the concept of consciousness is actually applied to and what it could apply to in alternate realities. However, as Chalmers points out, the general problem with this sort of response is that the conception of consciousness animating the conceivability argument seems stubbornly univocal and rigidly attached to this world.

Still, the conceivability argument has an air of hocus pocus about it, and several recent commentators have suggested that its unsoundness is best exposed by considering matters, as it were, from the puzzlingly unstable perspective of a philosophical zombie.[15] For such a being would go through the same conceivability

exercises as we do and get things *wrong* (at least for it)! This strategy strikes me as much closer to the mark (and I've tried to pursue it elsewhere), but the trouble is that it considers matters from a stipulated hypothetical context. The question of materialism is really that of whether *we* turn out to be our own minimal physical duplicates. And if one has the concept of a philosophical zombie in their conceptual arsenal along with the license to apply it directly, then one can use that concept to argue that if materialism were true, then we would not be conscious, which of course is an absurdity.

The suggestion that I would tentatively float is that perhaps the best attitude to take here is to reject the super-materialist's own favored terms, specifically that of a zombie. Just as the proponent of the zombie argument wields the concept of a zombie to argue that none of us could be our own minimal physical duplicates, one might wield the concept of Boche (along with my evident humanity) to argue that I am not of German descent! By proscribing the zombie concept from direct application to us, we can perfectly well countenance a perspective from which zombies are both conceivable and possible, while at the same time holding that materialism is true and that we are our own minimal physical duplicates.

To be sure, it takes far more space than I have available here to flesh out this response.[16] Still, I hope to have rendered plausible the idea that the advent of strikethrough contents might provide us with some new ammunition in diagnosing the unsoundness of the conceivability argument. In this fashion, one can perhaps see that developing and elaborating a logic of rejection along the lines that I have started here, is a game well worth the philosophical candle.

NOTES

1. My attitude towards truth (at least understood as a substantial property) might cheekily be summed up as follows: ~~Something is true~~. That is to say, truth is just not one of my go-to concepts.

2. And for what it's worth, I have tried to do a similar thing with a robustly modal conditional that behaves very much like the Lewis Hook, and from which a strong and weak modal operator can be defined.

3. For the uninitiated, one content incompatibility entails another just in case anything incompatible with the latter is also incompatible with the former. This notion of incompatibility entailment traces back to the stoic logician Diogenes.

4. In his Locke Lectures, Brandom (Published as *Between Saying and Doing*) seems to want to show that everything that can be done in a classical framework (including the modalities) can also be accommodated in an incompatibility setting. I am being a bit more ambitious here; I am introducing something in an incompatibility setting that cannot be accommodated in a classical one.

5. For this reason, we should not assimilate this approach to those, such as relevance logics, that introduce new truth values.

6. Brandom himself illustrates this idea through a discussion of Perry's "essential" first-person indexical.

7.   At the same time, the notion of logical validity can also be recast in terms of commitment and preclusion. A set of premises logically entails some conclusion just in case one cannot be coherently committed to all of the premises while also being precluded from the conclusion. Elsewhere (See my "Logic Beyond the Looking Glass"), I have shown how one might present formal logic as a theory of entailment without making any substantial appeals to the notion of truth.

8.   With that in mind, one can readily discern what the Tableau rules for Belnap's infamous "Tonk" operator would be, even though it would be impossible to read such rules off of a truth table—namely the commitment rule of a conjunction, paired with the preclusion rule of a disjunction.

9.   Figure 1: Tree development rule for strikethrough contents on the left.
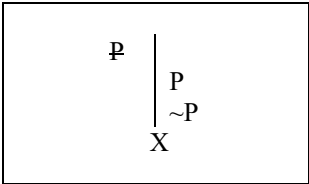
10. Figure 2: Tree development rules for negation and strikethrough on the right.
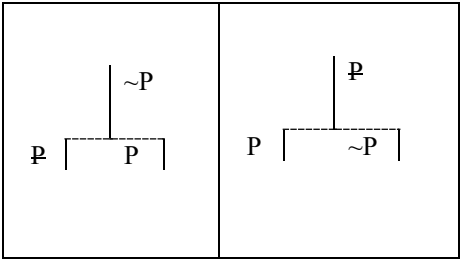
11. Two-sided trees also have the advantage of being quite amenable to Rumfitt's "bilateral" semantics. Instead of the two sides representing the respective attitudes of commitment to or preclusion from various contents, they can just as easily correspond to Rumfitt's - attitudes of affirming a content (which he represents by the plus sign) and that of rejecting one (which he represents by the minus sign).

12. Although I shall not delve into the matter here, similar, "dual" rules can be introduced to capture paraconsistent logics. To do so, one would have to invent yet a different content, expressing the idea that one accepts *both* it and its negation. On the side of semantics, this would also require one to tweak one's understanding of the negation of some content, so that a content and its negation need not be understood as incompatible with one another as long as one also accepts the newly devised content expressing the attitude that both are acceptable. Developing such a semantics in an incompatibility framework would introduce an element of non-monotonicity, and would seem to require that one give up on the idea that incompatibility frameworks must obey a "persistence" condition. Once again, see Brandom (117-175).

13. On the soundness side, it is not hard to see that developing formulas according to these rules along a coherent path (one in which one may coherently be committed to all contents on the side corresponding to commitment while also being precluded from all the contents on the side corresponding to preclusion) is bound to leave at least one coherent (and open) path. On the completeness front, one can construct from a path that cannot be closed through suitably systematic development a fragment of an incompatibility frame according to which one may coherently be committed to all of the contents on the commitment side of that path while also being precluded from all the contents on the preclusion side of that path.

14. See Garson (2006) for a Tableau treatment of modal logic. This treatment also admits of an inferentialist-friendly interpretation in terms of commitment, preclusion, and incompatibility, though the details do get a little messy. One of the more philosophically intriguing things about strikethrough contents in a modal setting is that they might allow for the non-necessity of formulas such as a=a (in contexts where the term a is proscribed), while at the same time admitting the necessity of $(\forall x)x=x$.] In other words, they force us to examine more closely received Kripkean dogma about rigid designation and the necessity of identity claims.

15. I'm thinking here of recent papers by Balog, Stalnaker, Frankish, Yablo, Brown, and myself.

16. Specifically, I would suggest that when one lays out the argument in its canonical form (which makes no direct use of the concept of a zombie), the argument fails to distinguish the conceivability of a situation in which all the material facts are as they are and facts about consciousness (as the supermaterialist is apt to understand them) are *false* from the conceivability of a situation in which all the material facts are as they are and the qualitative facts expressed in the supermaterialist's preferred idiom are *rejected*. To be sure, I have neither world enough nor time to make that case stick. I only float this response as a suggestion.

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The Girl and Gorilla: A Response to Lynne Rudder Baker's Personhood Criterion

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1. INTRODUCTION

Lynne Baker argues the ability to have a first-person perspective is a metaphysical attribute that is essential for persons. Many nonhuman animals (hereafter 'animals') have a first-person perspective, but they do not qualify as persons under Baker's view. Surprisingly, she classifies the severely mentally disabled as persons, despite strong evidence that many animals' cognitive capacities, including the nature of their first-person perspectives, far surpass the mental abilities of the severely mentally disabled. In light of this evidence, Baker must justify her criterion that extends personhood status to the severely mentally disabled but not to animals with sophisticated mental functioning. The justification she provides is grounded in metaphysics; however, it ultimately results in a number of unusual and seemingly incorrect metaphysical implications. With the use of a thought experiment I hope to show that Baker's personhood criterion fails.

2. THE PROBLEM

2.1 First-Person Perspective
Baker places considerable value on a being's ability to have a first-person perspective (FPP). Many beings have conscious experiences and a point of view, so many beings have FPP. Baker believes there is something inherently different

between fully functioning humans' FPP and animals' FPP. This difference can be articulated by two levels of FPP, robust and rudimentary. Most humans are self-aware. They have a point of view, and they have the capacity for self-reflection. Many animals, very young children, and the severely mentally disabled do not have this level of awareness or introspection. Baker argues that their perspectives are egocentric. The world revolves around them and no one else. All of their thoughts "belong to the same individual, so to speak, by default" (61). They cannot identify themselves as themselves, so their FPPs are at the rudimentary level. For Baker, a being has rudimentary FPP if it is conscious or sentient, capable of imitation, and capable of behaving in ways that are explainable via beliefs, desires, and intentions ("When Does a Person Begin?" 30).

In order to have robust FPP, according to Baker, a being must be able to identify itself as itself. For example, the phrase "I wonder when I will eat" utilizes the pronoun 'I' in two different senses: "the first occurrence of 'I'... directs attention to the person... without recourse to any name, description, or other third-person referential device to identify who is being thought about" (*Persons and Bodies* 65). The second use of 'I' indicates that the being is aware of herself as herself. In saying this sentence, an individual not only *makes* a first-person reference, but she also *attributes* a first-person reference to herself (65). We can compare this to the speech of a trained bird, Max. Max might state, "Max is hungry now" or, "Max is tired." Baker argues that the third-person reference does not adequately translate into a first-person reference. "Max is hungry now" has a different meaning from "I am hungry now." The 'I' in the latter sentence entails a more sophisticated level of self-awareness. Although this linguistic ability is the strongest indication of robust FPP, it is merely epistemic evidence and is not a necessary condition for robust FPP. For these reasons, Baker believes other beings could also have robust FPP such as alien persons, robot persons (uploading cases), or god persons (Zeus from Greek mythology).

2.2 A Simple View: First-Person Perspective Only

As I see it, robust FPP is the most important aspect of Baker's view. Now consider Koko, a gorilla who appears to be quite intelligent. She communicates with her caregivers through the use of sign language. Not only does she utilize the language she has been taught, but she creates novel words when new circumstances arise (*Koko: A Talking Gorilla*).

Koko's linguistic abilities are often viewed with skepticism. Many likely believe she is merely a product of intense classical conditioning. Her means of communication do not provide enough evidence to support the claim that animals are able to use language. Although many concede she is intelligent, according to Baker, Koko would not qualify as a being with robust FPP.

Now consider Karen, a young woman suffering from severe autism. She requires constant care and supervision for the entirety of her life. She suffers from

the typical symptoms of her disease: she lacks linguistic abilities, has minimal mental functioning, and often responds with violent behavioral outbursts when encountering a number of social circumstances (Szalavitz). Her parents and doctors attempt to teach her sign language, without success.

We can evaluate Koko's and Karen's metaphysical and individual status by examining their FPP alone. The first chart illustrates the simple view, one that ignores everything about a being except for her level of FPP.

	Metaphysical Category	Individual Status
Normal Adult Human	Robust FPP	Person
Koko	Rudimentary FPP	Nonperson
Karen	Rudimentary FPP	Nonperson

Under the simple view, a being is a person just in case she has robust FPP, and a being is not a person just in case she lacks robust FPP. One might argue Koko should be ranked above Karen because she has more mental sophistication than Karen. Ignoring this objection, this view at least concedes that both should be considered nonpersons as both lack robust FPP.

The next chart illustrates the categorization endorsed by Baker, what I consider to be the complex view.

	Metaphysical Category	Individual Status
Normal Adult Human	Robust FPP	Person
Koko	Rudimentary FPP	Nonperson
Karen	Rudimentary FPP	Person

If Baker's view were simple, there would be a direct link between robust FPP and personhood. Karen's categorization defies this direct link, as she is granted personhood status despite lacking the metaphysical attribute of robust FPP.

Both the simple and complex view could entail normative claims about the treatment of individuals. This is perhaps one reason why current ethical practices in the United States categorize humans and nonhumans in this way. At research facilities it is not unusual to use nonhuman primates in experimental laboratories with permission from an internal review board. For example, one such experiment compared social behaviors of adult rhesus macaque monkeys after exposing them to complete isolation as an infant (Harlow et al. 90-97). Treating severely autistic individuals in this manner is likely to be considered morally atrocious. The complex view also appears to be a common sense view. If you were to ask individuals without any philosophical training how these three beings should be classified, most would likely utilize the complex view.

However, some philosophers, like Peter Singer, argue that granting Karen more moral consideration than Koko is an act of speciesism. Speciesists claim that

beings that are members of the species *Homo sapien* are more inherently valuable simply in virtue of this association. A speciestist would claim that the interests of Karen outweigh the interests of Koko because Karen has biological membership in the human species, and Koko does not. It does not matter that Koko has more sophisticated mental abilities than Karen; the fact that Karen is a human and Koko is merely an animal is all that is important.

Singer argues there is no justification for this difference in classification. He compares acts of speciesism with acts of racism or sexism (*Singer Animal* Liberation). Racism and sexism are almost universally found to be unjustified forms of discrimination. Instead of focusing on arbitrary physical characteristics of an individual (skin color, for example), moral consideration should be determined by a being's sentience: whether or not she experiences pleasure and pain. Operating under utilitarianism principles, Singer would argue that granting Karen more moral consideration than Koko simply because Koko is a gorilla would be a form of unjustifiable discrimination.

There are, however, other ways to maintain the complex view that are more persuasive. The justification could appeal either to moral or metaphysical values. Moral arguments might consider pragmatic justifications for granting Karen personhood status and not Koko. We need some sort of decision making process in order to determine how to treat the beings on Earth. This decision process should have the goal of minimizing mistakes of moral judgment ("Moral Status, Speciesism, and Human Equality" Scoccia). Using a moral heuristic (like the property of being a human) to make decisions is concrete, simple, and minimizes the possibility of error. If we made decisions based on mental properties (like Koko's cognitive abilities), then the risk of error increases. The idea is that "it is easier to play fast and loose with the person/nonperson distinction than the human/nonhuman distinction" (Scoccia).

Suppose Americans adopted a policy of classifying people like Karen as nonpersons. We could then imagine sexists or radical xenophobes arguing that women or ethnic minorities lack the cognitive sophistication of white males, with the potential result of women and ethnic minorities unjustifiably losing their personhood status. This could lead to morally reprehensible acts against these groups of humans. In order to avoid this slippery slope, we should classify all humans as persons and all nonhumans as nonpersons.

It is beyond the scope of this paper to address ethical defenses of the complex view. It is mentioned here as a contrast to Baker's argument. Although Baker's endorsement of the complex view may entail a number of normative claims, she never presents an ethical defense of her view. Instead, she argues that there are inherent metaphysical differences between a being like Koko and a being like Karen that ultimately entail the complex view. In order to explain this argument, it is necessary to examine some of the details of Baker's conception of constitution.

3. BAKER'S SOLUTION

3.1 Baker's Conception of Constitution: Persons and Bodies
Baker argues that "a human person is constituted by a human body" (*Persons and Bodies* 3). In order to explain this constitutional relationship, imagine an individual named 'Sam'. Constitutional relationships involve more than one object, and in this case the two objects are *Sam* and *Body*. *Sam* is a person, and *Body* is a human organism. *Sam* is constituted by *Body*. Here are Baker's conditions for constitution:

> If x constitutes y at t, then x and y are spatially coincident at t, but not identical... x and y have different persistence conditions, determined by their primary kinds... [and] an F constitutes a G only in certain circumstances—different circumstances for different primary kinds ("Precis of Persons and Bodies" 593).

For x to be spatially coincident with y is to say that x and y share the same spatial location at the same time. Constitution claims are not identity claims. Baker employ's Saul Kripke's modal definition to illustrate the nature of strict identity: "Where [F] is any property at all, including a property involving modal operators, and if *x* and *y* are the same object and *x* has a certain property F, then *y* has to have the same property F" (*Persons and Bodies* 31; 95). *Sam* has properties that *Body* lacks, and vice versa. Although *Sam* and *Body* also share many of the same properties, Baker argues that each has different modal properties and thus cannot be identical.

The primary kind of something is what it is most fundamentally, an essential property. Essential properties are properties such that if the object did not have the property, the object would not exist. *Sam's* primary kind is a person, and *Body's* primary kind is a human animal. It is essential for *Body* to be a human animal, and *Sam* could not exist without having the property of being a person. The primary kind property of an object determines the persistence conditions of the object. Being a person determines how *Sam* persists through time, and being a human animal determines how *Body* persists through time.

Baker argues that the different persistent conditions of each kind allow for the possibility of body transfers. Suppose *Sam* experiences a tragic accident in which *Body* ends up paralyzed. There is innovative medical technology that allows *Sam* to replace his human *Body* with a silicon body. The process involves slowly replacing *Body's* carbon makeup with silicon. First, *Body* will enter the new machine and its legs will be replaced with silicon. The next procedure replaces *Body's* torso with silicon. Each time *Body* enters the machine, part of the human body is destroyed and immediately replaced with silicon. Baker would argue that after the complete replacement, so long as *Sam's* FPP remained intact, *Sam* would be considered the same person after the procedure. In this case, *Sam* continues to

exist, and *Body* ceases to exist. Baker endorses this possibility and argues her constitution view handles body transfer cases better than other materialistic conceptions of personhood (*Persons and Bodies* 141-145).

To explain the last condition, suppose F and G are different primary kinds. Let F be 'a human animal' and G be 'a person'. In order for F to constitute G, there must necessarily be G-favorable circumstances. Only in certain circumstances can a human organism constitute a person. Baker provides the G-favorable circumstances for this relation:

The person-favorable circumstances are the intrinsic and environmental conditions conductive to development and maintenance of a first-person perspective, where the intrinsic conditions include structural properties required to support a first-person perspective (*Persons and Bodies* 96).

Homo sapiens, aliens, robots, and gods can all fulfill these requirements. Although she has been accused of being a dualist (Olson 429), Baker insists that her constitution view is materialistic, which means a being's FPP is not something immaterial like a soul. The structural properties necessary for a human body to constitute a FPP must relate to the brain in some way or another. The relationship is not fully known or understood, but Baker claims this is a problem neuroscientists must tackle, not philosophers. It will suffice to say that a properly functioning normal human brain is capable of supporting a robust FPP. Only when a human organism is in person-favorable circumstances can it constitute a person ("Precis of Persons and Bodies" 564).

3.2 Derivative and Nonderivative Properties

Theories of constitution may have odd implications regarding the sharing of properties. Although there are properties that *Sam* has that *Body* lacks, and vice versa, there are also a wide range of properties that both objects share. In order to understand the nature of sharing properties, Baker claims objects can have properties derivatively.

The basic idea of having a property derivatively is this: *x* has H at *t* derivatively if and only if *x*'s having H at *t* depends wholly on *x*'s being constitutionally related to something that has H at *t* independently of its being constitutionally related to *x* (*Persons and Bodies* 47).

Sam has the property of being a human animal derivatively. *Sam* has this property in virtue of being constituted by *Body*; having this property depends on *Sam's* constitutional relationship with *Body.* As mentioned above, if *Body's* organic parts were slowly replaced by silicon, *Sam* would continue to exist (if such a replacement could sustain *Sam's* FPP). He would now lack the property of being a human animal, and he would gain the derivative property of being a silicon body.

Baker believes "there is a two-way derivation of properties: If x constitutes y at t, then x derives some properties from y at t, and y derives some properties from x at t" (*Persons and Bodies* 48). So, there are also properties *Body* has derivatively, such as the property of being a person. Body would not have this property if it were not for its constitutional relationship with *Sam*. *Body* borrows this property in virtue of constituting *Sam*. If *Body* ceased to constitute *Sam*, it would lose the property of being a person (unless it came to constitute some person other than *Sam*).

Suppose *Body* experiences a massive stroke. Doctors determine *Body* is brain dead; *Body* no longer is capable of supporting a FPP; *Body* no longer has the structural properties required to support a FPP. Because having a FPP is an essential property of *Sam,* once *Body* experiences brain death, *Sam* no longer exists (Baker "Metaphysics of Resurrection" 3). *Body* cannot have the property of being a person on its own; it has this property in virtue of constituting *Sam*. So in this case, *Body* loses the property of being a person.

If an object has a primary kind property that does not depend on its constitutional relationship with another object, then the property is considered nonderivative: "For any primary-kind property, *being an F*, if any x is an F at all, then either x is an F essentially or x has the property of being an F derivatively" (Baker *Persons and Bodies* 56). *Sam's* primary kind property is being a person; being a person is *Sam's* essential property. This property does not depend on *Sam's* constitutional relationship, so it is nonderivative. Conversely, being a human animal is a nonderivative property of *Body*. *Body* has this property independently from its constitutional relationship with *Sam*.

Baker's necessary and sufficient conditions for something to constitute a human person are: "x constitutes a human person at t if and only if x is a human organism at time t and x has a rudimentary or robust first-person perspective at time t" ("When Does a Person Begin?" 34). This definition is human-specific, but we can replace the 'human person' in the beginning of the definition with 'alien person' or 'god person' so long as the first part of the conjunction is altered appropriately. The first part of the conjunction has to do with the favorable circumstances necessary for personhood (discussed above). The second part of the conjunction illustrates how a FPP is a sufficient condition for human personhood, be it rudimentary or robust. Rudimentary FPP is sufficient for personhood only if the first part of the conjunction has already been fulfilled.

Baker claims children's rudimentary FPP is a "developmental preliminary" ("When Does a Person Begin?" 33) that eventually leads to robust FPP. A child, although beginning his life with rudimentary FPP only, typically develops into a being that has robust FPP, in virtue of being constituted by a body of a *Homo sapien*. So, children are beings that have the potential for robust FPP.

Some humans never reach this level (like the severely autistic). For Baker, a being with a rudimentary FPP is a person "only if it is of a kind that normally

develops robust [FPP]" ("When Does a Person Begin?" 33). Animals are members of a kind that normally develop robust FPP as no member of any animal species, according to Baker, has ever developed a robust FPP. The idea is that Karen has membership with an ontological kind that normally develops robust FPP. Even though Karen never develops robust FPP, she can still be classified as a person. Conversely, Koko is of an ontological kind that normally never develops robust FPP, as gorillas normally develop rudimentary FPP only. So, Baker believes classifying severely mentally disabled humans as persons and classifying animals with highly sophisticated mental processes, but not robust FPP, as nonpersons is metaphysically justified. Her justification for the complex view is grounded in her idea of constitution. According to Baker, it is not merely an appeal to speciesism nor does it appeal to any sort of ethical justification.

Baker's idea of constitution does not apply to persons and bodies only. It is a plausible relationship between many different kinds of objects in this world. Driver's licenses are constituted by pieces of plastic, money is constituted by pieces of paper, flags are constituted by pieces of cloth, etc. Her idea of constitution seems to explain the complex identity relations many objects have, without error. She does not merely endorse this idea in order to explain the complicated relation between persons and bodies. Yet, when this constitutional view is applied to severely cognitively disabled human beings, her personhood criterion becomes problematic. The issues arise primarily because of her derivative and nonderivative property distinction.

4. Objection to Baker's Solution
Here is my argument:

1. If Baker's personhood criterion is correct, Karen is either a person derivatively or nonderivatively
2. Karen is not a person derivatively.
3. Karen is not a person nonderivatively.
4. Therefore, Baker's personhood criterion is not correct.

I have already established premise (1) above. All primary kind properties of a being must either be nonderivative or derivative properties; that is, they must either be an essential property of the being or a borrowed property obtained as a result of its constitutional relationship with some other object.

Premise (2): Karen is not a person derivatively. Personhood must be an essential property. If personhood is not an essential property, Baker's view could not handle body transfer cases as well as she claims it does. Recall the discussion of *Sam* and *Body* during the silicon replacement. *Sam* does not lose the property of being a person after *Body* is replaced by silicon. The reason *Sam* does not lose this property is because *Sam's* personhood property is nonderivative. This case would

be problematic if it were derivative, that is, if *Sam* borrowed the property from his constitutional relationship with *Body*. If *Sam* borrowed the property of being a person from *Body*, as soon as the constitutional relationship is destroyed, *Sam* would lose the property of being a person. *Sam* would have to regain the property from the silicon body. But if this were the case, then the silicon body would have to be a person nonderiviately. This means that the silicon body would be a person before gaining *Sam's* FPP. If the silicon body does not have rudimentary or robust FPP, then it would be unacceptable to consider the silicon body as a person under Baker's view. So it would be impossible for *Sam* to regain personhood as a derivative property from the silicon body.

Premise (3): Karen is not a person nonderivatively. On Baker's view, Karen's personhood depends entirely on other beings of her kind. If she were not constituted by a human body (or any other kind that normally develops robust FPP), then she would not be considered a person. Her property of being a person appears to be entirely relational, but not relational in terms of her own constitutional relationship with her body. (Recall that the property cannot be borrowed from the human organism that currently constitutes Karen.)

Karen is of a kind whose members normally develop robust FPP, whereas Koko is not. Yet, neither are essential properties of the two beings as illustrated by Baker's endorsement of the possibility of body transfers. (Other structures could constitute Karen, such as silicon.) There is no necessary relation between Karen and human beings with robust FPP, and the same can be said about Koko; her relational status with her kind is conditional. We can imagine different circumstances in which Karen is not relationally associated with beings that normally develop robust FPP, and possible worlds in which Koko is associated with beings that do normally develop robust FPP. I will present these unusual circumstances with the hope of illustrating how Baker's criterion goes astray.

4.1 The Girl and Gorilla Thought Experiment

Suppose the demon, Mephistopheles, wants to cleanse the Earth of rational humans. In order to do so, he creates a chemical radiation. The radiation is intended to reverse the effects of neurogenesis. Humans experience a high frequency of neurogenesis in the womb but the process continues well into adulthood. Evidence suggests that neurogenesis has a positive effect on learning and memory (Mandal "What is Neurogenesis?").

Here is what Mephistopheles believes will happen once he releases the radiation on Earth: All human beings with robust FPP will die. Because the brains of humans with robust FPP have experienced the most neurogenesis, they will be the population most negatively affected. The neurons in their brains will die, with effects similar to a massive stroke. It will happen almost immediately after Mephistopheles releases the radiation.

Because Mephistopheles is not the most competent of demons, here is what actually occurs once the radiation is released on Earth: The radiation contaminates Earth's atmosphere for billions of years. The only humans left have rudimentary FPP only, and when they begin to reproduce, their progeny never develop robust FPP. Generation after generation of humans with rudimentary FPP populate the Earth, but the radiation precludes any further neural development and evolutionary progress.

The radiation also has unusual side effects for nonhuman beings with rudimentary FPP, especially gorillas. Instead of destroying the neurons in their brains, the vast majority of gorillas begin to experience an increase of neurogenesis. The gorilla population on Earth immediately begin to demonstrate further cognitive developments: They develop robust FPP. The ubiquitous radiation does not inhibit the gorillas' cognitive development, and generation after generation of gorillas behave and communicate in a highly sophisticated manner. Unfortunately, Koko does not experience a positive result from the radiation; her mental development does not increase in the same manner as other gorillas.

This thought experiment, albeit somewhat fantastical, illustrates an important point. Karen cannot be considered a person anymore, and Koko must now be considered a person. After the radiation, humans become a kind whose members never develop robust FPP. As a result, Karen no longer fulfills Baker's personhood criterion: she is not of a kind that normally develops robust FPP. Conversely, Koko is now of a kind that normally develops robust FPP. Her current relationship with other gorillas is analogous with Karen's relationship with humans before the radiation. Koko now fulfills Baker's personhood criterion: She has rudimentary FPP and she is of a kind that normally develops robust FPP. So, both Koko's and Karen's personhood statuses change, despite nothing about Koko or Karen inherently changing.

Inherent changes that could possibly change Koko's and Karen's personhood statuses would be changes to each individual's FPP. If, for example, Karen was in accident and pronounced brain dead, then something about her has inherently changed; she would have lost her FPP. In this case, it would be acceptable to claim that Karen is no longer a person. Another example would be if Koko began to demonstrate robust FPP, such as in the case of James Rachels' intelligent chimpanzee who can read, write, and wants to go to college ("Darwin, Species, and Morality" 108). If her mental abilities improved substantially, and she could identify herself as herself, then Baker would classify Koko as a person. There is no metaphysical problem with this change of personhood status, because something inherent about Koko, her FPP, changed.

Karen was considered a person and Koko was considered a nonperson before the radiation was released because of their relation to other human beings and gorillas, not because of some intrinsic (nonderivative) property. If personhood status is a nonderivative property as Baker claims, it cannot be lost or gained in

such a manner. The fact that Koko can become a person if enough gorillas demonstrate robust FPP and Karen can lose personhood status if enough humans lose robust FPP entails that their personhood statuses are not nonderivative. Thus, premise (3) of my argument is true: Karen is not a person nonderivatively.

4.2 Possible Objection

Baker could deny that Koko is of a kind that normally develops robust FPP. She might argue that there is an ontological difference between Koko and the other gorillas. The gorilla population is an entirely new and different ontological kind of which Koko is not a member. Consider superhero characters like Peter Parker/Spiderman. Once Peter is bitten by the spider and gains superhuman abilities, perhaps he is no longer a human being. He becomes a member of a new ontological kind, a kind with capacities that far surpass the human race. Koko's relation to the other gorillas is analogous to a normal human's relation to Spiderman. If this is the case, then Koko is not a part of the new ontological kind. As noted, Baker's view allows the possibility for other beings to be classified as persons (like Zeus and aliens), so it is not a problem for Baker to consider the gorillas as persons. If Baker is correct and the gorillas are of a different kind from Koko, it is consistent to claim that the gorillas are persons and Koko is not.

4.3 Response

There are two different ways to approach this objection. The first is an empirical claim. The gorillas should not be considered a new ontological kind just because Koko does not experience neurogenesis. Koko's lack of mental improvement is a result of unfortunate circumstances, she is unlucky. In this situation, Koko experiences bad constitutive of her circumstances are a result of her biological makeup (Nagel "Moral Luck" 27). For example, when a child is born with a severe mental disability, he does not become a member of an entirely new ontological kind. His biological body is simply flawed in that it is incapable of sustaining a sophisticated mental life. Koko's circumstances are analogous to a boy born with a defective body. Koko's faulty brain is the reason she cannot mentally improve, and this should not change her membership of an ontological kind. If Baker claims Koko is of a different ontological kind from the rest of the gorillas, Baker would have to claim all severely mentally disabled humans are of different ontological kinds from the rest of *Homo sapiens*. Clearly, Baker does not make such a claim.

There are other examples that illustrate this point. Some vaccines and medications successfully help the majority of humans, although they can fail to help a minority of the population. Baker would be forced to say that in such cases, the humans that successfully react to such vaccines and medications are of a different ontological kind than the subset of the population that do not react favorably to such treatment.

Regardless, I think I can settle this dispute if we take the thought experiment one step further. Suppose after the humans with robust FPP die, Mephistopheles peers into the future and becomes aware of the unexpected, long term consequences of the radiation. He decides to clear the original radiation from Earth's atmosphere. Using research he collected from the gorilla population, Mephistopheles alters the original radiation so that it produces neurogenesis in human brains. After making the changes, he releases the new radiation on Earth. In the same way that the original radiation produced successful neurogenesis for most of the gorilla population, the new radiation now produces neurogenesis for the human population. Most of the human population soon begin to demonstrate robust FPP. Unfortunately, Karen does not experience the positive effects of the new radiation. Again, the reason Karen does not experience any positive effects is simply due to bad luck.

Suppose Baker wants to maintain the objection that Koko is of a different ontological kind from the gorillas with robust FPP. In order to remain consistent, Baker would be forced to say that Karen is of a different kind than the rest of the human population because Karen's situation is now analogous with Koko's. To support this idea further, consider Spiderman once more. Suppose in the comics, the human population unanimously decides they all want to be like Peter Parker, that is, every single person wants superpowers. The venom of the spider is created into a serum, and it is administered to all human beings. It is successful for the majority of the population, but a few individuals do not experience any sort of effect.

If Baker wants to maintain her original objection, she would be forced to say that in Spiderman's world, the human beings that do not gain superpowers are of a different kind from the humans who experienced a successful reaction to the superhero serum, despite the fact that all humans received the serum. But this conception of ontological kinds seems incorrect. All the human beings received the superhero serum, it is just a fortuitous fact that it did not work on a small subset of the population. From my perspective, it appears that the ones who do not experience a positive effect are simply unlucky. Similarly, it is a hapless detail that the radiation does not work for Koko and Karen. In both cases, the beings that do not experience change are constituted by defective bodies, but that should not undermine their relational status with beings that were not constituted by such malfunctioning physical bodies. It is incorrect to claim that ontological membership of a kind has something to do with luck, which is exactly what Baker must argue. So, the objection that Koko is not of the same ontological kind as the rest of the gorilla population does not refute my position.

4.4 Metaphysical Implications

The metaphysical peculiarity that is illustrated by this thought experiment is the change of property in each being, despite no change in the beings themselves. This

can be referred to as a 'Cambridge Change', which "includes changes in the relational predicates of a thing" (Mortensen "Change and Inconsistency."). For example, suppose a woman qualifies for a worldwide beauty contest. After performing, judges decide she has earned second place. While the crowning is taking place, the first place winner experiences a heart attack and dies. The judges decide to grant the second place winner first place. Before the heart attack, the woman has the property of being the second most beautiful woman in the world. After her competitor dies, she becomes the most beautiful woman in the world, although nothing essential about her has changed. She did not suddenly become more beautiful in the matter of minutes it took for the first place competitor to die. The change of property depends on the nature of her relation to external beings; it is not an essential property.

Baker argues that personhood must be an intrinsic, essential, primary kind, nonderivative property. A nonderivative property cannot be susceptible to Cambridge Changes. During the thought experiment, Karen and Koko both experience a Cambridge Change: They lose and gain the property of being persons as different circumstances arise for most members of their ontological kinds. The changes were not a result of some intrinsic change of their being.

Suppose Baker argues that although Karen is a person in virtue of her kind, it is still a nonderivative property. If this is the case, then the property of being a person can be both relational and essential. This extreme view entails a radical consequence when applied to the thought experiment. If personhood can be both relational and essential, it seems that the essential property would have to depend on external factors (on the relationship with other beings of the kind). If this were the case for Karen, then as soon as humans ceased normally developing robust FPP, Karen the person would simply die. Because the essential property depends on the relation, as soon as the relational ties are cut, the essential property would be lost. Essential properties are necessary properties, so when Karen loses her personhood, it becomes impossible for Karen to exist. Thus, if personhood is both relational and essential, then Karen would cease to exist as soon as Mephistopheles releases the original radiation. The outcome arising from personhood being both relational and essential has such extreme metaphysical implications that I do not believe Baker would endorse such a view.

Another metaphysical peculiarity entailed by Baker's view involves other kinds of objects. Recall that many different objects have constitutional relationships. Under Baker's constitutional view, books can be one of these objects. Books can be constituted by words on pieces of paper, by words on electronic tablets, and we can even imagine a book written in the sand of a beach (in the latter case the book would be constituted by the beach). Suppose books could also gain the property of being books in virtue of their relation to their kind.

Here is how a book is created: rectangular pieces of paper are produced and words are printed onto the pieces of paper. Suppose a printer is set to print copies

of the book, *Huckleberry Finn*. The first two copies of the book are printed correctly, but then the printer malfunctions. The first five pages of the book are printed, but every page after is double printed. The words are distorted and illegible. Suppose someone argued that even though the book is illegible, the impairments that resulted from the faulty printing process should not eliminate these pieces of paper as constituting the book *Huckleberry Finn*. The individual argues that the pieces of paper are of the ontological kind that normally develop into the book *Huckleberry Finn.* This membership allows the pieces of paper with illegible printing to be classified as *Huckleberry Finn.*

I think most, Baker included, would not find this argument convincing and would not classify the defective pieces of paper as the book *Huckleberry Finn*. They do not constitute the book because they lack essential properties necessary for something to be considered *Huckleberry Finn*. If defects during the creation of books allow for rejecting these particular pieces of paper into the ontological kind *Huckleberry Finn*, then the same qualifications should hold for persons and bodies. The constitutional relationship between persons and bodies should be consistent with the rest of Baker's constitutional view. If Karen is classified as a person but the defective pieces of paper are not classified as *Huckleberry Finn*, then such a distinction is inconsistent with Baker's constitutional view.

5. CONCLUSION

There are ethical justifications that would allow one not to classify the defective pieces of paper as *Huckleberry Finn* but maintain that Karen should be classified as a person. As mentioned above, the complex and simple views arguably entail a number of normative claims. I wonder if Baker has moral intuitions about human beings that favor the complex view. Perhaps she is arguing from a reflective equilibrium, which can be philosophically justified, but Baker does not specifically argue that ethics might be influencing her personhood criterion. I am merely speculating about Baker's justification process, and there might be a number of ways she would respond to these claims. However, in light of the girl and gorilla thought experiment Baker must reconsider her criterion that classifies the severely mentally disabled as persons while excluding animals with superior cognitive functioning.

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Political Stability and the Necessity of Modest Comprehensive Liberal Civic Education

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I. INTRODUCTION

The *problem of political stability* is the problem of how a society can justly sustain a common set of institutions and policies although its populace holds many fundamental beliefs that are incompatible with one another. One solution to this problem might be to utilize education to transmit liberal norms (such as moral autonomy, equality, respect, and individuality) to younger generations of citizens. John Rawls objects to this idea, arguing that such education would necessarily alienate citizens, and their children, who hold reasonable illiberal moral beliefs. Instead, Rawls advocates for the adoption of a civic educational system that solely endorses morally neutral political virtues, combined with a contention that, given sufficient time, individuals with divergent personal commitments will come to form an *overlapping consensus*, freely choosing to participate in, and abide by, the policies of the state. Rawls' answer to the problem of stability, however, is mistaken. Political stability is unlikely to be obtained solely via reliance on the emergence of an overlapping consensus of reasonable citizens, but rather requires the adoption of precisely the type of educational system that Rawls objects to, one which publicly enables, and advocates for, the cultivation of morally liberal values among its citizenry.

II. Two Modes of Justification, Two Varieties
of Liberalism, and Reasonable Pluralism

Rawls believes that there are two modes of normative justification: *non-public justification* and *public justification* (*Political Liberalism* xxi). Non-public justifications are those based on moral, religious, or philosophical commitments which are *comprehensive* (i.e. which pertain to the meaning and purpose, or *good*, of human life). Such commitments, Rawls argues, while highly significant for the citizens who possess them, are only capable of being fully understood by those with similar comprehensive beliefs. Consequently, they cannot provide a reasonable grounding for political discourse between individuals possessing incompatible comprehensive doctrines. Public justifications (also referred to as *public reason*), on the other hand, are reasons that are capable of being appreciated and endorsed by all reasonable citizens, regardless of their antecedent comprehensive commitments. It is the later form of justification, public reason, which Rawls thinks determines the boundaries of the purely political by demarcating which types of rationales can be permissibly be offered within it (*Political Liberalism* 10).[1]

Related to these two modes of justification are two distinct varieties of liberalism: *comprehensive liberalism* and *political liberalism*. Comprehensive liberalism is wide in scope, in that it can employ both modes of justification, while political liberalism is narrow in scope, meaning it can only employ public justification. In attempting to legitimize the state and its policies, comprehensive liberalisms will often employ *thick* moral concepts such as *person* and *moral autonomy*.[2] Political liberalisms, meanwhile, restrict themselves to only employing *thin* notions of ordinary moral concepts in the hopes that the resulting justifications will be neutral and capable of being accepted by all reasonable citizens.[3] For example, the political corollary of persons are *citizens*, the bearers of rights and duties who stand in purely political relations to other political agents, while the political corollary of moral autonomy is *political autonomy*, involving the ability of citizens to be legally independent but share in the exercise of political power. Similarly, while our private, ethical lives as persons are often concerned with the cultivation of *moral virtues*, Rawls thinks that in our public, political lives as citizens, we should strive to cultivate *civic virtues*, those psychological and behavioral dispositions which help facilitate a functioning liberal state such as tolerance, civility in political discourse, and a sense of fairness (*Political Liberalism* 157).

One of the core challenges for either liberalism is how to manage disagreements among a plurality of incompatible comprehensive doctrines held by citizens. Rawls believes that political consensus will most likely be achieved if adherents of comprehensive doctrines are willing to abide by the commitments of a liberal state. *Reasonable* citizens are seen as those who are willing to affirm the

essentials of a liberal state (i.e., basic institutions and policies), while those who are unwilling to do so are deemed by Rawls to be *unreasonable*.[4] Moreover, the former group, taken together, constitute what Rawls calls a *reasonable pluralism*.[5] The overall hope of both liberalisms is that members of a reasonable pluralism (i.e. the adherents of reasonable, yet incompatible, comprehensive doctrines) can come together and within the constraints of public reason, establish and maintain a just liberal society.

III. THE PROBLEM OF STABILITY AND CIVIC EDUCATION

The problem of stability is the problem of how a state can permissibly sustain its institutions and policies.[6] What *effective* and *just* mechanisms can the state implement to ensure (or at least make more likely) that reasonable citizens will come to support a conception of justice over time, and continue to support that conception even if it occasionally conflicts with some of their personal commitments that are underwritten by their non-public conceptions of the good? *Civic education* and *free endorsement* are answers to the problem of stability, both of which are aimed at securing the consent of reasonable citizens. Civic education attempts to maintain political stability by perpetuating liberal values, in particular by teaching them to younger generations of citizens, while free endorsement attempts to maintain stability by adopting a policy of non-interference, gradually allowing citizens to approve of the state by realizing the benefits gained from having an impartial, public political space. As we will see below, comprehensive liberalism traditionally seeks to solve the problem through civic education, while Rawls' political liberalism de-emphasizes the role of education in favor of a particular variety of free endorsement.

IV. HOW COMPREHENSIVE LIBERALISM
ATTEMPTS TO SECURE POLITICAL STABILITY

There are two distinct varieties of civic education which correspond to the two previously mentioned varieties of liberalism: *comprehensively liberal civic education* and *politically liberal civic education*. Comprehensively liberal civic education (CLCE) is education the content of which is intended to foster the moral development of students by teaching them the comprehensive versions of liberal values. Prior to his advocacy for the purely political variety of liberalism, Rawls was a proponent of CLCE. He argued that such education was necessary given that a sense of justice is required in order to appreciate the importance of liberal political values, and that it is likely that such a sense can only be obtained through moral learning during formative developmental years (*Theory of Justice* 467-72). For the early Rawls, there was an intimate conceptual connection between being a *good person* and being a *good citizen* because moral growth is the means by which

one learns the concepts of cooperation, justice, fairness, and liberty, which are necessary prerequisites for both private and public life. On the comprehensive liberal view, it is believed that the state can legitimately educate its citizenry about the ethical content and importance of such concepts because public and private virtues are seen inextricably linked. In short, the traditional solution to the problem of stability offered by advocates of comprehensive liberalism is to attempt to replicate comprehensive liberal norms within future generations via the mechanism of CLCE.

V. WHY RAWLS BELIEVES COMPREHENSIVE LIBERALISM CANNOT SECURE POLITICAL STABILITY

Rawls argues that, given that CLCE would employ controversial moral or philosophical values, to utilize it as a means of sustaining a liberal state would privilege the views of liberal comprehensive groups already subscribing to egalitarian, individualistic ideals, thereby robbing the state of its neutral moral status. State endorsement of comprehensive values will not only fail to have a stabilizing effect on a society composed of incompatible comprehensive doctrines, but may actually have the pernicious effect of actively destabilizing the culture. In other words, employing CLCE might actually increase political instability because citizens (both parents and children) are unlikely to continually endorse a curriculum that is at odds with their own privately held beliefs. Given the diversity present within the reasonable pluralism (which includes many reasonable illiberal comprehensive doctrines), Rawls argues that implementing CLCE would not be an effective method for securing political stability.

VI. HOW RAWLS BELIEVES POLITICAL LIBERALISM CAN SECURE POLITICAL STABILITY

Rawls believes that the primary mistake of CLCE is that it contaminates the neutrality of the state. As a solution, he proposes a version of civic education that attempts to assert no comprehensive values within the public sphere: *politically liberal civic education* (PLCE). Since civic education is an extension of the state, Rawls argues that its sole purpose should be to foster civic virtues among future citizens, preparing children to become cooperating members of society but, as broadly as possible, not to interfere with their personal commitments. Unlike its comprehensive counterpart, PLCE avoids addressing the moral virtues of students, since the existence of such virtues is not deemed essential for civic life under the rubric of public reason.

In such a manner, Rawls believes, private citizens will come to free endorsement of the state by reasonable citizens, in which citizens endorse the state and its policies because of the content of their own comprehensive doctrines.[7]

Rawls maintains that given enough time, increasingly large numbers of reasonable citizens will morally endorse the state, thereby forming an *overlapping consensus* which can effectively preserve political stability into the future.

VII. EVALUATING RAWLS' PROPOSAL

Rawls' reliance on the emergence of overlapping consensus as a mechanism for effectively ensuring political stability, and his related claims regarding the likely behavior of individuals in a liberal state, raise some problems for the viability of his political theory. In particular, the claim that citizens will freely come to accept a conception of public reason and regulate their behavior in light of this conception is problematic on two fronts. First, it is at odds with the available empirical data about how citizens in liberal democracies actually behave, and second, Rawls' strict bifurcation between public and non-public values is untenable, resulting in excessive optimism concerning the likelihood of the emergence of an overlapping consensus.

VII: A. HOW RAWLS' PROPOSAL IS SUSCEPTIBLE TO EMPIRICAL CRITIQUE

When pressed for justification for their position, comprehensive liberals will regularly appeal to the truth of comprehensive beliefs relating to the good for human beings. Political liberals, on the other hand, regularly appeal to an *ideal theory* which attempts to discern "the principles that characterize a well-ordered society under favorable circumstances" (*Theory of Justice* 216). *Ideal theory* endeavors to describe what justice requires when citizens can be expected to behave in accordance with the requirements of the political conception and its laws, whereas *nonideal theory* makes no such assumption, concerning itself instead with political conditions that are not ideal (such as those within particular historical, or current, economic and social circumstances). Stated bluntly, the difference between ideal and nonideal theory is the difference between viewing citizens as they could be versus viewing them how they actually are. Rawls' political theorizing has been traditionally seen as consisting of ideal theory, and, consequently some theorists have claimed that his views are not susceptible to empirical critique. While it is true that the majority of Rawls' work is ideal, there are still some aspects of his political framework which presuppose certain empirical truths, and hence are capable of re-evaluation in light of empirical findings.

One objective of Rawls is to try to provide a plausible account of why ordinary persons assent to principles of justice. Given this, Rawls' political theory is constrained by facts about human psychological motivation and behavior. In order to make his theoretical political claims plausible, Rawls' picture of human psychology needs to be largely accurate, and it needs to be shown that it is likely

that citizens will actually behave in the manner he describes, growing fonder of the political conception over time within a context of a morally neutral state and educational system. For Rawls' political liberalism to have theoretical appeal, it must show that it can contend with the psychological limitations of human beings. If, however, it cannot, then the supposition that political stability can be secured via an overlapping consensus of free endorsement is unrealistic, and his theory of political liberalism will require either abandonment or substantive readjustment.

VII: B. RAWLS MAKES UNJUSTIFIED PSYCHOLOGICAL PRESUPPOSITIONS

The viability of the politically liberal conception, as Rawls lays it out, largely depends on citizens' ability to behave in accordance with, and with deference to, public reason. This is not a problem, Rawls argues, since citizens socialized within liberal democracies are likely to act reasonably towards one another because they share many basic political ideals in common (*Political Liberalism* 14). Rawls maintains that it is likely that reasonable citizens will freely recognize that adherents of other reasonable comprehensive doctrines are guaranteed certain basic rights and liberties as citizens of a liberal democracy. Yet when removed from the sanction of ideal theory and subjected to empirical confirmation, support for these claims is difficult to find. George Klosko, for instance, argues that polling data suggests that the willingness of citizens in liberal societies to voluntarily abide by public reason is, if not entirely suspect, at least uncertain. In particular, Klosko claims that many citizens appear unable to identify reasonable comprehensive doctrines other than their own. For example, Klosko cites one study that documents that only about half of United States citizens would allow members of "especially disliked groups" (e.g., communists, socialists, atheists, etc.) to make public speeches, and only a third would allow members of such groups to hold a public rally (Klosko 352).[8] In summary, contrary to the claims of Rawls, it would appear that citizens of liberal democracies are surprisingly willing to abridge the rights of different, and disliked, groups, thereby displaying a gross inability to be bound by the strictures of public reason. The granting of basic rights to all citizens is a fundamental principle of political liberalism, yet decades of empirical studies demonstrate that sizable majorities of citizens within liberal cultures do not uphold basic liberties in the strong sense required by Rawls (*Political Liberalism* 353).

One might attempt to defend Rawls from this style of criticism by arguing that Rawls is not concerned with the ability of his conception to provide solutions to the current problems of existing liberal democracies; therefore the inability of his conception to address or solve problems under nonideal circumstances is of questionable merit. Perhaps political liberalism is reliant on the presence of ideal background conditions to which non-ideal cultures do not yet have access. If it is merely an idealized sketch of how a just society is possible, political liberalism need not contend with the ordinary troubles of existing liberal democracies, and so

is immune to empirical critiques such as the one leveled above.

However, even if it is true that Rawls did not take his theory to be concerned with problems of stability in existing, non-ideal liberal societies, merely disavowing the intention to address the problems of contemporary political states does not recuse Rawls from the worry that available empirical evidence undermines his view of how moral actors actually do, and will, perform.[9] One might think that if political theory is to be practically useful at all, it will need to draw some conclusions that address how nonideal political states can *transition* into (if only approximately) an ideally just state. Moreover, for such progress to be possible, it will require that the political theories utilized accurately represent the psychological capacities of citizens, something which, as we've seen, Rawls' political liberalism appears to have not done.

VII. C. MANY ILLIBERAL GROUPS WILL BE UNABLE TO ENDORSE POLITICAL LIBERALISM

Even if the above empirical critique is misguided, there is an additional conceptual difficulty with Rawls' political theory. Rawls seems to suggest that, insofar as possible, reasonable citizens should not be asked to give up their comprehensive doctrines because they are believed to be what make life worth living (*Political Liberalism* 19). However, should a conflict arise, Rawls believes that public political values should be seen as having primacy over comprehensive values (*Political Liberalism* 160). Many illiberal comprehensive doctrines, however, have internal commitments that are at odds with the foundational values of political liberalism, especially values relating to commitments to political equality, diversity, and tolerance. Thus the only way for holders of such illiberal doctrines to morally endorse such a political conception would be for them to revise, or abandon, their prior commitments.

For illustration, the political version of person, the *citizen*, is conceptualized as free and equal from the outset, and while this is an easily acceptable concept for many, it is less obviously acceptable to any number of illiberal comprehensive doctrines. Religious fundamentalists among others find deep conflict with even the civic virtues embedded within the concept of citizen, particularly with claims of political equality (which can conflict with proscribed gender roles or proscriptions against some sexual orientations), civic friendship (when that friendship is extended to the LGBT community), or even the background condition of reasonable pluralism itself, which Rawls claims is the very basis of liberalism. Additionally, concerns about illiberal opposition to political liberalism need not be cast in terms of religious doctrine: Rawls' second principle of justice, for instance, is committed to an economic distribution in line with the difference principle, which opponents of social welfare programs and those who hold contending moral or economic views find objectionable. Rawls appears to underestimate the degree

to which public values can intrude on private life and overestimates the noncontroversial character of his political and economic theory.

One might attempt to defend Rawls' here by reiterating the division between civic virtue and personal virtue, arguing that civic virtues are so thin that they are unlikely to threaten any illiberal comprehensive doctrines because the public and private realms are distinct within the lives of reasonable citizens. Such a defense, however, is problematic. Rawls himself contends that the political rights of citizens extend beyond the limited domain of the political realm and into individuals' private lives. In answering a critique of Susan Okin, who contends that Rawls fails to explain how his principles of justice apply to the internal justice of the family, Rawls argues that political principles of justice:

> …do impose essential constraints on the family as an institution and guarantee the basic rights and liberties and fair opportunities of all its members… [Political liberalism] does not regard the political and the nonpolitical domains as two separate, disconnected spaces… each governed solely by its own distinct principles (*Justice as Fairness* 164-66).

In other words, Rawls does not view the principles of justice that structure public and private realms as distinct, since no domain is entirely apart from the domain of the political; persons who have status as citizens have it as a primary commitment that protects them in all aspects of their lives. Moreover, if the boundary between public and private realms is permeable, distinguished only by different modes of justification, it is entirely likely that the contents of political discourse, and the values of political liberalism itself, can threaten holders of illiberal comprehensive doctrines and other competing theories.

VIII. A POTENTIAL SOLUTION: POLITICAL STABILITY THROUGH (MODEST) CLCE

As we have seen, Rawls' assertion that it is likely that overlapping consensus will emerge and will reliably secure political stability appears mistaken. With that said, political stability remains a primary requirement for any liberal society, and so if a liberal state is to remain viable, it will require an alternative mechanism to ensure it. One such alternative would be to employ a modest version of CLCE that attempts to foster new generations of reasonable, liberal citizens: for instance, a version that solely teaches the value of personal autonomy and critical reflection on personal commitments.[10] Such a curriculum would not employ a singular, comprehensive conception of the good, and so could act as a stabilizing factor that nonetheless remains just.

It is likely that political liberals would object to even this modest variety of

CLCE, arguing that state endorsement of any form of personal autonomy would be exclusionary to many reasonable illiberal doctrines, and hence detrimental to obtaining political stability.[11] By instructing children that individuality and personal autonomy are a sound basis for decision-making and belief formation, such an education would imply to students that these ideals should govern more of human life than the purely political. Such instruction thus risks alienating competing systems of values among the citizenry, thereby making the free endorsement of the state less likely, and hence (to political liberals like Rawls) making the securing of political stability much less probable.

However, it seems possible that the opposite might actually hold true. Far from intruding into the lives of citizens, if current and future citizens are afforded educational opportunities which provide them with the *capabilities* necessary to rationally revise their personal and political commitments, rather than merely maintain those of their families or communities, it is likely that such individual's employment of public reason will be more effective, and that they will be more willing to adhere to its dictates. Moreover, if the liberal state, with an attendant emphasis on personal choice, affirms itself as the background condition for developing the ability to make informed decisions that bear on personal meaning, there is reason to think that citizens are more likely to endorse the state in the manner Rawls desires (i.e., on the basis of their personal comprehensive commitments). Insofar as students and citizens come to value free choice-making, it seems likely that they will also come to value the culture and state that enables and encourages it.

To this, the political liberal might object yet again, suggesting that such a variety of CLCE amounts to state advocacy for the inherent superiority of some epistemological methods and values over others within the private lives of citizens. Such an aim would straightforwardly threaten the beliefs of many citizens who are holders of otherwise reasonable comprehensive doctrines. Martha Nussbaum, for example, argues in this vein when she writes:

> To [comprehensive liberals] it just seems unacceptable that the state should limit itself to saying that rational argument is central in political life… Can it really be the case, for example, that teachers in public schools… can recommend argument over faith only for the purposes of citizenship, and not as the best way to approach life's problems in general?... I think that the reply to the outraged question is 'yes': teachers in public schools should not say that argument is better than faith as a general way of solving all problems in life. (Nussbaum 39).

However, such a contention is somewhat of a misrepresentation; the modest variety of CLCE under consideration here need not have teachers instruct students that they *ought* to use reason, arguments, and evidence in all aspects of their lives;

rather it would merely show them *how* they could go about doing so. The value of modest CLCE is in developing students' capacities for critical appraisal; upon completion of such a curriculum, it need not be that case that students come to know *that* rational reflection is the optimal belief forming strategy, but rather to know *how* to engage in it if they choose to do so. Put simply, modest CLCE need not necessarily come into conflict with private commitments of individuals because ultimately it would remain up to the students to decide which epistemological approach they value.[12] Moderate CLCE can refrain from putting forward a strong version of autonomy whereby only personal liberty, and moral theories that accord with it, is seen as the primary moral good.

IX. CONCLUSION

Political stability is unlikely to be secured by means of purely voluntary free endorsement of citizens. On this point, Rawls' account is inadequate: it is at odds with available empirical data concerning the manner in which people actually reason, and it requires an overly optimistic assessment of the likelihood that holders of diverse comprehensive doctrines will come to morally endorse the liberal state. A more reliable mechanism for securing political stability is to employ a modest variety of CLCE which enables students to foster the capacity to reason critically and teaches a related version of personal autonomy. It seems likely that such a modest CLCE could perpetuate the liberal values necessary to sustain the liberal society into subsequent generations, and also to provide citizens with the deliberative skills necessary to more effectively, and rationally, make decisions concerning their own moral and political lives.

NOTES

1.   More specifically, Rawls believes that public justification requires that citizens consider one another "as having reasonable comprehensive doctrines that endorse the political conception" (*Political Liberalism* 387), and hence that each citizen knows that other citizens will not hold beliefs that give them reasons to violate the laws of the state. Although Rawls attempts to avoid contentious epistemic issues, Gerald Gaus argues that political liberals "rely on a theory of justification that is far from uncontroversial" (Gaus 5). In particular, Gaus argues that "commonsense reasoning is deviant from the justified perspectives of many" and are "inconsistent with what Rawls himself describes as reasonable" (133-34). Such concerns, while important, are both beyond the limited scope of this paper.

2.   The liberalisms of Kant, Mill, and the early Rawls are versions of comprehensive liberalism. Also it should be noted here that often the precise definitions of comprehensive terms (such as "person" and "autonomy") are controversial among different ethical theories, a fact which might appear to give further credence to Rawls's contention that comprehensive liberalism cannot be neutral with regards to comprehensive doctrines, and hence, cannot provide an impartial grounding for political discourse.

3.   In what follows, we will be specifically concerned with Rawls' general formulation of political liberalism. However, it should be noted that Rawls argues that political liberalism is not singular, but instead is "a family of reasonable liberal political conceptions of justice" (*Political Liberalism* xlviii).

4.   It should be noted that for Rawls, "reasonable" is not the same as "liberal," and "unreasonable" is not the same as "illiberal." This is because it is possible for there to be illiberal doctrines that support the fundamentals of democratic government, counting as reasonable. Similarly, it is possible that there may be unreasonable liberal doctrines (such as some forms of comprehensive liberalism). Given this usage, however, "reasonable" does closely accord with "politically liberal."

5.   There is also a danger of confusion here, since it might appear that "reasonable" can equally refer to citizens themselves or to the content of their individual compressive doctrines. Rawls believes the term can apply to either, but that the latter is conceptually derivative from the former, stating that "reasonable comprehensive doctrines are the doctrines that reasonable citizens affirm" (*Political Liberalism* 36).

6.   Rawls' concern for stability here is not just practical, but theoretical; he views stability as one demarcation of the feasibility of a conception of justice (*Theory of Justice* 6).

7.   Given Rawls' framework, a set of political principles may be supported by a diverse array of comprehensive doctrines that, taken together, would be incompatible. Each comprehensive doctrine independently incorporates and justifies the principles of the liberal state. From the perspective of the citizen, the state becomes justified regardless of which particular reasonable doctrine one happens to accept as true.

8.   These numbers seem to accord well with some more current poll numbers. For example, a 2007 poll finding that only 45 percent of United States citizens would support an otherwise qualified candidate who is an atheist (Gallup).

9.   It should be noted that Rawlsian political liberals may often be inconsistent with relegating their view to the purely ideal realm. Marc Stears and Mathew Humphrey, for instance, point out that political liberals often wish to "draw lessons for contemporary political action from their underlying theory," while at other times argue that it is a mistake to draw normative lessons for nonideal politics from ideal theory (Stears and Humphrey 289).

10. It should be noted that what is meant here by "personal autonomy" need not be any elaborate metaphysical variety found in the full-fledged comprehensive liberalisms previously discussed, but rather simply one that provides an individual that possesses the notion with the necessary conceptual grounding for the ability to understand, critique, and develop their own views in aid of making rational choices.

11. Rawls, for instance, explicitly argues that political liberalism does not require an ideal of personal autonomy, but rather simply political autonomy (*Political Liberalism* 98).

12. For comparison, unlike the modest version of CLCE currently under discussion, a strong version of CLCE would likely commit to the stance that one set of epistemic values and the resulting set of commitments is better than utilizing faith to solve life's problems.

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Atonal Music and a Schizophrenic Persona: Applying Robinson's Theory to Morton Feldman

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In the world of modern music, there is an inclination to play with atonality and compose without melody. Morton Feldman's work, *For Samuel Beckett* (1986), is a work toying successfully with atonality and non-melody. It begins suddenly without any development of a theme, elapses at a similar pace, never rising or falling. It is fleshed out by colorful tones, and ends just as it starts: abruptly. The mood does not change, nor does it develop or map out a scene or character. It hits us in the face, painfully absorbed into our skin without warning, even though the score calls for *pianissimo*. There is not a character to be found in the work, nor a story to be told. It is place of unmoored, incomplete persons in which no one persona can be assembled: a place for a schizophrenic persona. Even in Feldman's opera, *Neither* (1977), the human voice cannot give us a character or story to move with emotionally, only sudden flashes of repetitious notes entwined with silence.

In light of this example of musicality, a theory of music must account for atonality and anti-melodic works. Can such a work, lacking development and melody, be expressive or emotionally moving? In the later sections of Jenefer Robinson's book, *Deeper than Reason* (2005), she argues for a theory of musical expression. The theory she puts forth is one attempting to explain how certain musical pieces express emotions. She claims that music expresses not only through melody but also through a musical persona formed through the structure. In this paper, I will first explain Robinson's basic theory of musical expression, then explore if such a theory accounts for the examples of musical expression within the modern trend of atonality or lack of melody (a structure possibly unnatural to our cognitive temperament). Finally, I will propose that a strict structure is not an

essential part of the musical expression of a 'persona' or authoritative voice. The persona need not be completed, but can be expressed in fragments. To glimpse the persona and understand the musical work, we do not need melody. Sounds and noises (perhaps even silence) in the context of musical listening alone are sufficient for emotional response to an expression of what I call a 'partial' or 'schizophrenic' persona.

Robinson uses recent studies in physiological responses to music as part of her theory of expression, relating the bodily experience of music to the expressive and structural aspects of music. Following Krumhansel's experiment, Robinson says,

> …physiological changes induced while listening to complex music do map onto the dynamic emotions we feel as we listen…it seems likely they also map the structure and the expressiveness in the music. In this way our emotional responses guide us listeners through the music and help us identify important structural and expressive passages. (Robinson, 378)

This fits nicely into her theory of expressions, for it accounts for bodily participation in the work, i.e., through the ongoing affective appraisals in which we access the gut reactions we experience to the music. Music does affect us physiologically (this is what Robinson calls the Jazzercise effect), and it continues to affect us emotionally through that ongoing physical response, changing us physically, and repeatedly, so as to shift our point of view, thus our mood.

Mood and emotion are two different concepts that Robinson separates to validate her theory of musical expression. Mood is more "*global* and *diffuse*" and is lacking an object, thus fitting with the nature of music better because music (unlike literature and visual art) does not always have an object on which to focus (Robinson 393). We say "I am in a bad mood" not "I am in a bad mood at my car." Instead, we would say, "I am angry at my car."[1] Mood is what is really altered by musical expression, which makes sense because moods are of a longer duration and lower intensity than object-oriented emotional moments. Moods also, by their lacking an object, are not based in affective appraisals, but rise instead with our being physiologically shifted into a position. We say, "I am in a bad mood *because* of my car," meaning that I had the initial appraisal of 'BAD' and the cognitive response of "I am angry at my car," thus leading to a mood implying a 'point of view in which the world seems a place where I am stuck with only BAD cars.' Hearing something expressing frustration, perhaps the first movement of Beethoven's *Kreutzer* Sonata (Violin Sonata, No. 9, op. 47,1802), we are physically placed in agitation and then the mood of being disposed to agitation sets in.[2]

For Robinson, it is also important to note that emotions help us understand the music and what it is attempting to express. After we have had some sort of alert or appraisal, then we become emotional and thoughtful about the emotions expressed

in the work. Thus, our emotional response helps us understand the point of the piece (though it is not the whole story, for we can also research the composer and try and understand his purposes). Robinson writes, referencing Meyer's theory of expression, "the emotions that he thinks music evokes *alert* the listener not only to the structure of the music, but also to its expressiveness…" (366). Robinson seems to want a synthesis of her Romantic theory of expression and Meyer's theory of emotion through cognition of tonal aspects and rhythm, in which the *melody* and *overall structure* of a piece guides us through the *expression* throughout the piece, leading us to a full emotional response. These responses arise after the Jazzercise effect, which causes physiological changes and thus mood/world-view (cognitive) changes.

There appears to be a crucial role of melody in relation to these gut reactions in Robinson's theory. Melody is what helps us map the emotions during a piece; it acts as our guide. Melody gives the work its sense of "logical progression" (Slonimsky 311). But it is not just melody or mode, but "the overall musical content in which the expressive passage occurs" that also directs our emotional response (Karl and Robinson 405). The overall musical piece can be seen as "the unfolding of the psychological experience of the musical persona over time" and our feelings through the piece of music are our response to this musical persona's "gestures" of their psychological states. We could say the expression (to which we respond emotionally to through the musical persona) is wrapped up in the structure. They are not separate.

The most important idea I wish to discuss here is the use of structure (as the melodic musical map) and what it means for something to be a musical persona that expresses. I will first discuss what a persona is according to Robinson, and then relate the idea of the persona to musical expression. Robinson says earlier in her book that the expression of emotion in art is achieved if in the work there is "evidence that a persona (which could but need not be the artist) is experiencing/has experienced this emotion" (271). Therefore, it can be inferred that the emotional content expressed by the artist and experienced by the art viewer is shared by means of a persona. This persona can be thought of as being a fictional character in a novel or as the author themselves. The musical structure is like the words that the character and author employ with the goal of expression. Applying this concept of a persona to music, Robinson says, "a … consequence … [of the] idea that music can contain agents or characters or personae is that it shows how cognitively complex emotions can be expressed by instrumental music" (372). Postulating a persona in a musical work allows one to avoid the problem of whether we feel what the composer is feeling or feeling our own feelings in relation to our experience (thereby ignoring what the true emotional content of the music is meant to be), for it allows us to make out of musical notation a culturally conventional being to which a listener, like a reader, can respond. Robinson claims that we do not respond to musical notes or to the composer's feeling, but to this

persona.

But there is music without a building-up period, a narrative: music that is non-linear, even though it plays over a set period of time. It has no characters, no plot, not even an active dialogue between instruments (as in many live jazz performances). Can one have emotional responses to this kind of music which lacks conventional structures? Would it fail to create a full persona? I will now give a brief overview of the nature of atonal music and then discuss its relation to Robinson's theory of expression.

After Arnold Schöenberg and Anton von Webern began questioning tonality, a string of American composers were anxious to write music that would break free of the three hundred year old European tonal tradition. Many musical works in the 20th century were made of "freely chromatic atonality and an essentially nonperiodic rhythmic structure" (Rochberg 2). These works also aimed to break down the idea of a musical 'story'. George Rochberg says, in discussion of the movement towards modern music, that the music has achieved, "its liberation from…'the musical train of thought'" (4). American composer Morton Feldman (1926-1987) is one of the most notable figures to work without melody and the "musical train of thought" and to experiment with tone color (beyond the chromatic scale).

When Feldman's work *For Samuel Beckett* opens, the listeners find themselves in a "closed world … and right from the first measure we find our selves in the midst of it" (Wilson 9). There is no introduction to the piece; we are just thrown into it and must quickly adjust to the uneasy tones. Feldman works outside the realm of story-telling and melody, but instead was focused on "a seemingly oxymoronic principle of predetermined indeterminacy" in which the listeners cannot predict the next note, or memorize the piece as a whole (barely as a portion!) but there is still a given range for the musicians to play in and work with, so it is not complete indeterminacy (Slonimsky 156). In *For Samuel Beckett*, "[s]ound layers…shift together" and notes move into each other to tell not a story, but tell "about itself: no 'program,' no 'plan,' no sounding drama" (Wilson 10). Feldman's music is linked to abstract expressionism, and often related to de Kooning and Guston's work. One might say that these artists make similar works of art in paint as Feldman does with sound: there is no place to begin or end, or narrative to follow, or person to relate to via their expression. Feldman also points to negative space (silence) in his work in the same way that one can point to the inside of a bell as part of what makes the bell *a bell*.

If there is no pathway for our cognitive process to follow, no certain voice to respond to, is emotive response possible? Does Robinson's theory fail to account for emotion in atonal music or does atonal music fail to give a coherent emotional experience? I claim it is possible for us to respond emotionally to the expression in an atonal piece even though there is not a clear persona within the works. Thus, Robinson's account needs to be altered to fit this musical genre. In the next section

I will attempt to do just that.

How would Robinson account for expression in such work as Feldman's *For Samuel Beckett*? We must consider again her thesis about musical expression: the expression (to which we respond emotionally through the musical persona) is wrapped up in the narrative structure. So can her theory still work without this structure? I think it can be saved by referring to her passing comments on the socially-prescribed meaning in musical notation and her needing to be accepting of the value from incomplete or "insane" personae.

Quoting Judith Becker, Robinson says that "[e]motional responses to music do not occur spontaneously, nor 'naturally,' but rather, take place within complex systems of thought and behavior concerning what music means, what it is for, how it is to be perceived, and that might be appropriate kinds of responses" (Robinson 404). Just as people have different social norms concerning the outward physical expression of emotion, so too does music have this social aspect. If music is meant in a certain society to be expressive of the plight of the people, it will be within the norms and rules of expression of sadness in music of that particular people. Our initial response to the emotions provoked by some piece of music is also shaped by our cultural context. How we have learned cognitively to monitor our emotions varies, and thus how we label the emotion felt varies.

Could we not then say that what we regard as being "structurally-based musical personae" change with the culture? So perhaps the narrative or persona's role may change as well. Consider the rise of stream of consciousness novels (Miller), abstract art (de Kooning), nonfigurative poetry (Artaud) and atonal music (Feldman). All of these movements disregard narrative and completely fleshed out characters (in general) but many readers, viewers and listeners claim they are still moved, some even moved more than if there were a narrative. Our modern culture may be one that allows for some personae to be incomplete and structures in which the expression of those personae can occur in works that are variable and non-linear. We listeners are moved physiologically with the grating sound of dissonance and the thwarting of our natural inclination to predict the next note, thus her theory of the 'Jazzercise effect' still holds. We are thus placed in a mood by Feldman or Artaud in which we are "lost," perhaps; or perhaps one that makes us "contemplative" of being lost or incomplete. There is still a persona present in modern works, but it is one that responds to the plight of modernism, and thus is fragmented and frustrated (it is itself such because of that fragmentation and elusiveness). If a persona (or the actual composer) feels such incompleteness in themselves, then the persona will be incomplete, and thus the structure of the persona will not enforce completeness. In this case, expression of the persona's emotion will be best served by atonality. Thus, tonality is not required for musical expression, just for certain musical expressions.

Robinson used mostly Romantic art to elucidate her theory of musical expression. This does not work in her favor because if she wants to make a

universal theory of expression, it would be best to account not just for all media but also for various movements in the history of artistic expression. In the end, her theory of the musical persona is not thwarted by musical projects that might appear at first to be lacking expressive properties. Even Feldman's work expresses a persona in a modern style, and by writing in a time in Western history has made atonality a recognizable music form (it is culturally related to our state of being). Qualified listeners can be moved emotionally by his work, and thus understand its expression.

The modern condition of a broken persona is best expressed by atonal music and stream of consciousness literature, and when we add this fragmented persona to Robinson's theory of musical expression, her theory becomes more complete and persuasive. Perhaps the next step one must take is to add a different kind of persona which considers the human being and its postmodern being and cultural realm.

NOTES

1. Which I actually am, most of the time.
2. Leo Tolstoy's short story, *The Kreutzer Sonata,* picked up on this theme of irritation, applying it to an unhappy married man mad that his wife performs music with another man. After hearing them play this particular sonata, he stabs his wife, maddened by the music and unable to stop his agitation at his wife's possible infidelity.

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Program of the 67th Annual Meeting
of the New Mexico Texas Philosophical Society

March 25-26, 2016

Friday Afternoon Session 1

Kim Diaz (University of Texas at El Paso)
> "Churchill, Marshall, and Villoro on Indeginism and Democracy"
> Comments: **Abigail Klassen** (University of Nevada, Las Vegas)

Eric Chavez (University of Texas at El Paso)
> "A Freirean Turn to the U.S. - Mexico Border"
> Comments: **Julian Gonzalez** (University of Kansas)

Jessica Talamantez (Northwestern University
> "Political Stability and the Necessity of Modest Comprehensive Liberal Civic Education"
> Comments: **Justin Bell** (University of Houston – Victoria)

Isaac Wiegman (Texas State University)
> "Can Omniscient Beings Represent?"
> Comments: **Peter Hutcheson** (Texas State University)

Friday Afternoon Session 2

Justin Bell (University of Houston – Victoria)
> "Teaching Introduction to Ethics as Ethics Appreciation: The Metaphors We Use in the Classroom"
> Comments: **Paul Carron** and **Anne-Marie Schultz** (Baylor University)

Paul Carron and **Anne-Marie Schultz** (Baylor University)
> "Teach Your Children Well: Plato's Republic, Culture, and the Development of Moral Judgment"
> Comments: **Jessica Talamantez** (Northwestern University)

Friday Afternoon Session 3

Sam Arnold (Texas Christian University)
> "Social Egalitarianism and the Duty to Participate in Personal and

Political Relationships"
Comments: **Seena Eftekhari** (University of Kansas)
Justin Morton (University of Texas at Austin)
"A Dilemma for Streetian Constructivism"
Comments: **Paul Wilson** (Texas State University)
Anna Cremaldi (Appalachian State University)
"The Virtue in Excess and Deficiency"
Comments: **Justin Morton** (University of Texas at Austin)
Sergio Gallegos (Metropolitan State University of Denver)
"The Relation Between Vulnerability and Virtue in Plato's Phaedo"
Comments: Eric Chavez (University of Texas at El Paso)
Julian Gonzalez (University of Kansas)
"Kant's Transcendental Freedom, Practical Freedom, and Redemption"
Comments: **John Harris** and **Richard Galvin** (Texas Christian University)
Bob Fischer (Texas State University)
"You Can't Buy Your Way Out of Veganism"
Comments: **Sharon Murillo** (University of Texas at El Paso)

Friday Afternoon Undergraduate Colloquium

Vikash Ramnanan (Angelo State University)
"The Case Against (Un)Happiness"
James Kiser (Angelo State University)
"This is Nonsense: My Precursory Excursion into Tractarian Mysticism"

Saturday Morning Session 1

Robert Tierney (Houston Community College)
"Some Conceptual Problems with Aggregating Corporate Intent"
Comments**: Bob Fischer** (Texas State University)
Evan Malone (The University of Houston)
"The Triumph of the Law and Its Justification: The Spectacle in Discipline and Punish"
Comments: **Mark Rauls** (College of Southern Nevada)
Teelin Lucero (Colorado College)
"The Meaning of Tables"
Comments: **Christopher Drohan** (Tarleton State University)
Christopher Drohan (Tarleton State University)
"Heidegger and the Ecstasy of Distraction"
Comments: **Evan Malone** (The University of Houston)

Saturday Morning Session 2

Abigail Klassen (University of Nevada, Las Vegas)
"Revisiting "Non-Inevitability" in Social Construction"
Comments: **Sam Arnold** (Texas Christian University)

Vanessa Voss (Houston Community College)
"Atonal Music and a Schizophrenic Persona: Applying Robinson's Theory to Morton Feldman"
Comments: **Chavah Schwartz** (University of Texas at El Paso)

Christopher Tomaszewski, Baylor University
"Intentionality as Partial Identity"
Comments: **Vanessa Voss** (Houston Community College)

Chavah Schwartz, University of Texas at El Paso
"Music and What It Is Like: What Theories of Mind Tell Us About the Experience of Music"
Comments: **Christopher Tomaszewski** (Baylor University)

Saturday Afternoon Session 1

John Gist (Western New Mexico University)
"There is No Dilemma in the Prisoner's Dilemma"
Comments: **Dave Beisecker** (University of Nevada, Las Vegas)

Dave Beisecker (University of Nevada, Las Vegas)
"Incompatibility and the Logic of Rejected Concepts"
Comments: **Mark Rauls** (College of Southern Nevada)

Sean Dillard (University of Texas at El Paso)
"The Relativistic Character of Meaning: Reference Fixing and Semantic Content in Kripke's Naming & Necessity"
Comments: **Mary Gwin** (San Diego Mesa College)

Sergio Tarin (University of Texas at El Paso)
"A Theory of Truth as a Theory of Meaning"
Comments: **Sean Dillard** (University of Texas at El Paso)

Saturday Afternoon Session 2

Seena Eftekhari (University of Kansas)
"Personhood and the Status of the Economic Liberties in Mill and Rawls"
Comments: **Kim Diaz** (University of Texas at El Paso)

Sharon Murillo (University of Texas at El Paso)
"Animal Oppression: Introducing a New Axis of Oppression"
Comments: **Robert Tierney** (Houston Community College)

Angela Bischof (New Mexico State University)
"The Girl and the Gorilla: A Response to Lynne Baker's Personhood Criterion"

Comments: **Elizabeth Cantalemessa** (University of Houston – Downtown)

Katie Deaven (New Mexico State University)

"Shortcomings in Shoemaker's Defense: The Unresolved Korsgaard-Parfit"

Comments: **Andrew Pavelich** (University of Houston – Downtown)

Presidential Address

Jules Simon (University of Texas at El Paso)

"On Violence: Guns or Roses in the State of Texas with Reflections on the Concealed Carry Law S.B. 11"

Institutional affiliations reflect the institutions of the participants at the time of the conference.