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Jokes As Propaganda

Vanessa Voss
Lone Star College

Presidential Address

On October 27, 2024, Tony Hinchcliffe, a comedian performing at Donald Trump's Madison Square Garden rally sparked outrage when he made a series of racist and xenophobic jokes. In one of the controversial jokes, Hinchcliffe said, "There's a lot going on. I don't know if you know this, but there's literally a floating island of garbage in the middle of the ocean right now. I think it's called Puerto Rico" (McCausland). Trump himself has made jokes (or joke attempts) about making himself a dictator. He has said that people should go out and vote in 2024, as there won't be a need to replace him with anyone else since "[f]our more years, you know what? It'll be fixed, it'll be fine, you won't have to vote any more, my beautiful Christians." Trump has made references to staying in office as a dictator (even if only for one day). When pressed about this, Trump supporters cried out in disapprobation of his critics, saying things like "[o]f course he's joking…You can't be a dictator with a constitutional republic" (Bayoumi).

But what if both the critic and defender are both right in a certain way? What if Trump is "joking", but also stating what he means in the "format of a joke?" The tool of using jokes as a form of political rhetoric, in this case specifically, humor as that rhetorical tool, is rather new in the brief history of modern fascism. In this paper, I will first explain what fascism and macho populism are. Next, I will move on the "Master Class" teacher of the use and abuse of offensive for political gain: Rodrigo Duterte. I will give a very brief overview of his rise to power and look at his use of offensive humor to gain mass appeal. I will lastly argue that these jokes are used as fascist rhetoric, following the path of dog whistle, fig leaf, to howling. They are used to promote a political agenda, fail to qualify as humor, in similar ways that art as propaganda fail as well: their intentions are not to promote/invoke

mirth, but to authoritatively dominate a crowd. They are more appropriately what I will call "humor howling."

UNPACKING FASCISM: TERMS OF THE FIGHT

To avoid being accused of throwing around terminology as a form of *ad hominem* or equivocation, I will first clearly, but far too briefly, define terms like fascism, totalitarianism, authoritarianism, populism, especially macho populism, which of course, all connects the figure of a strongman, the teller of such "jokes" as fascist rhetoric.

Fascism

The word fascism gets thrown around a lot and is often used as a form of dismissing an opponent's view outright. To avoid any unnecessary wolf-crying, I will give a definition of it before applying the term to the political rhetoric in my analysis. Here are some generally standard characteristics of fascist regimes:

- Fascists are opposed to democracy, liberalism, pluralism, and socialism (or what is perceived as any of these things). Instead, those who follow a fascist ideology believe in autocracy
- Believe in the subordination of the individual interest to the dominant power
- Ascribe a set/fixed natural social order/class system ("it is only natural")
- Appeal to a mythic past where things were great
- Favor a one-party state and militarism. Since fascists support militarism, and fixed dominant/subordinate power systems, their view towards violence leans more positive than other systems of political beliefs.
- Unreality/"truth" as authenticity, as fabricated by the strongman leader
- Victimhood narrative/scapegoating, in which the more dominant class is made to feel oppressed by the less powerful or minority class

Fascist regimes and movements are hard to pin down, but often they will have many of these qualities bundled together in a variety of ways.

In his work *The Doctrine of Fascism*, Mussolini writes that, "Democracy is a kingless regime infested by many kings who are sometimes not exclusive, tyrannical, and destructive than one, even if he [the king] is a tyrant" (Mussolini 243). The *hoi polloi* are clearly not seen to be the origin of the power of a fascist state, nor should they be, but a strong authoritarian or totalitarian leader.

Some have claimed that it is hard to pin down exactly what fascism itself is,

as much of its ideology is against liberalism and reactionary, but hopefully the nature of fascism will become clearer when I get to talking about fascist strongmen's rhetorical strategies.

Totalitarianism

Fascism is often argued to be a form of totalitarianism. Totalitarianism is a form of government characterized by a strong central government that attempts to control and direct all aspects of individual life through coercion and repression. Under various forms of totalitarian regimes, from communist to fascist, the state's power is unlimited and virtually controls all aspects of public and private life: under communism, by the state itself, while under fascism, AKA corporatism, meaning this is achieved through the merger of business and governmental power. Totalitarian regimes have an explicit or implied national ideology, a set of beliefs intended to direct the entire society.

Traditional totalitarian states have these qualities:

- There is a dictator
- A single ruling party
- Strict censorship and/or total control of the press by some unitary party (state of corporate/government merged)
- The private becomes public
- Routine dissemination of various forms of propaganda
- Mandatory population control practices, either additive or subtractive
- There is a prohibition of certain religious or political practices, as well as prohibitions on any public and often private criticisms of the government

Under totalitarian regimes, the state uses fear to control and organize the citizens into submission and to ensure their "cooperation." Some notable totalitarian regimes were: The People's Republic of China under Mao, Nazi Germany under Hitler, and the Fascist Kingdom of Italy under Mussolini.

Authoritarianism

For brevity's sake, I cannot dive into the debates around delimitating the differences between totalitarian and authoritarian states. What I might say is that authoritarianism is the Diet Coke of totalitarianism. Authoritarian states are characterized by a strong central government, limited political freedom but the government has no constitutional accountability and operates unchecked by a judiciary. Authoritarianism is often used as a broad umbrella category for all non-democratic regimes, as totalitarianism as practiced does not seem to fit these sorts of regimes in enough ways.[1]

An authoritarian state is often marked by the following traits:

- There is limited political freedom, strict controls of political groups/parties, even on the legislatures
- The ruling government is justified as a "necessary evil" to dealing with economic and social ills
- There is a ruling executive with loosely defined powers/shifting powers and little judiciary pushback
- There are government-imposed constraints on some social freedoms, such as anti-regime protests and political opposition (while keeping the veneer of multiparty systems in place in some cases)
- Has the appearance of being democratic while not actually being democratic

Familiar authoritarian regimes/states are Hugo Chavez's Venezuela, Xi Jinping's Modern People's Republic of China, Russia under Vladimir Putin, and Chile under Augusto Pinochet. And, as I will focus on in this analysis, the Philippines under Rodrigo Duterte. One can see the variety here of systems, from Authoritarian Socialism to Authoritarian Capitalism.

Macho Populism

Before proceeding further into Dutertre and a study of his "humorous language," I would also like to define what has been dubbed "Macho Populism." Firstly, populism itself is "a common term for the parties and movements that carry forth…illiberal…democratic politics" (Ben-Ghiat 6). Through this ideology, we can see the combination of the fascist disdain for liberalism with an approval of the popular vote (however temporary that vote will be or how imagined its authenticity is). A populist movement's rhetoric often revolves around an "us versus them" dynamic and combines entertainment with politics.[2] Populism cannot be properly defined as a political organization or practice, but the performative/visual aspect of authoritarian, and sometimes totalitarian, leaning states (or states on that trajectory).

As with many iterations of populism, the main form comes to us under "strongman rule" (more in future work) and "macho populism." Macho populism is marked by "hypermasculine performances of toughness against "enemies" (them, the other, the foreigners, those not aligned with the state's narratives) "and benevolent paternalism towards their supporters. They display larger than life personalities that command the loyalties of many" (Curato and Yonaha 384). Strongmen politics, often signaled by macho populist rhetoric, is seen when "executive and fascist power is asserted at the expense of the legislative and judicial branches of government" (Ben-Ghiat 5). Strongmen rulers often seek to destroy democracies, often the same ones which brought them into power.

Examples of Strongmen leaders, some of whom embody/enable macho populism: Gaddafi, Berlusconi, Erdoğan, Putin, Trump, Bolsonaro, Modi, Orbán, and Duterte.

DUTERTE AND STRONGMAN "HUMOR"

Rise to the Presidency

Rodrigo Duterte, born in 1945 in Maasin, Philippines, came from a political family with political connections: his father Vicente was a lawyer-turned-governor under early Marcos's rule. His mother, Soledad, was a teacher and civic leader against the Marcos regime (after her husband's death). In his youth, Duterte ran with his father's police bodyguards who exposed him to street life, booze, and violence. Duterte later also admitted that he shot one of his classmates in high school. As Davao City mayor (1988-2016), Duterte transformed the city into one of Southeast Asia's safest (but only through highly controversial methods).[3] He openly endorsed extrajudicial killings by death squads. He also cultivated an image as "the Punisher," calling himself "Duterte Harry," and admitting to personally killing criminals himself.

In 2016, amid widespread discontent with the variety of failures of central leadership, Duterte won the presidency. It has been widely argued that the Philippines had been primed for this populist leader, given the inept government, long-standing do-nothing leaders, and political offices dominated by a few affluent families. Within the first 18 months of Duterte's presidency, his administration saw over 12,000 killings via extrajudicial police and vigilante action. But this did not stop him from being popular with the average Filipino; centered on a combination of vulgarity and perceived authenticity (more in future work on this issue), he spoke to those who were tired of crime (even though those who supported him were those most likely to be targets for his death squads). Despite his misogynistic rhetoric, crude jokes, and open disregard for human rights, 16.6 million Filipinos embraced him as an anti-establishment figure. *Or perhaps because of his misogynic and cruel rhetoric, they did*. Sociologist John Andrew G. Evangelista was asked how a country like the Philippines with some of Asia's highest ratings for gender equality could produce a president prone to rape jokes. "Duterte did not make politics sexist," Evangelista explained, "It was already sexist to begin with."[4]

The "Jokes"

I will now share some of Duterte's collection of jokes, or joke attempts, as it is up for debate whether they are actually jokes, or perhaps, even actually funny. I have broken his jokes into three genres here: Murder, Rape, and "Dick Talk."

Duterte was very committed to presenting himself as a supporter of violence, and his jokes clearly intended to showcase this. Consider the following:

- He secured the presidency largely due to his reputation for crime reduction as the mayor of Davao. During his mayoral tenure, Davao established civilian militias to combat communist insurgents, but quickly these groups became death squads, targeting individuals perceived as threats to public order. Duterte pledged to implement this same approach nationwide upon becoming president, pointing to the fact that vigilante violence "works." He said at his final presidential campaign rally, "Forget the laws on human rights. If I make it to the presidential palace, I will do just what I did as mayor. You drug pushers, hold-up men and do-nothings, you better go out. Because I'd kill you. I'll dump all of you into Manila Bay and fatten all the fish there" ("Philippines President").
- In referencing his tough on crime stance, he said he would kill as many drug pushers as Hitler killed Jews in the Holocaust (incorrectly claiming this number to be three million). He then quipped, "If Germany had Hitler, the Philippines would have…" before pointing to himself. (Miller 9)
- In just this year, 2025, he spoke during his party senatorial proclamation rally in San Juan City, at which its nine senatorial candidates were announced. During the speech, the now ex-president joked about using a bomb to kill 15 senators, some of whom were campaigning under the ticket of his successor, President Ferdinand Marcos, Jr., to create more vacancies for the party's candidates to contest. Duterte said, "Now, there's many of them. What should we do? Let's kill the senators now to create vacancies. If we can kill around 15 senators, we can all go in. But they'd be pitiful. Yet they're irritating—not all of them, though. Talking of opportunities, the only way to do it is to use a bomb" (Strangio).[5]

I do not have time to tell you every single rape joke or "playful" sexual misconduct Duterte has been engaged in, but here are a handful of them from throughout his time as mayor and president.

- In 1989, an Australian missionary, Jacqueline Hamill, was raped and murdered during a prison riot at her workplace in Davao City. Duterte, who was mayor at the time, was recorded making comments about this incident during a presidential campaign speech. He told the crowd, "They raped all of the women … There was this Australian lay minister … when they took them out … I saw her face and I thought: 'Son of a bitch. what a pity … they raped her, they all lined up. I was angry because she was raped, that's one thing. But she was so

beautiful. I thought, the mayor should have been first. What a waste'" (Rafeal 43-44). When asked to apologize for this, he said he meant what he said. He also declared, "This is how men talk" and took back a previous apology for his statement about the murdered woman (ibid).

- After declaring military rule on Mindanao in May 2017 (due to a political-religious uprising), Duterte told his soldiers not to worry about committing any war crimes or abuses while fighting, that "he would take responsibility for their actions. Then, he joked: 'if you rape three, I will say that I did it. But if you marry four, son of a whore you will be beaten up'" (ibid)
- In Feb 2018, when Duterte spoke to 200 surrendered communist NPA (New People's Army) members, he noticed that ¼ of the fighters were women. He said that his soldiers should not kill the female fighters, but instead, "shoot their vagina" because without that "they are useless." He said it multiple times, and directly addressing the rebel women at least once (45). He defended this as "sarcastic."
- Also, he has a strange "folksy" tale of being molested by a priest as a young teen and then attempting to assault his household maid in her sleep, but "chickening out" (49-50).
- In a speech at a campaign rally in April 2019, Duterte bragged about the size of his penis and how he would strut around naked and "erect" at the gym, inspiring awe from other men.

But one might ask: is Duterte just "telling jokes"? Can a macho populist authoritarian strongman be telling jokes about murder and rape and have it truly qualify as simple humor? Or is something else less funny really going on?

THE DEFENSES OF DUTERTE'S JOKES

Before making my case that Duterte's joke attempts are not truly jokes, I would like to share defenses of Duterte from supporters in the Philippines, many from those who know him personally. I want to address these defenses from inside the Duterte camp, or even from the people of the Philippines to avoid being a colonial *putang ina* [son of a bitch] (Strangio).

> *Defense 1:* it is his *Bisaya* or his *Bugoy* nature (so you can't really judge him but have to accept that culture/background).

In his book, *Rodrigo Duterte: Fire and Fury in the Philippines*, journalist Jonathan Miller asks the question if Duterte's "flippant crude language" is just "Bisayan social culture," or perhaps just part of his "bugoy" culture. He asks if perhaps

Duterte is "yaga yaga," meaning he is someone who lacks "politeness, mocks pretension, treats others contemptuously, wounds their feelings, and humiliates. But because it is done in good humor, it's all okay" (Miller 114-115).[6] Bisayan people are happy people, Miller reports from an interview with Professor Ramon Beleno, one time chair of political science at Ateneo de Naga University. "Jokes are very important…[Duterte] inserts them in serious matters, even in matters of national security, and people just don't understand that…. [T]he problem is, it gets him in trouble because people take him seriously." At this point, Professor Beleno added that Duterte is just an old guy being "flirty" when he's groping and sexualizing women (Miller115-116).

After Duterte "joked" about shooting rebel women in the vagina, he was criticized by Congresswoman Emmi de Jesus. Speaking on behalf of the Gabriela Women's Party, she called him out as being a "macho fascist," a "terrorist against women," and "the epitome of misogyny and fascism rolled into one." To this, Duterte spokesperson, Harry Roque, replied, "Feminists were "OA," overreacting. "That's funny. Just laugh." (131).[7]

> *Defense 2:* This is just how he (as a man) is, so you can't really judge him, as this is how men like him are created.

When asked about his foul language directed at the Pope (in which he called the Pope a son of a whore), he said, "We are all creations of God. We have God given talents. The God given talent that God gave me is cussing. Instead of blaming me, blame God, because He created me. (108).

> *Defense 3:* He doesn't really mean it, so you can't really judge him.

Jesus "Jess" Dureza, Duterte's oldest friend turned cabinet member, said of Duterte's language, "Don't take him at his word. He's a very colorful person. He exaggerates…he never smiles, even though he jokes.… When he says a joke…he puts on a poker face so that you don't know he's pulling your leg" (111).

But also, Dureza also commented that Duterte is very good at sounding the "whistle of the dog", that the jokes are meant to be for those "he feels should get the warning." (ibid).

When Duterte was pressed again on the issue of the rape comments about the missionary, he snapped back, "It wasn't a bad joke…It wasn't a joke!... It is my style… My mouth. Do not control my mouth! God-given!" (129). We also see here an appeal to "just how he is." Duterte said in Feb 2017 that of every five things he says "only two are true. The other three are wisecracks. (110).

> *Addendum to Defense 3: Unless he does mean it*…so the two things he said that he meant, not the other three, and those who know he meant it

"get the warning."

This defense pattern may sound familiar to us here in the United States. And it should alarm us, as it follows a pattern that fits into a pattern often found in liberal democratic states floundering towards fascist authoritarianism. The jokes that pave the way, therefore, are hardly just jokes.

JOKES AS FASCIST/AUTHORITARIAN POLITICAL TOOLS

In this section, I will first give a very brief overview of some traits of fascist rhetorical practices, give Vicente L. Rafael's argument on the use of obscenity as system of power in which "the private is made public," and add to his argument, adding a layer of rhetorical and/or philosophical analysis.

Rhetoric as Spectacle: Fascism

As a rather-hard-to-pin down-political structure itself, it is true that fascism relies on a specific kind of rhetoric to produce its power. Fascist rhetoric is one of the main ways by which fascist movements and leaders create their political power, solidify their authority. Communication scholar Nathan Crick writes, "Fascism represents the systematic deployment of the totality of rhetorical devices that identify both victimhood and the inborn dignity of a newly crystalized social group whose mythic rebirth requires internal and external purification through redemptive violence" (Crick 5). This rhetoric might not just the product of preexisting sentiments in the state, but as "an assemblage of intentional persuasive efforts and strategies" (ibid). The call is coming from both inside and the outside of the house. Rhetorical devices often employed by fascist strongmen leaders can be: Saying the Opposite, Insulting the Hospitality, Undo by Overdoing, Spiritualization, and Deflection (6).

Some qualities of fascist rhetoric are, according to Crick and Jason Stanley

- Divide citizens into two classes: lawful and "inherently lawless"
- Embracing of "the cult of irrationality," in the name of "a higher rationality," anti-intellectual
- "Fascist politics preys on the human frailty that makes our own suffering seem bearable if we know that those we look down upon are being made to suffer more" (Stanley 183).
- A romantic version of the past, often non-historical and mythic
- A constant appeal to victimhood, predominately the victimhood of those who have more power in society, though feel entitled to more
- A narrative of natural hierarchies, such as patriarchy, white power (1-4)

Often, the charismatic speaker deceives the audience in a way that it desires or

is already deceived. The audience is not a passive being, absorbing the message, but one that feeds the message being fed to them actively. Think of a Human Centipede that both shits and vomits. All the rhetorical symbols given to the audience become symbols for their use, their own gratification. Crick writes, "Rhetorical devices are most effective as means of deception precisely in those situations when people are eager to be deceived. It is for this reason that fascism can be understood in terms of the rhetorical devices that audiences choose to consume, for these devices become their motives" (6). And here, we are considering jokes as the device.

Much of the style of fascist rhetoric is based on spectacle. Gershberg and Illing write, "…the goal of fascism is to overwhelm a democratic society with spectacle" (57). Fascism is built on the modern life of mass media, and now, social media. "Fascism harnesses and magnifies the power of the spectacle in a society of the spectacle" (60). But at the core of this practice of power, the truth, reality, must be sacrificed for the spectacle. This is why, Arendt writes, that the fascist rise to power involves propaganda that shows an extreme disdain for facts "for in their opinion fact depends entirely on who can fabricate it" (65).[8] Greshberg and Illing argue that fascism cannot exist outside of spectacle, as its power is based on it; "Fascism's strength is that it has no ideological core other than its own spectacle" (69). And this spectacle should entertain and outrage to hold attention (power). And humorous rhetoric can provide this.

Argument ad Obscaenus: Rafael's Aesthetics of Authoritarian Vulgarity

In his book, *Sovereign Trickster: Death and Laughter*, Professor of History and Southeast Asian Studies, Vicente L. Rafael, dissects Duterte's multifaceted governance across domains like the drug war, systematic policing, extrajudicial violence, the neoliberal subject, political rhetoric, and the visual politics of journalism. He analyzes the regime's intricate mechanisms—its "humor," strategic obscenity, and performative masculinity—revealing how political power operates through language, intimidation, and inflammatory social spectacle.

Rafael directly targets Dutertre's obscene "jokes" as his locus of analysis, making a case for how this practice elevated him politically in the Philippines. He writes, quoting Achille Mbembe, "obscenity is an integral part of the stylistics of power,"[9] Rafael argues that Duterte delights in the "aesthetics of vulgarity" which establishes a relationship of "conviviality" between himself and the audience (42). The result of this obscenity-laced conviviality is the power over the audience as an "intimate tyranny" (ibid). One can argue that employing a tyrannical geniality via obscene jokes is authoritarian in nature, in that it makes "the private public," which is one of the markers of any authoritarian regime, fascist or other.

Rafael writes extensively on Duterte's phallic jokes, analyzing them through the very Freudian lens: "Who gets to own the phallus?" Of course, by this, Rafael means the basis of the obscene rhetoric around the penis is about power and who

gets to wield it, that the penis is to be seen here as "a symbolic weapon for exerting autocratic authority…over men and women alike…to impress and threaten, to unify and disperse; to induce pleasure but also coerce submission" (44). Power in this framework is conceived as something to in the end be feared, but also to be something desired. But under fascist and authoritarian frameworks, it is about fear as the main motivation for submission to the government.

Rafael argues that Duterte's crude humor appears rebellious, but really, serves an autocratic purpose. His offensive language creates a false sense of intimacy between ruler and ruled that masks the underlying intent, transforming laughter into a tool of political control. The intent is not to make an audience laugh for mirth's sake, but to take more control over a once liberal citizen, to turn them subject.

Rafael argues that Duterte wields humor as a one-way exchange; he speaks, others laugh, but genuine dialogue is not permitted. His stories demand unilateral acceptance, brooking no challenge or comedic response from his audience. Only laughs and acceptance: no heckling allowed. Rafael writes, "There is nothing Democratic in Duterte's humor. Instead, the pleasure the audience gets from his jokes is intrinsically linked to their willingness to participate in the imagined violations of others, especially women" (53). Duterte's stories serve a dual purpose of dominance: they attack his adversaries while subjugating his listeners, using narrative as a weapon of both external assault and internal control. Duterte's "tyranny of intimacy" reads as rhetoric that "extracts your consent" and registers it "by your laughter" (ibid). I would add here that with this very intimate personal appeal, one can possibly see a threat beyond authoritarianism towards totalitarianism, which aims to make the private public.

Rafael also asks the question of how humor serves as a weapon of violence in the drug war. His answer is that Duterte becomes a trickster figure who "entertains by veiling his aggression with jokes and obscenities…[he] plays the role of *pusong* (trickster)…who makes fun of those in power while managing through the deceit of humor to gain power himself" (80). Two aspects of Duterte's fascist authoritarian governing style (rhetorical style) can be summed up by two aspects, Rafael posits: The Sovereign Trickster. By sovereign, he means a strongman leader who can set aside law at his whim and exert authority over subjects' lives and deaths (necropower). Rafael posits this brand of sovereign is that of a vengeful character, one that supports death squads and is unmoved by photos of death (and many of his supporters find themselves also unmoved).[10] By trickster, he means a persona that performs an excess of "what is taboo," and acts out irreverence and injudicious behaviors, often aimed at critics of the regime and strongman (81-82).

We have seen the rise of a "Sovereign Trickster." I think Rafael gives an excellent argument for this category of authoritarian strongman ruler, and his use of humor/obscenity as a coercive tool for intimate rule. Is it really humor that this Viagra-loving comic price is spinning, or is it more properly defined as something

else?

LAUGH OR DIE: "HUMOR HOWLING," OR WHY THESE ARE NOT JOKES

Saul on Dog Whistles and Figleaves

Jennifer Saul's *dog whistles & Figleaves: How Manipulative Language Spreads Racism and Falsehood* examines two powerful linguistic devices used in political rhetoric. Her book analyzes how dog whistles and figleaves function as tools of manipulation, allowing politicians to communicate racist messages while maintaining plausible deniability. Saul's work reveals how these rhetorical techniques shape public discourse and reinforce harmful ideologies.

How does Saul define "Dog Whistles"? Saul defines "Dog Whistles" as coded messages that appear innocent to most listeners but communicate something specific to a targeted subgroup. Dog whistles allow speakers to communicate controversial or prejudicial views while maintaining plausible deniability. For example, in her work, Saul analyzes how certain political phrases, such as "urban" or "inner city," can function as coded appeals to racial prejudice while seeming neutral on the surface. This allows politicians to appeal to voters with certain biases without explicitly expressing racist views.

Saul identifies two distinct categories of racist dog whistles. The first category, "overt code dog whistles," functions by conveying racist messaging to specific audience segments, primarily those who reject the "Norm of Racial Equality," while the general audience perceives only an innocuous interpretation of the speaker's words (Saul 42). Trump's reference to "bad hombres" in the 2016 presidential debate with Clinton illustrates this technique; for those opposing equality norms, it communicates negative sentiments about Mexicans as a whole (a proposition those opposed to the norm equality readily accept), while some "norm skeptics" interpret it as referring only to some Mexican individuals (47). Different audience groups responded predictably: "norm of equality" opposers appreciated such rhetoric, while "norm of equality" supporters condemned it. "Norm skeptics," who nominally accept equality principles but subscribe to the "White Folk Theory of Racism" (that only monsters are racists, so the "true racism" of biological inferiority, "racial hierarchy" racists, are very rare) maintained their support for Trump by focusing on the *seemingly* inoffensive interpretation of his language. He's not a monster; he just says things.

Saul's second category, the "covert effect dog whistle," works by unconsciously making race more prominent in the audience's mind (48). For instance, deliberately darkening the skin tone of Black politicians in images aims to subtly trigger negative stereotypes, as in the case of negative attack ads against Obama in which this occurred (54). This approach seeks to influence public opinion on policy matters *without conscious awareness*. Unlike other dog whistles, this type can affect both those who embrace and those who reject racial equality

norms. Saul argues that both varieties of dog whistles may be deliberate strategies employed by pundits and politicians, or often by unfortunate and/or ill-informed unconscious use of them by some, with those very unconscious errors creating cover for those who purposefully deploy such tactics but wish to deny doing so, which is to say, to have plausible deniability.

How does Saul define "figleaves"? Saul writes that racial figleaves are "an utterance that provides cover for another utterance that—without the figleaf—would be recognized as racist" (71). Some statements disguise prejudice by using qualifiers like "I'm not racist but…" or "Some of my best friends are black...."' Figleaves come in two forms: synchronic figleaves that occur simultaneously with the problematic statement, and diachronic figleaves that appear later as a defense of previous statements. When someone posts a seemingly racist Tweet and later claims "that doesn't represent me," they're employing a diachronic figleaf to distance themselves from their earlier words. "I'm not racist, but" is a prime example of the synchronic variety.

Saul argues that racist figleaves are persuasive only to individuals who narrowly define racism as explicitly violent or overt (White Folk Theory). These linguistic devices successfully convince this specific audience that racist statements aren't actually racist. According to Saul, those who accept figleaves typically believe that racism manifests only in "the most blatant, obvious, and monstrous" forms, while people who recognize racism's more subtle everyday manifestations remain unconvinced by such rhetorical maneuvers.

Importantly, these figleaves aren't intended for those with a nuanced understanding of racism's various forms, but rather for individuals who conceptualize racism solely as an extreme phenomenon. Those with a more comprehensive understanding of racism view these figleaves not as legitimate qualifications, but as dangerous rhetorical devices that actually serve as further evidence of racist thinking. Figleaves further perpetuate racist thinking and spread its influence covertly through this rhetoric.

Serber on Dog Whistling and Howling

In his essay, "Dog Whistling and Howling: Covert and Overt Hate Speech and Plausible Deniability," Bradley Serber argues that "Howling" is the fascist end of dog whistling. Dog whistling by fascist-leaning pundits and would-be strongmen pave the way for it. Serber makes the case that Trump and his supporters have moved beyond subtle dog whistles to outright howling. According to him, howling "rejects the subtlety of Dog Whistle rhetoric even as it retains its capacity to deny and deflect criticism" (Crick 191) and that "Dog Whistling carefully avoids the direct use of epithets, calls for violence, and other more overt kinds of hate speech, [but] Howling drops all pretense of civility and political correctness" (194). This strategy intentionally breaks democratic communication principles, suggesting a readiness to disregard other conventions to accomplish the group's authoritarian

and fascist political goals. Trump essentially invites his supporters to experience the thrill of witnessing dramatic breaches of legal, ethical, and communicative boundaries without suffering any repercussions.

One example Serber relates of "howling" is in Trump's description of certain countries (Haiti and African nations) as "shitholes." He made no attempt to use racist dog whistles ("3rd world" or "developing nations" might fit the bill for dog whistling), nor did he attempt a figleaf to cover his words (he did deny they were a slur, which might count as a figleaf, but a very ineffective one). In this case, Trump's rhetoric "howled" directly. It made no attempt to hide what it was.

We can see this in Duterte's "humor" about shooting women in the vagina. He made no dog whistles about his violent sexism and violation of human rights, nor did he cover it with a figleaf (he took back his possible "apology" figleaf, leaving his words bare). This is another instance of "howling."

Dog whistles and figleaves open the door for "Humor Howling." By "Humor Howling" I mean saying exactly what violence, threat, oppression, or hate speech out loud in the form of a joke. The meaning in these "humor howls" are clear: if there is a figleaf, it is invisible, or perhaps a dead leaf. Humor howling is the "pervasive culture of weaponized communication" but covered in the sugar of humor to send that direct (but not necessarily palatable) message out in a personal, intimate, and persuasive style. And it need not be covert—it howls as we howl. And the need for plausible deniability has passed, and the dog whistles and figleaves paved the way for its demise.

Conclusion: The ICC Isn't Laughing

On March 2nd, 2025, former Philippine President Rodrigo Duterte was surrendered to the custody of the International Criminal Court (ICC). His arrest was executed by Philippine authorities in compliance with an arrest warrant issued by Pre-Trial Chamber I, which charged him with murder, torture, and rape as crimes against humanity.

The Pre-Trial Chamber's investigation found evidence of an organized attack against civilian populations, occurring during two distinct periods: first while Duterte led the Davao Death Squad (DDS), and subsequently during his presidency of the Philippines. The Chamber determined there were reasonable grounds to believe the alleged attacks were both widespread and systematic, spanning several years and resulting in thousands of fatalities. To facilitate its legal analysis, the ICC arrest warrant concentrated on a representative sample of the alleged incidents, providing a focused approach to examining the potential criminal actions during Duterte's leadership.

Looks like the joke is on Duterte, though true justice is no joke.

Notes

1. See James Loxton, *Authoritarianism: A Very Short Introduction*.
2. See *The Rhetoric of Fascism* ed. by Nathan Crick
3. And might be the case that the safety touted by the government was not a reflection of reality. See https://www.reuters.com/investigates/special-report/ philippines-duterte-data/ "Despite the crackdown, Davao still ranks first among 15 cities in the Philippines for murder and second for rape, according to police crime data from 2010 to 2015."
4. See Kenes, "Rodrigo Roa Duterte: A Jingoist, Misogynist, Penal Populist."
5. The audience is also reported as laughing at this "joke." Duterte now has a criminal complaint against him for this language.
6. Bisaya here means a Philippine ethnolinguistic family group native to the Visayas, to the southernmost islands south of Luzon, and to a significant portion of Mindanao. *Bugoy* translates to "bad boy" or "hood" in the Bisaya language, very closely related to Tagalog.
7. See also Ellis-Peterson.
8. Arendt quoted in Stanley by way of Gershberg, Illing.
9. Quoting Achille Mbembe.
10. See Rafeal 121-127 for moving discussion of the variety of responses to death photos from the drug war.

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Inference to the Best Explanation and the Principle of Sufficient Reason

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In the following I argue that underlying our deductive and inductive inferential practices are certain inferential presuppositions. In the case of induction, this is the regularity principle while in the case of deduction, they are whatever basic rules or axioms lie at the foundation of one's first-order deductive system. I believe the existence of these inferential presuppositions are indirectly indicated by Hume's skepticism about induction and Carroll's paradox of deduction. I then turn to a consideration of inference to the best explanation (IBE). I conclude that the inferential presupposition operating behind IBE is the intelligibility principle—if something is true there is a best explanation for it. This intelligibility principle is one form of the Principle of Sufficient Reason (PSR). I then argue that because the contrapositive of this principle is the presupposition underlying PSR inferences, inferences that run from the lack of an explanation of P to P being false, that if one is committed to endorsing IBE inferences one is logically committed to endorsing PSR inferences. Metaphysical consequences follow.

Circularity and Inductive Practices

Hume is known for, amongst other things, his skepticism about inductive inferences. He argues that when we question our enumerative inductive inferences, we see that they enthymatically assume a principle about the regularity of nature. He then questions the status of this regularity principle. It is not analytically true, and thus he says is not known to be true a priori by reason. Furthermore, to assume that it could be known a posteriori via inductive methods would be circular—we

know that nature is regular because it always has been up till now! Thus, all our inductive inferences are irrational or circular. Hume has some additional steps, but I think my summary captures the essentials of his argument. Here is Hume in the *Enquires*:

> When it is asked, *What is the nature of all our reasonings concerning matter of fact?* the proper answer seems to be, that they are founded on the relation of cause and effect. When again it is asked, *What is the foundation of all our reasonings and conclusions concerning that relation?* it may be replied in one word, Experience. But if we still carry on our sifting humor, and ask, *What is the foundation of all conclusions from experience?* this implies a new question, which may be of more difficult solution and explication. (32)

The answer to the new question is, of course, the regularity principle. He says it is not grounded in reason because it is synthetic and hence contingent, and hence not known a priori. Again here are Hume's own words, "That there are no demonstrative arguments in the case seems evident; since it implies no contradiction that the course of nature may change…" (35). Furthermore, to attempt to ground it inductively would result in a circle:

> To endeavour, therefore, the proof of this last supposition [the regularity principle] by probable arguments, or arguments regarding existence, must evidently be going in a circle, and taking that for granted, which is the very point in question. (35-6)

As is so often the case with Hume, there is much buried insight. After all, it took Hume to awaken Kant from his dogmatic slumbers. First I want to point out that Hume does *not* think his observations about inductive inferences makes them unjustified. He says,

> I shall allow, if you please, that the one proposition may *justly* be inferred from the other: I know, in fact, that it is always inferred. But if you insist that the inference is made by a chain of reasoning, I desire you to produce that reasoning. (34; my italics)

Thus Hume appears to think our inductive practices are a species of non-rational and yet epistemically justified inference! Furthermore, for all its imposing appearance, there is much trickery in Hume's skepticism. After all, Hume knew Aristotle well enough to remember what he says in the *Posterior Analytics*:

> …there will not be understanding of the principles; and since it is not

> possible for anything to be truer than understanding, except comprehension, there will be comprehension of the principles—both if we inquire from these facts and because demonstration is not a principle of demonstration so that understanding is not a principle of understanding either—so if we have no other true kind apart from understanding, comprehension will be the principle of understanding. And the principle will be of the principle, and understanding as a whole will be similarly related to the whole object. (59)

While this passage from the *Posterior Analytics* is notoriously enigmatic, I believe it points in the direction of Hume's skeptical trick. Aristotle says that if we ask for the principles or foundation of the understanding that is produced by demonstration (what he calls scientific deduction), that principle cannot possibly be produced by demonstration itself! The knowing that is understanding cannot ground itself! And yet this is precisely what Hume does when he challenges us to produce the foundation for inductive inference, saying that it cannot be produced deductively, for then it wouldn't be inductive, nor can it be produced inductively, because that would be circular.

INFINITE REGRESS AND DEDUCTIVE PRACTICES

Something very similar is got up to in Lewis Carroll's "What the Tortoise Said to Achilles." In this paper Carroll offers a challenge to the validity of deductive inferences deeply connected with Hume's challenge to inductive ones. The tortoise asks Achilles about the foundation for the simple deductive inference modus ponens[1]:

1) $P \supset Q$
2) P
Q

He asks Achilles how the conclusion Q follows from 1) and 2). Achilles answers that according to the valid inference rule modus ponens, from 1) and 2) one can infer Q. The tortoise then responds by saying that technically speaking, the conclusion follows from neither 1) or 2) by themselves, but in combination with the hypothetical "if 1) and 2) then Q," so that a new premise must be added to the inference expressing this, such as 3):

1) $P \supset Q$
2) P
3) $[(P \supset Q) \& P] \supset Q$
Q

The tortoise continues, claiming that the conclusion Q *still* doesn't follow from 1) and 2) and 3) by themselves, but only with the addition of the further hypothetical that "if 1) and 2) and 3) then Q." So that we continue needing to add premises to our deductive argument, and we are off to the races.

1) $P \supset Q$
2) P
3) $[(P \supset Q) \,\&\, P] \supset Q$
4) $[\{[(P \supset Q) \,\&\, P] \supset Q\} \,\&\, (P \supset Q) \,\&\, P] \supset Q$
…
Q

Now of course, Lewis is engaged in as much jugglery here as Hume was, and of a similar kind. The sentence $[(P \supset Q) \,\&\, P] \supset Q$ is an expression in the object language of the entailment $P \supset Q$, $P \vDash Q$, which is an expression in the meta-language. The latter fact about validity no more needs to be included as a specific premise within an example of modus ponens than an explicit declaration of the regularity principle needs to be included in a given enumerative inference. And just as circularity was the ultimate result of Hume's argument, here, an infinite regress is the result of Carroll's. In the same way that we say that our inductive practices involved the regularity principle of nature as an inferential presupposition, here we see that our deductive practices include specific inference rules as their own inferential presuppositions. Thus, modus ponens is itself the inferential presupposition for any instance of modus ponens.[2] The parallels with Hume's inductive skepticism are clear. Carroll challenges us to produce the foundation for deductive inference, obviously it cannot be produced inductively, for then it wouldn't be deductive, nor can it be produced deductively, because that would lead to an infinite regress.

INFERENCE TO THE BEST EXPLANATION AND THE INTELLIGIBILITY PRINCIPLE

Let us examine the structure of an Inference to the Best Explanation (IBE). Take the following example:

1) The porridge I left on the mantle is missing
A nisse must have eaten it

This is a fairly weak example of IBE, but an example nevertheless. The structure for IBE inferences is the following:

1) Phenomenon P (explanandum)
2) $\{E_1 \vee E_2 \vee E_3 \vee \ldots E_n\}$ (set of possible explanans)
E_i where E_i is the best

That is, there is a phenomenon P that needs explaining (explanandum). Unsaid and unspoken in most IBE is premise 2), a list of possible explainers for 1) (explanans). The inference rule then is that we are to pick the explainer from the set of possible explainers that is the best. Like all inductive arguments, IBE's can be assessed in terms of strength and cogency.[3] A strong inductive inference is one such that *if* the premises are all true then the conclusion is most likely true. While a cogent inference is both strong and has all true premises. Thus the example above is a weak IBE because a nisse, which is a Scandinavian elf creature, eating the porridge is presumably not the best explanation from the set of possible explainers. In general this is how IBE inferences are weak, due to a failure to pick out the best explanation from the set of possible explainers. Cogency is trickier. An IBE fails to be cogent when, although it is strong, one's set of possible is explainers fails to be complete and excludes the best explanation. Then, although one may pick out the relative best explanation, relative to your incomplete set of possible explainers, one still fails to pick out the best explanation, again, because your set of possible explainers is incomplete and fails to include some explanation such that, had it been included it would have beaten the others as the best.

What then is the inferential presupposition underlying IBE? A brief consideration shows that it is not the regularity principle that underlies enumerative and analogical inductive inferences.[4] Someone who engages in and endorses IBE as an inferential practice must presuppose the intelligibility principle—if P=T then there is a best explanation for P.[5] Without this inferential presupposition the entire practice of IBE simply fails to be intelligible.

WHEN PROBABILISTIC INFERENCES FAIL

The inferential presuppositions associated with probabilistic inferences are not themselves probabilistic. This is clear in the case of cogent enumerative inferences whose conclusions nevertheless turn out false. When this is the case, we do not think of it as a failure of the regularity principle. The probabilistic nature of the inference is not due to the fact that the regularity principle itself is probabilistic—that nature acts regularly most of the time. Rather, it is due to the complexity of isolating the causal mechanism on the back of which the inference rides. The failure of a cogent inductive inference is due to the fact that we have identified a case of correlation that is not causation!

Similarly in the case of cogent IBE that fail. The failure is not due to a lapse in the intelligibility principle that underlies those inferences. Rather, that failure must be located somewhere in the inference itself. Because the IBE is cogent that

means that not only have we successfully picked out the best explanation relative to our set of possible explainers, but that that set is itself complete, containing all relevant explainers. The failure here must be due to an incompleteness in our concept of bestness, along with general vagaries involved in weighing the different dimensions that make up our concept of bestness.[6] Thus the failure of cogent IBE is due to the fact that our notion of what bestness consists in is both incomplete, vague, and evolving. As we experience the world we constantly try to tailor our notion of intelligibility to the intelligibility that is the "whatness" of the world.[7]

IBE AND COMMITMENT TO PSR INFERENCES

Having established that the regularity and intelligibility principles that underlie our probabilistic inferences are themselves not probabilistic, we can understand that anyone committed to the intelligibility principle:

IP: If P=T than there is a best explanation for P

is also committed to its contrapositive:

CIP: If there is no best explanation for P then P=F

We can call this the contrapositive intelligibility principle. Now, CIP is the underlying inferential presupposition behind PSR inferences. These are what Della Rocca calls "explicability arguments," where it is claimed that something is not the case because there would be no explanation for it if it were (306). These PSR inferences assume something to be the case P. From this, they argue that P being the case would involve the absence of a reason or good explanation. Finally, from this it is inferred that P is in fact not the case. We can now see that IBE and PSR inferences are really just two sides of the same coin.

Here are some examples of PSR inferences in action. The following is from Spinoza's proof of God or Nature in 1P11 of the *Ethics*:

> Since, then, there can be, outside the divine nature, no reason, *or*, cause which takes away the divine essence, the reason will necessarily have to be in his nature itself, if indeed he does not exist. But it is absurd to affirm this of a Being absolutely infinite and supremely perfect. Therefore, there is no cause, *or* reason, either in God or outside God, which takes his existence away. And therefore, God necessarily exists, q.e.d. (91-2)

Here Spinoza argues that there is no reason or cause, neither from inside nor outside infinite substance, that is, a substance possessing all the attributes, that would keep it from existing, and so therefore infinite substance exists!

In arguing against Clarke and the Newtonian conception of absolute space, Leibniz also employs a PSR inference.

> Now, from hence it follows (supposing space to be something in itself, besides the order of bodies among themselves) that it is impossible there should be a reason why God, preserving the same situations of bodies among themselves, should have placed them in space after one certain particular manner, and not otherwise—why everything was not placed the quite contrary way, for instance, by changing east into west. (325)

Here Leibniz argues that if space were an absolutely existing box with nothing outside it, then God would have no reason to arrange matter in it in one configuration versus that same configuration rotated 180 degrees.

CONSEQUENCES FOR METAPHYSICS

I want to briefly describe some of the consequences of our acceptance of PSR inferences brought about by our acceptance of IBE. Here is Della Rocca again on contemporary metaphysics's rejection of the PSR and acceptance of brute facts:

> What we find when we canvass contemporary philosophy is the prevalent presupposition that some facts are simply given and have no explanation. For example, in recent debates over the metaphysics of identity, it seems to be taken for granted on all or nearly all sides that there can be cases in which two things are distinct but in which their non-identity is primitive, without explanation. A commitment to primitive identity and non-identity is central to the otherwise widely divergent metaphysical views of David Lewis and Saul Kripke. (304)

An acceptance of the PSR and PSR inferences involves the rejection of primitive non-identity as a brute fact, that is, it involves an acceptance of the metaphysical Principle of the Identity of Indiscernibles—that if two things a qualitatively identical, then they are numerically identical.[8]

> Spinoza endorses the Principle of the Identity of Indiscernibles. This is the principle—more often associated with Leibniz than with Spinoza—that if a and b are indiscernible, i.e., if a and b have all the same properties, then a is identical to b. One can see that this principle turns on the notion of explaining non-identity and, as such, one can see its roots in the PSR. Non-identities, by the PSR, require explanation, and the way to explain non-identity is to appeal to some difference in properties (47)

Finally, our acceptance of PSR inferences allows us to justify our acceptance of negative existentials. I claim not to believe in the Loch Ness Monster. If someone says to me, "Ahh, but you have no proof that the Loch Ness Monster does not exist!" I can say that I have all the proof I need in PSR inferences! I have no good reason to believe in the Loch Ness Monster, and this lack of explanation or reason is what justifies me in believing that it does not exist.

CONCLUSION

I have argued for the notion of inferential presuppositions in order to explain Hume's inductive circularity and Carroll's deductive regress. I then argued that the inferential presupposition underlying IBE was the intelligibility principle, while the contrapositive of the intelligibility principle was the inferential presupposition behind the more controversial PSR inferences. This means that if we accept IBE we must also accept these more controversial PSR inferences. One of the things that makes PSR inferences controversial in the eyes of some, and useful in my opinion, is their use in establishing substantive metaphysical principles, like the Identity of Indiscernibles. An additional useful upshot in accepting PSR inferences is their use in justifying various beliefs involving negative existentials.

NOTES

1. In the paper, the tortoise uses the example of the first proposition of Euclid, where he demonstrates the construction of an equilateral triangle: 1) Things which are equal to the same thing are equal to each other 2) The two sides of the triangle are equal to their common side 3) Therefore the two sides are equal to each other. The point is unchanged.
2. That is, within a system of natural deduction, certain rules will be basic and others derived. Often it might not make a difference which rules you include as basic. For instance, whether you include P v Q, ~P ⊨ Q or P v Q, P ⊃ R, Q ⊃ R ⊨ R as the basic rule for **v-out** doesn't ultimately matter to the system. Details will change depending on which you choose, but either will work. In choosing the former as basic the former will act as an inferential presupposition and vice versa. So whatever rule you end up choosing for **v-out** will be the inferential presupposition for the other rule, which is derived from it, and for itself, because it is a basic rule of inference. Thus modus ponens, as a basic rule, acts as its own inferential presupposition.
3. I want to set aside the question of whether IBE is a species of inductive inference or its own species of abduction. Hume has rightly shown us that induction works via causal mechanisms, so insofar as IBE does not do that, I think there is good reason to think it is its own unique form of inference. However, nothing I say here should depend on settling this issue now.
4. The distinct inferential presupposition here is yet another reason to think IBE is separate from induction in general.
5. Brief reflection will show that what I'm calling the intelligibility principle, that if P=T then there is a best explanation for P, is one version of what has been known in the

history of philosophy as the Principle of Sufficient Reason (PSR)! Stronger versions would include the converse as well, that if there is a best explanation for P then P=T. See Spinoza's *Ethics* 1A3 and proof of God 1P11. Also Leibniz, "that nothing happens without a sufficient reason why it should be so rather than otherwise" (324).

6. There is no agreed upon list of features that make up our notion of best explanation. Usually included are features like simplicity and conservation, features that guarantee that we minimize modifications to our web of belief. In addition to obeying Bayes' Theorem in updating our web, our notion of bestness likely includes alethic and aesthetic considerations as well. That is, we want our best explanations to be both true and beautiful.

7. There are all kinds of things to say here. One might argue that the notion of an intelligibility of the world that does not match ours just means that the world is unintelligible. *À la* Kant, our IBE practices and the intelligibility principle that underlies them would be regulative ideals or "as if" pragmatic stances that we must take towards the world in order to have experience at all. I prefer to think of it more empirically, as us learning from the world and adjusting our notion accordingly.

8. The Principle of the Identity of Indiscernibles should not be confused with its converse, the *logical* Principle of the Indiscernibility of Identicals—that if two things are numerically identical, then they are qualitatively identical.

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The Dog-whistle/Wolf-cry Dialectic: Political Divergence via Speech-Act Attribution

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Winner of the NMTX Award

WHY DOES BARK BITE?

The political speech scenario:

> Someone in Dogetown files a police report that a dog-bite has been committed. A public news anchor Alpha on a popular but partisan-leaning media platform Hound News uses the ambiguous but associative term "pitiful" to refer to a subsect of the problems that the canine country is facing. A news anchor for Canine News Network, another partisan leaning media platform, Buddy, hears Alpha's report, identifies the word as a breedist encoding for "pitbull" and concludes that Alpha, the station, the audience and/or all involved are incorrigible breedists.
>
> An independent political commentator Charlie hears Buddy's report, identifies the interpretation of "pitbull" from the word "pitiful" as a willful misunderstanding, and concludes that Buddy, her station, her audience and all are incorrigible anti-breedists. Another political commentator Duke hears Charlie's report, identifies Charlie's rejection of Buddy's interpretation as itself sympathy for Alpha's interpretation, which is construed then as expressing sympathy for a breedist position. Political disagreement bristles.

In this scenario, all too common in the contemporary media environment, we observe a catastrophe of political speech seeming to emerge from a relatively unremarkable set of initial circumstances. Specifically, we observe two covert speech-acts interacting. First, we observe apparent dog-whistling (Morin 1988, quoted in Safire 2008: 190):

> **Dog-whistling**: the speech-act of sending of a controversial hidden message imbedded in an uncontroversial public message.

In the Dogetown scenario we can observe candidates for dog-whistling in Alpha and Charlie's speech-acts. Second, we also observe apparent wolf-crying (Aesop):

> **Wolf-crying**: the speech-act of claiming a danger exists when danger either does not really exist or cannot be proven.

In the Dogetown scenario we can observe candidates for wolf-crying in Buddy and Duke's speech-acts.

Both of these two types of speech-acts, dog-whistling and wolf-crying alike, are acts of political speech in that they have particular effects in the political environment and constitute a political discourse. Dog-whistling has been recently studied as a form of political speech (Witten, 2014; Saul, 2018; Vidal, 2021; Quaranto, 2022). Wolf-crying has an older conceptual history, studied in biology and psychology, though equally applicable as a form of political speech (Wheeler, 2019; Breznitz, 2013).

Dog-whistling and wolf-crying are also both speech-acts, forms of speech that are also acts, in the sense that they have some kind of speaker's indirectly implied (illocutionary) force and/or some added (perlocutionary) force in its interaction with the world, outside of the speaker's directly stated (locutionary) meaning (Austin, 1962). To use the classic example, the sentence "I promise" is a speech-act in that it has an indirect implied effect of the sentence itself enacting a promise, and the perlocutionary effect of instilling an expectation in the receiver of said promise, in addition to the direct literal meaning of the words "I" and "promise."

In addition, associated with these two to first-order speech-acts, we also observe the second-order speech-act of attribution:

> **Speech-Act Attribution**: the speech-act of regarding another speech-act as a speech-act.

In the Dogetown scenario, every speech-actor (perhaps with the exception of Alpha) has committed the speech-act of speech-act attribution; they are attributing a speech-act to another member of the community.

Speech-act attribution has two properties: 1) pointing at another speech-act

and 2) being speech-act itself. This dual role of speech-act attribution will be pivotal in the following analysis.

First, the act of attributing has the property of pointing to other acts. Attribution can be directed towards simple actions. One can observe that the sheep are eaten and attribute the action to a wolf as a wolf-attack. Attribution can also be directed towards simple utterances. One might hear a howl and attribute that howl to a wolf as a wolf-howl. Attribution can also be directed towards complex utterances. One might hear a someone cry "wolf" and attribute that cry to a crier as a wolf-cry. Thus, in general, one might perform the act of attributing another party with a speech- act.

Second, the act of attribution itself is also worth considering as a second-order speech-act, a speech-act about other speech-acts, with its own unique added (perlocutionary) effects. Attributions of speech-acts are a common part of political discourse. It seems to be what the various speech-actors of Dogetown are doing in our example, and attributing speech-acts is also what *we* are doing in our present analysis of speech-acts. We are analyzing Dogetown and attributing speech-acts to its inhabitants. This higher-order speech-act of attribution is also a subclass of Bateson and Tannen have referred to as meta-communicating: communication that involves identifying and engaging not the first-order explicit literal (locutionary) meaning of an utterance but the first-order implicit (illocutionary) effects and/or the added (perlocutionary) effects (Bateson, 1972; Tannen, 1987).

Descriptively, this process of attribution is not particularly controversial, however, if such attributions are truly reasonable, then why does the result, as illustrated by the Dogetown scenario (and the real-world political climate), seem like such a problem? We will attempt to explain this problem's development from the underlying epistemic situation, the blind-spots and truth-seeking behaviors of the participants in a given speech-act community; to show how attributions themselves contribute to a reciprocity of dog-whistling/wolf-crying; and how this leads to a vicious cycle and stable (albeit unhappy) social equilibrium.

MISDIRECTING CRIES AND WHISTLES

The problem begins with the observation that dog-whistling and wolf-crying as speech-acts seem to be by definition indirect and covert speech acts (Searle, 1979; Saul, 2018).

The dog-whistle/wolf-cry is always a speech-act occurring between one private party (the whistler/crier) and another private party/subject (the dog/wolf) but heard by a third party, the public (the non-dogs/non-wolves). The dog-whistling speech-act consists of the intention of the whistler to send a private message and the interpretation of the whistled-to in receiving a private message. The wolf-crying speech-act itself consists of the intention of the crier to send a public message to the cried-to about a publicly unverified cried-about. However,

one of the conditions of satisfaction of the dog-whistle/wolf-cry speech-act is the encoding of the speech such that the greater public community only knows about the public message and not the private intent. Thus, dog-whistling/wolf-crying necessarily has an misdirecting ("covert perlocutionary") effect on the audience: the publicly stated (locutionary) meaning of the dog-whistle/wolf-cry is not necessarily identical to the privately implied (illocutionary) meaning, as in a direct speech-act; rather, the publicly stated (locutionary) meaning is different from the privately implied (illocutionary) meaning, an indirect speech-act; and indeed, in the dog-whistle/wolf-cry case, it actually seems that the publicly stated (locutionary) meaning is *necessarily* different from the privately implied (illocutionary) meaning, because the public and private messages are necessarily different, something we might dub a *misdirecting speech- act*, or which Saul has called "covert perlocutionary acts" (Saul, 2018: 377). As such, dog-whistling/wolf-cry can be either partially constituted by a private implicature (Grice, 1989), or, as some have pointed out, a private contextualized indication of intention (Bertolet, 1994; 2017). In this multi-layered indirectness comes epistemic trouble because the intention and interpretation are by definition private. The problem is that a dog-whistle/wolf-cry is reasonably publicly intercepted, but is not definitively publicly verified or falsified, but by definition are specified as inherently unclear to the wider world through misdirection, the plausible deniability in public of the private being a condition of satisfaction (Fear, 2007). This makes a dog-whistle/wolf-cry subtler than a straightforward deceptive speech-act, because it can reasonably be inferred, but cannot definitively be verified or falsified by the states of affairs in the world but only by the states of affairs inside the other minds producing the speech-act. A dog- whistle/wolf-cry is only auto-verifiable, only verifiable according to its speaker, but also auto-denying, denied according to its speaker. Barring confession or perhaps extensive overdetermination by psychological and sociological data, a dog-whistle/wolf-cry likely remains an unverified and unfalsified speech-act.

TO SEE A WOLF ABOUT A DOG

Because of the misdirection discussed above, attribution of either dog-whistling or wolf-crying is inherently epistemically difficult: these speech-acts are reasonably suspected but not verifiable.

Attributing dog-whistling/wolf-crying presents epistemic difficulty. Dog-whistling/wolf-crying attribution is a speech act that references itself to an instance of dog-whistling/wolf-crying. Thus, any such dog-whistle/wolf-cry attribution situation has three participants: the whistler/crier, who sends the public message to/about the privately observed dog/wolf; the dog/wolf, who was the private receiver/subject of the message; and, the attributer, who receives the public message about the private observation and identifies it as a dog-whistle/wolf-cry

(See Figure 1).

In this, attributing dog-whistling/wolf-crying seems to be inherently epistemically contrarian. Specifically, attributing dog-whistling/wolf-crying always places itself in the epistemic position of having to be able to prove that the dog/wolf, the receiver/subject of the whistler/cry, does or does not exist, against the personal experience of the whistler/crier. In contrast, the dog-whistling/wolf-crying always places itself in the epistemic position of denying false dog-whistling/wolf-crying. Thus, the dog-whistle/wolf-cry attributer cannot appeal to direct evidence because the dog-whistler/wolf-crier by definition does not provide it, only the opposing evidence; the attributer must always appeal to indirect evidence, the presence/absence of apparent dog/wolf. The dog-whistlers/wolf-criers themselves can always appeal to the direct evidence of their own stated observation, and their own internal intention is by definition against confessing to a falsified observation, in order to conceal a false dog-whistle/wolf-cry. A dog-whistle/wolf-cry attributer is always in the epistemically disadvantaged position of seeking evidence of absence against a dog-whistler/wolf-crier who can appeal to an instance of direct (albeit private) evidence and who has an incentive to misdirect. In this epistemic situation, a self-admitted non-observer is claiming to have more authoritative knowledge than the firsthand observers can claim themselves.

Thus, dog-whistler attributers always appear to be wolf-criers. They are in fact "dog-whistler" criers, claiming that a dog-whistler exists, like the wolf-crier is claiming a wolf exists:

> **Dog-whistle Crying**: claiming the danger of dog-whistling exists when the danger either does not really exist or cannot be proven.

And, wolf-cry attributers always appear to be dog-whistling. They are whistling to the "wolf", telling the community to not worry about the "wolf", discrediting those who cry about the "wolf", claiming that the "wolf" is not a real problem, thus enabling a would-be "wolf", all without being able to prove that the "wolf" does not in fact exist:

> **Wolf-Whistling**: appearing to send a controversial hidden message enabling a problem imbedded in an uncontroversial public doubt about the apparent problem.

A DOG-CRY-DOG WORLD

So, what is the result of this reinforcing attribution pattern? A dialectic of dog-whistle attribution and wolf-cry attribution emerges that involves a perverse attribution, reciprocity, cyclicality, and equilibrium. This is similar to other social

phenomena that proceed via these cyclic steps—like violence cycles (King, 2011) and silence cycles (Neumann, 1977; 1988), perhaps most like those of complementary schismogenesis, the creation of division, described by Bateson (Bateson, 1932).

Observe the pattern with reference to the original scenario about Dogetown. The inciting incident occurs and a police report is filed, which may or may not itself be a wolf-cry. Alpha picks up the story with an infelicitous phrase. Buddy picks up the story with dog-whistle attribution, interpreting Alpha as dog-whistling. Charlie picks up the story with wolf-cry attribution, interpreting Buddy as wolf-crying. Duke picks up the story, again with dog-whistle attribution, interpreting Charlie as dog-whistling. And the cycle continues indefinitely.

As can be observed, the basic unit of interaction is the event when a speech-act of one kind is attributed as a speech-act of another kind. The process continues then because attribution is itself a speech-act, and thus attribution can be applied recursively to itself:

> **Speech-Act Attribution-Attribution**: the speech-act of attributing an attribution of a speech-act as a speech-act.

This is exemplified above, both in dog-whistle attribution and wolf-cry attribution cases of dog-whistle-crying and wolf-whistling. However, the attribution-attributions involved in these cases, can be generalized to a wide range of speech-act attributions of a similar epistemic character.

Next, because of the recursive nature of attribution-attributions, the situation becomes dynamic when speech-act attribution pairs are formed through mutually reciprocal feedback. In each interaction the attributer can become the attributee, such that the two epistemic positions reinforce each other reciprocally.

> **Multipolar Speech-Act Attribution Reciprocity**: Attribution of speech-act A can be attributed as an incidence of Speech-Act B and attribution of speech-act B can be attributed as an incidence of speech-act A, such that A and B reciprocally reinforce and amplify each other.

In this case, specifically, we have a multipolar reciprocity (See Figures 3a-d):

> **Dog-whistle/Wolf-cry Attribution Reciprocity**: Attribution of a dog-whistle can be attributed as an incidence of a wolf-cry and attribution of a wolf-cry can be attributed as an incidence of a dog-whistle, such that dog-whistles and wolf-cries reciprocally reinforce and amplify each other.

This reciprocity when iterated over multiple steps leads to a vicious cycle. Particularly the interlocutors behave as in the type of accusation cycles found

in cumulative extremism patterns (Eatwell, 2006).

> **Multipolar Speech-Act Attribution Cycle**: The speech-act B_{n} attribution of speech-act A_{n} is itself open to attribution by speech-act $A_{\mathrm{n+1}}$, such that speech-act attribution repeats in a stepwise iteration.

In this case, specifically (See Figure 4):

> **Dog-whistle/Wolf-cry Attribution Cycle**: The attribution of dog-whistle/wolf-cry is itself open to attribution as wolf-cry/ dog-whistle, such that speech-act attribution repeats in a stepwise iteration.

Presumably, the steps in this vicious cycle can be extended indefinitely, such that the back-and-forth attribution reciprocity becomes an emergent status quo that is presumptive of both dog-whistling and wolf-crying. When this cycle itself becomes the rhetorical norm, stabilizing within a domain of political discourse, a steady-state equilibrium emerges (Nash, 1951). This seems to be a special case of a "belief equilibrium" in that it is composed of reciprocal conflicting beliefs about the states of affairs, including beliefs of other parties' beliefs (de Córdoba, 1997).

> **Multipolar Speech-Act Attribution Equilibrium**: The speech-act attribution cycle continues such that everyone identifies everyone else as either speech-act A or speech-act B by default.

In this case specifically:

> **Dog-whistle/Wolf-cry Attribution Equilibrium**: The dog-whistle/wolf-cry attribution cycle continues such that everyone identifies everyone else as either a dog-whistle or a wolf-cry by default, in a multipolar steady-state political speech equilibrium.

The existence of such equilibria seems to simply be describable as an emergent epistemic effect in terms of unit interactions of speech-act attributions. We can admit that the whistling/crying status quo seems to describe the condition of much contemporary political speech as the presumption of dog-whistling and presumption of wolf- crying becomes more and more of the norm.

This whole process, what might call the Speech-Act Attribution Dialectic, is generalizable beyond wolf-cries and dog-whistles to the extent that speech act attributions both point to and constitute speech acts. To the extent that all political problems involve a public problem (dog/wolf) of some uncertainty, all political problems can follow this pattern, and the pattern almost certainly exists in domains outside of political speech as well. And, the steps described—Attribution,

Reciprocity, Cyclicality, and Equilibrium—presumably can be generalized and exemplified in more speech-acts as they interact in various speech environments.

BONES TO PICK

Notably, any given speech-act attribution does not necessarily but may result in an unhappy equilibrium for at least three reasons:

Epistemic Standoffs
The first problem for the epistemology of the speech-act attribution equilibrium is that, rather than being a situation of complementary epistemic standpoints, what has developed is a system of irresolvable and conflicting epistemic standpoints:

> **Epistemic Standoff**: a situation involving two mutually epistemically reinforcing and yet mutually epistemically incompatible standpoints.

What makes this an epistemic problem, not necessarily an ethical or rhetorical problem, is that a given covert speech-act, like a dog-whistle or a wolf-cry, may be a reasonable but undefinitive attribution. There remains an epistemic gap, between reasonability and definitiveness, which allows for mutually reasonable but contrarian stances to develop and equilibrate unresolved.

Attribution Saturation
The second problem for the epistemology of the speech-act attribution equilibrium is that, in any such situation, speech-act attributions predominate over fact-of-the-matter attributions, to the point that the facts of the matter no longer matter:

> **Speech-Act Attribution Saturation**: a situation where attributions of speech-acts have come to predominate over attributions of facts of the matter, such that the content of the political discourse contains mostly speech- act attributions, few fact-of-the-matter attributions.

Unfortunately, because the speech-act attributions come to predominate far and away over the fact attributions, this process of attributional equilibration can continue even after the facts regarding the inciting incident itself are forgotten or irrelevant or resolved, as emergence happens in spite of there being no initial fact of the matter.

Self-Defeating Truth-Seeking
The third problem for the epistemology of the speech-act attribution equilibrium is that, in any such situation, the attributer's epistemological virtue is sufficient to describe the problem. The motive of truth seeking itself may be self-defeating to

the extent that it produces speech-act attribution equilibriums that do not actually arrive at truth:

> **Self-Defeating Truth-Seeking**: the truth-seeking of any given epistemic agent may actually not be the best way to find the truth in all cases, and in certain cases may even foreclose certain truths.

The pursuit of truth in certain cases, like unfavorable equilibriums, might actually defeat itself to the extent that this pursuit might counterproductively produce situations unfavorable to truth emerging.

BONES TO GIVE

So, how do we correct for the political impasse that the Dog-whistle/Wolf-cry Equilibrium implies?

Cycle Abortion
One modest proposal: injecting cycle-aborting, rather than cycle-gestating, speech-acts into the discourse in order to cut short the attribution propagation. For instance, in order to shut down epistemically uncertain information cycles before their birth, one solution might simply be to hold all parties to higher standards of verification and falsification for their initial attributions. Unfortunately, as discussed, although parties committed to truth-oriented discourse may be receptive to such standards, the misdirecting speech-act is such that the conditions of satisfaction foreclose simple verification or falsification, such that this may not be a generalizable solution.

Cycle Termination
Another modest proposal: injecting cycle-terminating, rather than cycle-propagating, speech-acts into the discourse in order to dampen the amplification cycle. This requires the adoption of new terms that recognize these attributive pitfalls and terminate them. Examples of such terms might include:

- A term like "wolf-washing" or "sheep-tailoring" (drawing upon Aesop's fable of the "wolf in sheep's clothing") to be used to describe someone who seems callus enough to over-attribute wolf-crying to the point of potentially downplaying reported problems.
- A term like "dog-whispering" or "Dolittling" (drawing upon the quasi-mystical claims made by some allegedly mind-reading animal-trainers) to be used to describe someone who seems presumptive enough to over-attribute dog-whistling to the point of seemingly exaggerating the problems of actual covert speech-acts.

It would be hoped that these speech-act attributions terminate the cycle by delegitimizing other overzealous speech- act attributions thus neutralizing the force of the other speech-acts at play, though it is also plausible that these labels, themselves speech-act attributions, would themselves contribute to the cycle.

Serious Self-Doubt

Regardless, to those who truly want to solve the problem, it seems that it surely requires the painful acknowledgement that our speech-act attributions themselves can cause (and constitute) the problem:

- If we attribute dog-whistling, it is likely that we appear to be wolf-criers.
- If we attribute wolf-crying, it is likely that we appear to be dog-whistlers.

This leads to a somewhat tragic view of the situation: if we are attributing dog-whistling and wolf-crying, our very attempts at virtuous attributions may be the very thing contributing to the vicious cycle that results in an unhappy equilibrium. Hopefully, recognition of the mechanism of the vicious cycle of political speech-act attribution can help its alleviation, not just contribute more speech-act attributions to the problem.

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FIGURES

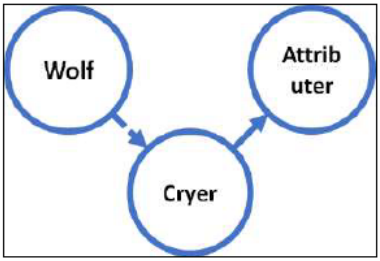


Fig. 1: Wolf-Cry Speech-Act

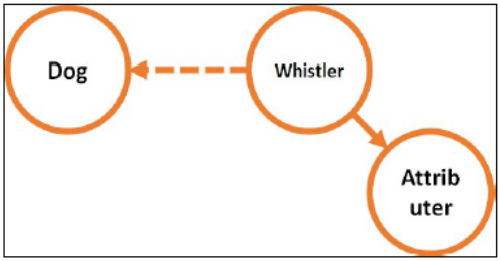


Fig. 2: Dog-Whistle Speech-Act

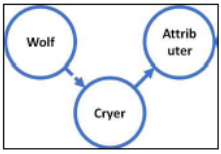


Fig. 3a: Whistle/Cry Dialectic (Step A)

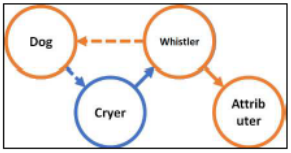


Fig. 3b: Attribution Dialectic (Step B)

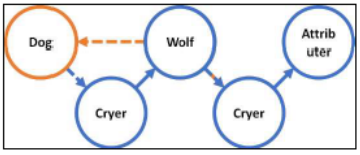


Fig. 3c: Attribution Dialectic (Step C)

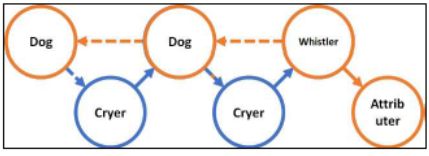


Fig. 3d: Attribution Dialectic (Step D)

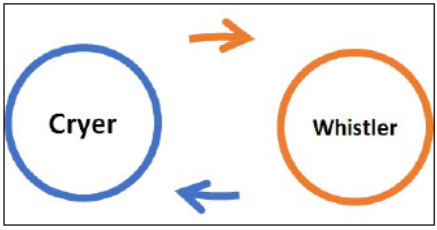


Fig. 4: Dog-Whistle/Wolf-Cry Attribution Cycle

Table 1: Speech-Act Attribution Dialectic Steps

STEP	SPEECH-ACT
A	Attributer A says: There is a Wolf A There is a Cryer A
B	Attributer B says: Wolf A is Dog B Attributer A is Whistler B
C	Attributer C says: Whistler B is Wolf C Attributer B is Cryer C
D	Attributer D says: Wolf C is Dog D Attributer C is Whistler D
ETC.	Ad infinitum…

Homesickness and Homecoming: Heidegger and Our Uncanny

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Winner of the NMTX Award

1. INTRODUCTION

Heidegger's thought is dominated by the idea that modern humanity is "homeless." Our modern lives are characterized by our steady entrapment in a self-reinforcing technological nihilism which finds us increasingly likely to be alienated from ourselves, our world, one another, and being as a whole.[1] But, if this is so, then what is the remedy? What is necessary for one to become "at home" in being, and what might such an existence look like?

In what follows, I argue that, for Heidegger, concretely understanding ourselves as existentially free, creative, and, perhaps most importantly, existentially *responsible* beings—as realized through what he calls our "dwelling poetically" —is the proper way to "be at home" in our existence and hence the path to overcoming the shadow of nihilism which threatens modern humanity. Embodying this poetical way of being involves adopting an authentic orientation toward the essential "uncanniness" [*Unheimlichkeit*—literally "Un-home-like-ness"] of our nature. The result should find us reinterpreting what initially presents itself as existential dread [*Angst*] and in turn rediscovering a wonderous, "enchanted" world imbued with significance.

2. The Background and the Nature of the Problem: On Uncanniness

In order to make sense of Heidegger's response to this question, we must first understand a few things about the terms in which he understands the question of existential meaning or "being-at-home".

For Heidegger, the human being is "Dasein" [lit. "there-being"]. Dasein is the being who "exists" in the etymological sense of always 'standing out" (ex-sisting) toward, taking some stance toward, being—and in the first place its own being—in interpreting it. As he puts it, Dasein is the being for whom "in its very Being, that Being is an *issue* for it," (SZ 12 [H's emphasis]). Dasein perpetually attempts to understand itself, and this concomitantly involves understanding its world, which appears to it as shaped through the lens of a given projected self-understanding.

Hence, we could say that, for Heidegger, we are beings essentially on a perpetual quest for self-knowledge, which is reflected in our every thought, word, and action—all constant attempts to make meaning of our world and existence as a whole.

However, Heidegger holds that we for the most part misunderstand ourselves; our common-sensical, everyday conceptions of ourselves and our world amount to a pernicious self-objectification. In short, even as we carry out the process of interpreting ourselves, we in various ways interpret ourselves as non-interpreting beings. Indeed, we have for the most part forgotten how to even ask the question of the meaning of "being" (or recognize that we have already provided ourselves with one particular conception of "being" among what may be multiple options), a fact which in turn influences all of our further interpretations of any "beings" (35).

This self-objectification is exacerbated by the non-incidental rise of a modern technological worldview, characterized by its attempt to interpret being itself—and hence all beings including ourselves—in terms of maximally efficient calculation, assignment, use, and disposal (i.e., as resources and commodities) (QCT 17).

The status of modern humanity's dilemma is attested by certain forms of possible experience, such as an experience of *Angst* (i.e., existential dread or anxiety), which could be described as a breakdown of our everyday common-sensical meaning-making activity—an experience of meaninglessness (SZ 184-91). In this experience of having our previously familiar world drained of its significance and now appearing alien to us, we are made to recognize the role we had played up to this point in having made meaning of it. Here the sheer fact of our "uncanny" existence, in all its unsettling strangeness, obtrudes to us (187-8). The dread inspired by this alien face of what on closer examination will turn out

to be our own nature typically causes us to flee back into our pacifying everyday world of familiarity as soon as possible and try to forget all about the disturbance.

Heidegger asserts, both amid his account of *Angst* and elsewhere, that it is part of the human being's essence that they are "uncanny" in this manner. A struggle to find our "home" or "place of belonging" in being is shown by such experiences as that of *Angst* to disclose something about our nature; our essential question of self-knowledge is in turn our essential question of how to "find our place" in being. After all, in order to understand and relate to being, we must first be able to distinguish ourselves from it—to set it at a distance—and so in some sense "not be at home" in it.

Yet, Heidegger implies that this apparent dilemma can nevertheless be satisfactorily navigated in some way. For example, in his later work, he approvingly interprets Hölderlin's poetry, which speaks of a "journey home through the foreign", to allude to a proper "poetical" dwelling (HH 20-1, 27-31). Simultaneously, he argues that Sophocles" *Antigone* properly connects the essential "uncanniness" of human nature to this same notion of "homecoming" (61-73, 92-104).

3. HEIDEGGER ON BELONGING

A human being of course cannot "belong" in being in the same fashion that, for example, a tool belongs put away in its toolbox when not being used. But then in what sense can a human come to have "their proper place" in being?

This question is addressed in multiple parallel ways in both Heidegger's early and later work in accounts which usefully elucidate one another, but it is perhaps most explicitly addressed in the latter, notably in the lecture entitled "Identity and Difference" [ID].

Here, as in some other areas of Heidegger's later work, humanity's "belonging-together with being" is described in terms of a relation Heidegger designates as "the event" [*das Ereignis*]. This relation "from which man and Being have already reached each other in their active nature [*Wesen* (essence)—meant to evoke the dynamic meaning of the Greek *phusis* ID 33f]" is one in which they are "appropriated to" [*übereignet*] one another (33).

We are told that this relationship is a sort of "(being-)toward-one-another" of man and Being such that they are "face to face"; "…thus man remains referred to Being and so answers to it," (31, 33). Heidegger continues, "Man is essentially this relationship of responding to Being, and he is only this," (31).

If the readiness to respond to Being is man's role in this relationship, the role of Being is as follows: "Being is present and abides only as it concerns man through the claim it makes on him. For it is man, open toward Being, who alone lets Being arrive as presence. Such becoming present needs the openness of a clearing, and by this need remains appropriated to human being," (31).

Heidegger often exploits etymological connections to draw attention to his intended meaning. By tracing the etymologies of the terms Heidegger uses here—*Er-eignis* arguably being associated with "ownership" hence "appropriation", or in context perhaps more correctly "the pledge or offering of property (such as in gift-giving)", while the term for belonging [*gehören*] has roots associated with hearing and listening [*hören*]. Attending to context, Heidegger appears to be describing our proper relationship of "belonging together with" being as one of *responsibility*.[2] This belonging constituted of responsibility consists in humanity and being simultaneously "offering gifts" to one another (in the form of making possible the revealing-via-interpretation of one another's essences) and in the same motion placing "claims" upon one another, as well as listening to and responding to those claims, in certain senses.

In his use of language associated with "ownership", "property", and the like, and associating these with the revealing of "active natures" or "essences", I take Heidegger to indicate that we respond to being's "call" appropriately when we "come into our own", that is, reveal ourselves and being "as they truly are", when we take up an "authentic"—a word meaning not only "true" but "proper" in the sense of "(self-)owning"—self-understanding, as he puts it in his earlier work (SZ 46), or one of ourselves as "poetical" (i.e., "[self-]creative") beings, to pull a phrase from his later work (QCT 34).

In the earlier work of *Being and Time*, the process of assuming an authentic existence entailed confronting the uncanniness attested in *Angst* in a "resolute" manner. This in turn meant confronting our finitude—i.e., keeping a secure view toward the horizon of death, understood as the defining limit to our possibilities of self-interpretation, one which allowed Dasein to thereby individuate itself from others as well as simultaneously place itself in a position to choose responsibly between its own possible ways of being and interpreting itself (SZ 264).

Keeping a view to death as this sort of generative limit, Heidegger emphasizes, means casting aside our everyday interpretations of ourselves which misinterpret death, and in turn life, as thoroughly mundane, instead embracing the inherent peculiarity and mystery of human existence (246-67).

Here Heidegger seems to imply that our uncanniness, the same peculiarity of our existence which in *Angst* was experienced as a disturbing, dreadful, and alienating strangeness, might be reconciled after all via a responsible confrontation which takes ownership of that peculiarity, reappropriating it as the awesome or wonder-inspiring nature of our existence as beings who are self-"creating", self-interpreting and hence essentially un-objectifiable. But what might this look like concretely?

4. Toward a Wondrous Home

Though Heidegger does not explicitly draw such a connection, it follows from the

structure of his philosophy that any change in Dasein's self-conception (including to one as an authentic, poetical being) must be accompanied by a corresponding change in how the world shows itself to such a being viewing it through this lens.

I wish to argue that taking up this self-conception entails taking up a "mood" of what could be appropriately labeled "awe" or "wonder" (where every "mood" for Heidegger is understood to come with a world-interpretive dimension). Heidegger in some places describes such a mood, which he also associated with philosophy itself as a "creative possibility of Dasein", wherein Dasein experiences a world of entities which seems to "flicker" and "waver" between "possibilities of being and not-being" (IM H21-4). In contrast with its previous everyday mundanity, this is a world in which everything individually and everything taken as a whole appear question-worthy, peculiar, mysterious, miraculous, remarkable (in a sense closely bound up with our appropriate relationship to language), in a word: wondrous.

In welcoming this mood of awe or wonder, having "passed through the foreign" by responding to the initially alien uncanniness of our nature and concretely embracing it as an essential aspect of ourselves, we hence not only "come into our own", we also respond appropriately to the "call" of being by—in the same motion—revealing being itself as essentially mysterious. In our "everyday" mode of being, we fasten the various beings in our world ever more tightly to the technological framework of our projected interpretive schema, such that they are disallowed from revealing any visage of genuine alterity to us. We hence pass them over, dismissing them without thought as already thoroughly pre-understood, thoroughly mundane, at best of interest only as resources for equally mundane ends. In contrast, in the extramundane mood of awe or wonder, worldly beings are allowed instead to glimmer with the mystery of all being as such. In this they reflect and participate in the objectification-resisting nature of the dynamically self-creating being which reveals them (i.e., Dasein).

Admittedly, Heidegger consistently suggests that learning how to be receptive to such a mood, let alone actively resolve ourselves upon this poetical way of being, is no easy task—one which is becoming more difficult by the day due to the subtle and pernicious encroachment of the technological worldview. And it is perhaps a rare and fleeting achievement among humanity in our time for an individual to be able to take up and sustain such a poetical mode of being. Though Heidegger does gesture at various possible catalysts which might start us upon the path to fostering such poetical "thinking", among which are included engagement with and reflection upon art and poetry (and their intrinsic relationship with technology) (QCT 34), as well as philosophical questioning in an all-encompassing and concrete sense (IM H1-9), along with careful meditations upon death[3] and the meaning of being. And beyond this, we may each be required to practice self-critical awareness, deconstruction, and reinterpretation of the everyday ways of thinking and perceiving which we always already find ourselves

adopting, attempting to see for ourselves how they express objectifying self-conceptions and yet presuppose a more proper, non-objectifying one. Finally, Heidegger emphasizes that our "responsibility toward being" is chiefly realized through our ability to continually renew, nurture, and preserve a view to our own existentially-creative potential, especially via the attentive use of language, as our words ultimately bear with them the meaning of this essential "poetical" way of being.

> *Language is the house of being. In its home human beings dwell. Those who think and those who create with words are the guardians of this home. (LH 239)*

5. Conclusion

It seems that for Heidegger we come to make ourselves at home in the world by embracing and assuming responsibility for the very uncanniness of our dwelling which, from the perspective of a naïve lack of self-knowledge, appeared threatening and alienating, as if it were the abyss of meaninglessness itself. This requires a certain resolve to confront the proper defining limit of our being taken as a whole (which Heidegger holds to be the horizon of the possibility of "death"), even while a secure view to this finitude in another sense reveals our share in infinity.

As we welcome the peculiarity, the otherness, of being—this transformative heightened state of self-knowledge frees us from our self-imposed bindings of objectification and infuses the world with an abundance of significance. In light of a mood of awe, a newly "re-enchanted" world shows itself, one hospitable and welcoming to the authentic essence of the human being.

And yet, this poetical dwelling upon the earth can be a homecoming precisely to the extent that it perpetually remains a journey.

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Reclaiming Respect:
An Indigenous Response to Regan

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1. Introduction

Tom Regan argues for egalitarian nonhuman animal (hereafter 'animal') rights. He claims that the "wrong isn't the pain, isn't the suffering, isn't the deprivation" (Regan "The Radical" 31) but rather it is "the system that allows us to view animals as our resources" (Regan "The Radical" 31). Ascribing inherent value to animals, where "all possess it equally, and all have an equal right to be treated with respect" (Regan "The Radical" 36) elevates the moral status of animals to the same level as humans. Thus, Regan argues against animal industries like commercial agriculture, biomedical research, and hunting, not because the animals used in these industries suffer, but because they are not treated in ways that respect their inherent worth.

I argue that what matters morally is not that we use animals as resources, but whether we are able to maintain equal respect for the animals. Using an indigenous framework, I argue that hunting is morally permissible for indigenous peoples because they ascribe equal respect to animals. I appeal to the philosophy of three indigenous tribes—the Lac du Flambeau, Hopi, and Kluane Nations[1]—to show that indigenous hunting practices honor animals' inherent value. As such, these indigenous communities (and probably many more) incorporate animals into a broadly egalitarian account that better aligns with the many ways that humans and animals interact with each other in the world.

2. Regan's View

First, let's outline Regan's position. Regan's work is in large part a response to Peter Singer. Singer argued that industries like animal agriculture, biomedical research, and hunting are morally indefensible because animals are sentient—they are capable of feeling pleasure and pain. Animals in these industries experience immense suffering, and suffering is inherently bad. It is this suffering, not the death of the animal, that is the wrong, according to Singer and other utilitarians. So, according to Singer, we need abolish the practices.

Regan agrees with Singer's conclusions but disagrees with the reasoning Singer utilizes to get to his conclusions. For Regan, the wrongs do not arise from the suffering, but rather because the animals are not treated as individuals with inherent value.

Regan appeals to a respect principle: "*We are to treat those individuals who have inherent value in ways that respect their inherent value*" (*The Case* 429). This is an egalitarian, non-perfectionist interpretation of formal justice that entails certain rights for the animals, and certain duties from us humans.

Regan thinks the fundamental right that animals have is a right to respectful treatment. This necessitates a negative duty: Animals "must never be treated *merely as a means* to securing the best aggregate consequences" (*The Case* 431); Additionally, we have a positive duty towards animals, a "prima facie duty to assist those who are the victims of injustice at the hands of others" (Regan *The Case* 431). So, we have duties of non-harm and duties of assistance, irrespective of the suffering these animals experience, and regardless of the positive consequences that arise from our use of the animals.

Regan's view avoids some potential problems that many utilitarian perspectives cannot avoid. Since the utilitarian cares about suffering only, industries that do not cause suffering, but still result in the death of the animal, can be morally justified under the framework. Regan's view does not have this implication. In most cases, killing an animal, regardless of how painless the death is, is wrong.[2] It violates Regan's respect principle and violates the animals' right to respectful treatment. It violates the animal's inherent worth. Killing animals violates the negative duties we owe the animals.

The next question is which animals have inherent value—i.e. which animals have these rights? Regan appeals to a subject-of-a-life criterion to answer the question of which animals count as inherently valuable. Creatures who have

> beliefs and desires; perception, memory, and a sense of the future, including their own future; an emotional life together with feelings of pleasure and pain; preference-and welfare-interests; the ability to initiate action in pursuit of their desires and goals; a psychophysical identity over

> time; and an individual welfare in the sense that their experiential life fares well or ill for them, logically independently of their utility for others and logically independently of their being the object of anyone else's interests (Regan *The Case* 422)

This does not explicitly answer the question of which animals qualify as subject-of-lives. In this paper, I focus on deer hunting. Regan claims that "mentally normal mammals of a year or more" (*The Case* 19) are subject-of-a-life. Most deer hunted are between 1.5 and 3.5 years old. So, for the purposes of this paper, we do not need to know exactly where to draw the line between animals with inherent value and animals without. Under Regan's view deer are subjects-of-lives, which means they qualify as animals with inherent value. Thus, Regan believes that deer have a right to respectful treatment.

2.1 Why Deer Hunting is Wrong

Regan thinks that deer hunting is wrong because "wild animals are not natural resources *here for us*" (*The Case* 584). According to Regan, when hunting a deer, we are using them for our purposes only. We neglect to take into consideration that deer "have value apart from human interests, and their value is not reducible to their utility relative to our interests" (Regan *The Case* 584).

The hunting industry is morally unacceptable because "Animals in the wild are treated as renewable resources, as if they had value only relative to the economic interests of those who feed off their dead carcasses" (Regan *The Case* 586) To hunt deer "is to fail to treat them with the respect they are due as a matter of strict justice" (Regan *The Case* 584).

In the next couple of sections, I discuss two different arguments Regan responds to concerning deer hunting. Both are relevant to the indigenous perspectives I cover later in the paper, so it is worth exploring Regan's specific reasons against each.

2.2 Against Tradition

One argument for the acceptability of deer hunting is that it is part of many culture's traditions. Citing traditions like fox hunting in Great Britain, Japan or Russia's commercial whaling, and Canada's slaughter of seals, Regan claims that

> all that appeals to tradition signal in this case, and all they signify in related contexts, is that it is traditional to view animals as mere receptacles or as renewable resources. These appeals to traditions, in other words, are themselves symptomatic of an impoverished view of the value animals have in their own right and thus can play no legitimate role in defending a practice that harms them (*The Case* 580).

Tradition in and of itself does not morally justify the practice. Just because we have been participating in a practice for generations does not mean the practice is morally acceptable.

2.3 Against Ecosystem Management

Another common argument in favor of the moral permissibility of hunting is that hunting promotes ecosystem management. When an ecosystem lacks balance, perhaps due to the elimination of predators in the area, we run into overpopulation problems with certain animals, including deer. When there is an overpopulation of deer, there will eventually come a time when there are too many deer and not enough foliage for the deer to eat. This results in the starvation of many individual deer. Hunters often argue that death by hunting is preferrable to death by starvation.

This is a utilitarian argument. As mentioned above, Regan believes we have a negative duty to the animals—we cannot justify violating their rights simply to produce the best aggregate consequences: "Policies that lessen the total amount of harm at the cost of violating the rights of individuals… are wrong" (*The Case* 583). Even if hunting is a better death than starvation (an assumption Regan argues against), fundamentally, "it is the animals' untimely death, not merely their pain and suffering, that is morally relevant" (Regan *The Case* 641).

What are we to do in these circumstances? Regan believes we should just let the wild animals be. We should "defend wild animals in the possession of their rights, providing them with the opportunity to live their own life, by their own lights, as best they can" (Regan *The Case* 585) This requires that we keep "human predators out of their affairs, allowing these "other nations" to carve out their own destiny" (Regan *The Case* 586)—where 'other nations' are these animal communities. Ultimately, "*the rights view's position is to let wildlife be. Wildlife management ought to be designed to protect wild animals against hunters, trappers, and other moral agents"* (Regan *The Case* 640).

3. Indigenous Perspectives

Many indigenous philosophies conflict with Regan's position. There are thousands of indigenous communities in the world, and not all hold the same belief system. For the purposes of this paper, I focus on three tribes—the Lac du Flambeau, Hopi, and Kluane First Nation. But it is important to note that there are many other indigenous nations who hold similar philosophies.

In the following sections, I will outline the Lac du Flambeau and Hopi nations' conceptions of respect. I will utilize the Kluane's First Nation's ideals on gift giving to explain their moral justification behind hunting. I will argue against Regan's arguments against tradition by appealing to the indigenous Traditional Ecological Knowledge model. Then I will argue against Regan's arguments

against ecosystem management by appealing to indigenous stewardship.

Both Regan and the indigenous framework utilized here ascribe inherent value to the animals. Both believe that animals deserve respect. The primary difference between the two positions is how that respect manifests. For Regan, respect leads to rights. For many indigenous communities, respect leads to reciprocity. I believe the indigenous framework is preferrable to Regan's position for one main reason: Regan's view neglects the positive duties he claims we have towards the animals, whereas the indigenous framework presented here better satisfies that duty.

3.1 Inherent Value, Respect & Reciprocity

The Lac du Flambeau and Hopi nations both believe that all nature is inherently valuable. This includes humans, nonhuman animals, plants, and non-living nature such as rocks, rivers, and mountains. Thus, according to their philosophy, all of nature is deserving of respect. The Hopi nation writes, "It is our obligation, day by day, to conduct ourselves in a manner that shows our respect for the land and all it contains." (Wildlife & Ecosystems Management Program 2014)

With a worldview like this, it is impossible not to use nature as a resource. Regan avoids this problem because he specifies that his view surely encompasses mature mammals, but he leaves the question open about other potential sources of inherent value. However, he admits that many more creatures might have inherent value, although it is an empirical question of whether more animals than he assumes are subjects-of-lives.

Regan does admit that subject-of-a-life is sufficient but not necessary for inherent value. He writes that, "The very possibility of developing a genuine ethic of the environment… turns on the possibility of making the case that natural objects, though they do not meet the subject-of-a-life criterion, can nonetheless have inherent value" (Regan *The Case* 425).

If non-living nature does have inherent value, then Regan is in trouble. He believes entities with inherent value cannot be used as resources for our aggregate utility. If we were to discover that the indigenous framework is correct, and all nature has inherent value, under Regan's view we would constantly be committing wrongs by using these resources for our benefit.

The indigenous frameworks do not run into this problem. Since they do not ascribe rights to those with inherent value, they commit no wrong by using natural resources. They are still able to respect these natural resources, again not by ascribing them rights, but instead instantiating a system of reciprocity. Under an indigenous framework, we can use nature—humans, animals, plants, and non-living nature—so long as we issue reciprocity when we do use them.

3.2 Deer Hunting and Gift Giving

Now I will outline the connection between hunting and gift giving present in indigenous frameworks. The Hopi Nation writes that "When we hunt, we hunt with

the knowledge that the animal has agreed to make a sacrifice for us. We must repay that sacrifice through our ritual and our offerings. If we do not do this, we have violated our covenant" (Wildlife & Ecosystems Management Program 2014). For the Hopi, the act of hunting is like gift giving. The deer gives his life as a gift to the tribe.

This conception of gift giving is radically different from gift giving in the Western sense. When we typically think of gift giving, we think of it as a spontaneous act, where the gift freely given. This practice of gift giving is not universal amongst all cultures. For example, in some societies where sharing of meat is expected, hunters may try to hide it away, neighbors may resort to various strategies to force them to fulfill their obligation to share the meat. The meat that is forcibly shared is still considered a gift to the people who forced the sharing. Here, with the deer, the same type of strategy is employed, where the deer does not willingly give his life, but his life is a gift, nonetheless. Thus, hunters are obligated to reciprocate. "By accepting such gifts from their animal benefactors, hunters incur a debt that must be repaid through the performance of certain ritual practices" (Nadasdy 24). These ritual practices often include dressing the deer according to gender and making pray offerings to the deer with traditional offerings of objects like Tabacco. The hunter is then expected to share the deer with the community at large.

3.3 The Metaphysics

Joe Johnson, a member of the Kluane Nation states that "All animals used to be people before" (Nadasdy 25). A member of the Lac du Flambeau tribe states that "Just to eat one is an honor, and for him to give his life to feed me is one of the greatest gifts you can ever receive… I wish I could give my life up to feed one of them but I can't, but who knows, one day when you're pushin' up daisies maybe one'll eat off my grave" (Reo and Whtye 21). For indigenous communities, there is more to the reciprocity than just the ritualistic practices upon killing a deer.

Robin Kimmerer, a member of the Citizen Potawatomi Nation, has written on the metaphysical grounding of hunting and harvesting practices. When writing on the honorable harvest, the indigenous set of principles and practices that govern the exchange of life, Kimmerer states that

> The state guidelines on hunting… are based exclusively in the biophysical realm, while the rules of the Honorable Harvest are based on accountability to both the physical and the metaphysical worlds. The taking of another life to support your own is far more significant when you recognize the beings who are harvested as persons, nonhuman persons vested with awareness, intelligence, spirit—and who have families waiting for them at home. Killing a *who* demands something different than killing an *it*. When you regard those nonhuman persons as kinfolk, another set of

> harvesting regulations extends beyond bag limits and the legal seasons (183).

For many indigenous communities, respect is a kin-relation, where all of nature is in essence part of the kin of the tribe. But kin-relations and respect do not entail equal treatment. Humans serve a different purpose in this world than deer, a purpose I discuss below, which does not allow for the same sacrifices as the deer.

3.4 Traditional Ecological Knowledge (TEK)

The Traditional Ecological Knowledge model within indigenous frameworks is the set of knowledges and practices passed down through generations within a tribe. Rather than instantiate tradition for tradition's sake, indigenous communities pass down the knowledge that their ancestries developed through years of practice and experience with the land. This knowledge is context and location specific. We cannot separate TEK from the members of the tribes as the knowledge is acquired after developing the kinship with the land where they have spent so many generations living on and off of.

Within the context of deer hunting, TEK calls for not maximization of utility, but maximization of respect. It is the interconnectedness and interdependence of all nature – both living and nonliving that requires all make sacrifices to achieve ethical harmony. The deer sacrifices it life for the land—for humans, other deer, the ecosystems, etc.

This tradition is not signaling a lack of acknowledgement for the inherent value of the animal, as Regan argued. Rather, the goal is to preserve knowledge of the animal's (and all of nature's) inherent value.

I believe this framework better answers problems of conflicting human and animal interests. We must strike a balance between our interests and the interests of all of nature. Since it is impossible to live without using other humans, animals, and nature as resources, the best we can do is ensure that respect and reciprocity is maintained throughout the process. Indigenous communities accept these consequences and attempt to honor all resources used. Regan, on the other hand, must eventually bite the bullet and appeal to utilitarian principles when serious conflicts between humans and animals arise.

The TEK framework also takes into consideration some practical principles when hunting. First, hunters should never be greedy. There is an expectation that hunters never take more life than necessary. Unlike some Western hunters, the standard is not to target trophy bucks.

Hunters should also be sober when hunting. No drugs or alcohol should be consumed when participating in a hunt. This is to ensure safety for both humans and animals. The goal is to prevent as much pain as possible when killing the deer.

Hunters should also take their time when hunting. They need to conduct "themselves in the woods as if they were in someone else's home" (Reo and Whyte

19). This reflects the kin-relation between the hunter and the hunted.

These values are incredibly important for these communities. Some indigenous nations prohibit their young from watching Western hunting entertainment so that TEK is not corrupted by Western norms.

When thinking about the sacrifices—the deer gives his life, whereas we give up things of less importance seems unbalanced. The reason the sacrifices are different concern the different roles humans and deer have in this world. In the following section, I outline the responsibilities of humans that require sacrifices greater than these practical considerations. Indigenous stewardship requires we humans stay alive and fulfill our unique duties as humans.

3.5 Indigenous Stewardship & Ecosystem Management

When discussing biomedical research, Regan writes that "Lab animals are not our tasters; we are not their kings" (*The Case* 628). The same idea can be applied to wild animals—Regan thinks we do not have dominion over them, so we ought to let them be. The mentality of indigenous communities is similar to Regan in one respect—we do not have dominion over the animals. But the indigenous framework differs from Regan's view because community members still have an obligation and responsibility to care for the environment. Indigenous stewardship is the idea that we do not own the land, but we are the protectors of the land.

The Hopi tribe writes that "It is our obligation, day by day, to protect the plants and animals that need our help" (Wildlife & Ecosystems Management Program 2014). While Regan argues to let nature be, as stewards, members of indigenous communities cannot just let nature be. Indigenous stewardship requires members assume the role of managing and caring for all nature: land, sky, rocks, soil, streams, springs, plants, animals, and other humans. This is the sacrifice that members make. As stewards we cannot give our lives for food and nourishment. We must strive every day to protect the land, and that requires we stay nourished. Hunting satisfies the duty to protect nature because it helps keep ecosystems balanced and keeps hunters healthy so they can best fulfill their stewardship duties.

One fundamental problem with Regan's view is that he neglects the positive duties we have towards animals: the "prima facie duty to assist those who are the victims of injustice at the hands of others" (Regan *The Case* 431). Wild animals are victims of injustice at the hands of us humans. We humans are responsible for climate change. We humans are responsible in large part for ecosystem imbalance. According to Regan, then, we humans have a positive duty to assist these victims. Letting nature be might work well had we not destroyed nature. But we live in a world devastated by human actors, and the deer, as well as nature at large, deserve assistance from those who can give assistance. Indigenous stewards are both willing and able to provide that assistance.

4. Conclusion

In this paper, I argued against Regan's conclusion that hunting is morally impermissible. First, I presented Regan's view. Then I presented the indigenous framework from three tribes—the Lac du Flambeau, Hopi, and Kluane Nations—to defend the conclusion that hunting is morally permissible. I presented their conception of respect, reciprocity, and gift giving. Using these philosophies, I argued that tradition is justified from an TEK model. I showed that we have a positive duty to assist victims of injustice and used the philosophy of indigenous stewardship to show that indigenous communities are attempting to fulfill this duty. As such, under some indigenous frameworks, hunting is morally permissible, because it respects the animals' inherent value by maintaining a system of reciprocity rather than a system of moral rights.

Notes

1. Similar arguments concerning the permissibility of hunting for the Cree Nation have been made by Persinger in her unpublished thesis (2023). The primary difference between my arguments here and Persinger's arguments is my focus on Regan's views concerning tradition and ecosystem management.
2. We can justify violating an animal's rights when their rights conflict with our rights, but the violation of the right is still wrong. Regan uses an example of a rabid fox who has attacked a couple of people. We can justify killing the fox, but the death of the fox is still a violation of the fox's right to respectful treatment. In these cases, we should compensate victims, or we should ensure that the circumstances do not arise again. We cannot compensate the fox in this case, but we can make changes to prevent this circumstance from occurring again, which is what Regan thinks we ought to do.

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Gender as Genocide: An Argument for the Inclusion of Gender as a Protected Group under Article II of the Genocide Convention

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The purpose of this paper is to add to the growing scholarship investigating the question of whether the Genocide Convention should be expanded to include gender as a protected group. My argument will be laid out in four sections. In section one, I will begin by sketching a brief overview of the history of the creation of genocide as a crime covered by international law. In section two, I will look at the reasons why gender was initially excluded as a protected group.

Section three then will examine existing international law that provides for the protection of gender groups. Section four will look at arguments against expanding the genocide convention to include gender as a protected group. In addition, I will evaluate those arguments and show how they fail to present compelling reasons for the exclusion. I will conclude with areas that I feel need further study.

THE EVOLUTION OF THE CRIME OF GENOCIDE

In the aftermath of WWII, the Allies faced a unique challenge. It was clear that the major figures of Nazi leadership should be held accountable for the trail of atrocities left in their wake, but how, exactly, should this be done? After a lengthy debate, it was finally decided that an international trial in the form of a military tribunal would take place.[1] The International Military Tribunal (IMT) was created in 1945 for the express purpose of trying those considered to be at the head of the Reich's operations.[2] The next step was determining exactly which charges would

be brought. Both The Hague Conventions of 1899 and 1907 and the Geneva Conventions offered a guide to potential charges, but the sheer scope and magnitude of the crimes committed by the Nazis seemed unique to existing international law. Ultimately the court decided on three crimes: Crimes Against Peace, War Crimes, and Crimes Against Humanity.

Missing from this is the crime of genocide. Although the Holocaust stands as the quintessential example of genocide in modern discourse, genocide was not a legal crime at the time of the Nuremberg trials. Raphael Lemkin, the originator of the term, first presented what he hoped would become an international war crime at a League of Nations international law conference in 1933. Lemkin also pushed for a form of international jurisdiction with respect to the crime, stating that perpetrators should be "prosecuted and punished irrespective of the place where the crime was committed and of the nationality of the offender, according to the law of the country where the offender was apprehended" (Bazyler, 34). In 1944, when Lemkin published the seminal text, *Axis Rule in Occupied Europe*, he replaced the term "barbarity," with "genocide." While Lemkin did not succeed in having the crime of genocide added to the list of official crimes at Nuremberg, it was used in the language of the indictment itself, stating that the Nazis "conducted deliberate and systematic genocide" (ibid).

In 1946, the crime of genocide entered into international law with the passage of Resolution 96 (I) by the UN General Assembly. The resolution defined genocide as "a denial of the right of existence of entire human groups" which "shocks the conscience of mankind, results in great losses to humanity … and is contrary to moral law and to the spirit and aims of the United Nations" (36). This was further codified in the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) of 1948. The language of the convention differed slightly from Lemkin's original. The official definition of genocide is set out in Article II of the Genocide Convention. It defines genocide as follows:

> In the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or on part, a national, ethnical, racial or religious group, as such:
>
> a. Killing members of the group;
> b. Causing serious bodily or mental harm to members of the group;
> c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
> d. Imposing measures intended to prevent births within the group;
> e. Forcibly transferring children of the group to another group. (40)

The Genocide Convention remained untested for over forty years. Almost from the moment of codification, the Genocide Convention has been criticized as being both too general and too narrow. The main focus of criticism lies in the

determination of the protected groups. Most notably absent are political groups[3] and groups defined by gender, however even the groups identified suffer from a perceived lack of clarity. For example, in the aftermath of the slaughter of over 500,000 members of the Tutsi ethnic group in Rwanda, the United Nations convened a special tribunal to investigate potential war crimes. Jean-Paul Akayesu became the first person to be convicted of genocide. Akayesu was bourgmestre in Rwanda at the time of the killings and as such, the indictment stated that he "knew that the acts of sexual violence, beatings and murders were being committed and was at times present during their commission" (Prosecutor v. Akayesu, para. 12B). The defense held that Akayesu could not be held responsible for the crime of genocide since the Tutsis did not fall into the category of one of the protected groups. The ICTR Trial Chamber rejected this argument stating:

> …customary rules existed in Rwanda governing the determination of ethnic group, which followed patrilineal lines of heredity. The identification of persons as belonging to the group of Hutu or Tutsi (or Twa) had thus become embedded in Rwandan culture. The Rwandan witnesses who testified before the Chamber identified themselves by ethnic group, and generally knew the ethnic group to which their friends and neighbours belonged. Moreover, the Tutsi were conceived of as an ethnic group by those who targeted them for killing. (para. 171)

Crucial to the identification of a group in the ICTR judgement against Akayesu was the cultural recognition of a separate Tutsi identity. Regardless of whether or not there is a distinct ethnic difference between Hutu and Tutsi, the genocidaires targeted specific individuals based on this perceived difference. In other words, there was a *dolis specialis* to commit (a) through (d) in the convention.

The crime of genocide was further strengthened after the adoption of the Rome Statute in 1998 which called for the creation of a permanent International Criminal Court intended to prosecute perpetrators of the most serious crimes, included that of genocide ("Understanding the ICC").

The Exclusion of Gender as a Protected Group under the Genocide Convention

At the time of the drafting of the Genocide Convention, gender *per se* was not considered a separate group with specific concerns. While much evidence supports the existence of multiple gender identities as far back as the Iron Age, ("Exploring the History of Gender Expression") post-war society held fairly strict views recognizing gender as limited to male and female. Since national, racial, ethnical and religious groups contain both male and female bodies, the addition of gender as a protected group was seen as irrelevant. For example, despite claims that Jewish

women were not targets of sexual violence that occurred in the concentration camps due to racial purity laws (*Rassenschande),* there is sufficient evidence to suggest that widespread sexual abuse did occur (Flaschka). However, the primary crimes perpetrated by the Nazis were against Jews as a *people*, despite the gendered nature of the attacks.

Similarly, during the violence in Rwanda many women experienced sexual abuse. The ICTR found that not only did Jean Paul Akayesu know about acts of sexual violence but held that he was at times directly responsible for them. The ICTR judgement against Jean Paul Akayesu states, "Akayesu knew that the acts of sexual violence, beatings and murders were being committed and was at times present during their commission. Jean Paul Akayesu facilitated the commission of the sexual violence … by allowing the sexual violence and beatings and murders to occur on or near the bureau communal premises" (Prosecutor v. Akayesu, ICTR Trial Chamber, Judgement, para 12B). The Trial Chamber determined that this did meet the parameters of Article II of the Genocide Convention, yet it was the participation in the ethnic group Tutsi that allowed for this rather than their gender (ibid, Sect. 8).

Filip Strandberg Hassellind has noted that international criminal law has traditionally reflected a gendered view in which men's experiences stand as the norm and women's experiences as belonging to a separate sphere of "women's issues." Hassellind writes, "The groups worthy of protection in the Genocide Convention are gendered to suit atrocities that have befallen men" (Hassellid 72).

GENDERCIDE AND CURRENT PROTECTIONS

Coined by Mary Anne Warren in her 1985 book, *Gendercide: The Implications of Sex Selection,* the term "gendercide" refers to the deliberate killing of members of a specific gender. Warren writes, "gender roles have often had lethal consequences, and that these are in important respects analogous to the lethal consequences of racial, religious, and class prejudice" ("Gendercide and Genocide"). Currently the terms, "Gendercide," "Femicide" and "Gynocide," are used to describe gender based violence. In many cases this violence is sexual in nature, but it is also used to describe sex based selection, such as the "one child policy" enacted in China. The policy was created to combat rising population, however a cultural preference for male children coupled with inheritance laws led to mass murder of unwanted female babies (Whyte et al.)

International Human Rights law protects against gender based discrimination and violence through a number of treaties, such as the Universal Declaration of Human Rights, the UN Declaration on the Elimination of Violence Against Women, and the arguably most significant, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This convention, adopted by the UN General Assembly in 1979 calls upon states to:

- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises. ("Convention on the Elimination…")

Countries that have ratified the Convention are required to put the provisions into practice. The Convention is meant to reflect the International Bill of Human Rights which ensures "the entitlement of everyone to equality before the law and to the enjoyment of human rights and fundamental freedoms without distinction of kind and proceeds to include sex among the grounds of such impermissible distinction" ("Short History of CEDAW Convention").

However, the Convention has been accused of lacking teeth, relying on ratifying states to enact enforcement measures. This is done to varying effect. As well, not all countries have ratified the CEDAW. Iran, Somalia, Sudan, Tonga, Palau and the United States have all refused to ratify the Convention. Until widespread implementation of CEDAW's provisions is enacted, with significant and meaningful enforcement, it, as is the case with many of the treaties, remains little more than a symbolic nod.

Arguments against Including Gender as a Protected Group in the Genocide Convention

There are three main criticisms directed towards the question of including gender as a protected group in the Genocide Convention.

First, critics claim that expanding the group categories would open a "Pandora's Box" through which the claims of so many groups would flow that the definition under Article II would lose all meaning (Hassellind 66). William Schabas notes the problem with determining which groups should be included, "if one group is to be included, why not the disabled, or other groups based on arbitrary criteria" (ibid.). There may well be compelling arguments for the inclusion of differently abled people as a protected group, however that is beyond the scope of this paper. It is sufficient to point out that the crime of gendercide, as previously mentioned, fits the parameters of (a) through (d) of the Genocide Convention. As well, the majority of international human rights treaties currently conceive of gender as a group to be protected against discrimination and violence. Furthermore, gender based attacks formed part of the genocidal picture in *Akayesu*. Hassellind argues that discourses regarding what is worth protecting has changed since the original drafting of the Convention and that, "it is necessary to calibrate

the crime of genocide in relation to the changing discourses so they corroborate, inasmuch as it is possible, to ensure that the believability in the judicial construct is preserved." (71).

Next, critics claim that gender groups are currently given adequate protection due to the inclusion of the crime of gendercide as a Crime against Humanity. This argument neglects a key difference between Genocide and CAH. As Hassellind notes, National, Ethnical, Racial and Religious groups are protected from both Crimes against Humanity and Genocide. If it were the case that CAH offered adequate protection, the crime of Genocide would be unnecessary. The difference lies in the *dolus specialis* of the crime. Genocidaires seek the destruction of a certain group through killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group and/or forcibly transferring children of the group to another group. This is what leads to the crime of Genocide standing "at the apex of international criminality" (69). Crimes against Humanity, on the other hand, targets on an individual basis. While Crimes against Humanity can be included in the crime of Genocide, Genocide cannot be subsumed under CAH.

The third criticism points to the risk of member states withdrawing their membership to the Convention if gender is included as a protected group. It is important to remember that many of the states that are suggested as likely to withdraw their membership, such as Saudi Arabia and Iraq, have ratified the Convention on the Elimination of All Forms of Discrimination against Women, I am not convinced this is a significant worry. However, it was Soviet reluctance that led to the elimination of political groups as a protected category, so this objection cannot be dismissed out of hand. It is my contention that adding gender as a protected group would give CEDAW and other treaties the weight they need to become meaningful. In addition, as previously mentioned, Crimes against Humanity currently covers crimes against gender groups, so simply withdrawing membership from the Convention would not result in a complete absence of accountability.

AREAS FOR FURTHER STUDY

Thus far this project has predominantly focused on gender as it relates to women's issues. However, it is essential that any serious investigation of the possibility of adding gender groups as protected groups include issues that surround transgender individuals. Definitions of gender are often problematic, but broadly, *transgender* is the term used to refer to individuals whose gender identity does not conform to the stereotypical roles related to the biological sex assigned at birth. Violence against transgender individuals has increased sharply in recent years, with the

monitoring website, *transrespect.org,* reporting 2021 as the deadliest year on record since their monitoring began in 2009. However, this is not to indicate that violence against transgender people is a new phenomenon. A few examples will serve to illustrate this.

Some of the early prisoners sent to concentration camps by the Nazis were the "asocials" which included those who did not conform to stereotypical gender norms. Homosexuals and transgender people were made to wear a pink triangle signifying their camp designation. Many were sent to the concentration camp brothels for "re-education." (Hughes 309).

In 2006, the New York based organization Human Rights Watch reported the sexual cleansing of transgender people in Nepal. In Nepal, transgender people are referred to as "metis." This term is specifically in reference to those assigned to the male sex at birth but who identify as female. The Blue Diamond Society, a Nepalese non-governmental organization that specializes in defending sexual rights, reported beatings accompanied by cries of "Metis! Kill them!" and "These hijras[4] pollute the society and must be cleaned out" (Nepal: Police on 'Sexual Cleansing' Drive"). It was further reported that in March of 2006, approximately 26 metis were rounded up and detained, and denied legal counsel (Kidd and Witten 45).

A 2006 report on violence against transgender people in Argentina listed 420 transgender deaths "in recent years." The deaths were a combination of murders, suicides, medical neglect, and substance abuse. Furthermore, "70% of these deaths occurred between the ages of 22 and 41, much younger than the country's overall healthy life expectancy of 66.7 years" (ibid.)

Finally, in 2021, Governor of Texas, Greg Abbott declared that gender affirming procedures for minors constituted child abuse under chapter 261 of the Texas Family Code. Advised by the Office of the Attorney General, Abbott directed the Texas Department of Family and Protective Services to "investigate the parents of a child who is subjected to these abusive gender-transitioning procedures." Removal of the child was recommended if it was determined that such procedures had, or were likely to take place; "if parental control falters, the State must play its part as parens patriae. In this respect, the [child]'s liberty interest may, in appropriate circumstances, be subordinated to the State's parens patriae interest in preserving and promoting the welfare of the child" ("Governor Abbott Directs DFPS To Investigate…").

The inclusion of gender as a protected group under the Genocide Convention would have a significant effect on the understanding of anti-transgender violence. As Jeremy Kidd and Tarynn Witten point out in their article, *Transgender and Transsexual Identities: The Next Strange Fruit– Hate Crimes, Violence and Genocide Against the Global Trans Communities,* "the material existences of transgender people … bear tremendous resemblance to the acts outlined in the Genocide Convention" (Kidd and Wiitten 51). For example, the sexual cleansing

in Nepal fits the criteria laid out in (a) through (c) of the Convention; killing members of the group; causing serious bodily or mental harm to members of the group; and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

Section C of the Convention covers several forms of violence against transgender people. Denying or providing substandard medical care, creating and fostering a culture of fear that results in substance abuse and routine verbal, sexual and physical harassment that leads to suicide all fall under the category of "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part."

Furthermore, Governor Abbott's threat to remove minors receiving gender affirming care from their parents appears to meet the conditions of (e), forcibly transferring children of the group to another group. In addition, denying gender affirming care to transgender minors seems to meet the aforementioned "conditions of life" criteria.

Although the same treaties that are meant to extend protection to women purport to extend protection to transgender people, the reality is that many anti-transgender attacks are ignored by authorities or even tacitly encouraged. Kidd and Witten argue that since transgender violence maps easily onto Article II, it warrants "increased global attention to this issue through the world court, WHO, the United Nations, and other international agencies dealing with 'gender violence"' (54).

Conclusion

To conclude, I am aware of several things that I have not done in this project. To begin, I have not addressed the issue of how, exactly, the Genocide Convention should be expanded from a legal perspective. This is due to my interest in probing the question of whether it *should* be expanded to include gender as a protected group rather than the question of *how* it should be expanded.

Also, with respect to the question of whether additional groups such as political groups or differently abled groups should likewise be included as protected groups, I think that there are likely good arguments in favor of inclusion. The intention of the Genocide Convention was to hold criminally responsible those who seek to destroy a group based on their participation, or the genocidaire's perception of their participation in that group. Taking this into consideration, it would seem that any group that constitutes a unique identity may have grounds for inclusion. However, I am sensitive to the need to protect the integrity of the Convention, and the argument that the inclusion of too many groups threatens that.

This is to say that I feel there is room for further study in regards to possible other group inclusions. This project was intended simply to present a case for the inclusion of gender as a protected group. While gender can participate in Religious, Ethnical, Racial and National groups, there is sufficient evidence to support the

view that genocidal intentions can be directed to gender *per se*. Due to this, gender deserves to be added as a protected group.

NOTES

1. Both Stalin and Churchill were in favor of court martials and executions, but disagreed on the number of officers that should be tried, Stain wanted 50,000 while Churchill felt that number was far too high. Yet even some American officials were in favor of executions. Cordell Hull, Roosevelt's Secretary of State said, "If I had my way, I would take Hitler and Mussolini and Tojo and their accomplices and bring them before a drumhead court martial, and at sunrise the following morning there would occur a historic incident" Michael Bazyler, *Holocaust, Genocide and the Law: A Quest for Justice in a Post-Holocaust World* (New York: Oxford University Press, 2016).
2. See Bazyler.
3. For a discussion of including political groups as a protected group in the convention see Beth van Schaack, "The Crime of Political Genocide: Repairing the Genocide Convention's Blind Spot." *The Yale Law Journal* 106, no. 7 (1997): 2259–91. https://doi.org/10.2307/797169.
4. Slang for transgender.

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Heidegger and Schopenhauer on Being's Conceptual Inexhaustibility

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In this paper, I will address the resonances, hitherto largely neglected, between the philosophies of Heidegger and Schopenhauer. Despite some groundbreaking work by Julian Young as well as Dale Jacquette (244-9), little Anglophone scholarship has been devoted to this topic. I will continue the task of exploring the "*affinities*" (Young 162) between these two philosophers by examining their views on how reality manifests itself to human intelligibility. In the first section, I summarize some of Heidegger's later views on the conceptual inexhaustibility of "being as such" and the role that art plays in revealing it. Then, I sketch Schopenhauer's epistemology to show how he likewise argues that there is a dimension of human experience that cannot be fully articulated in concepts. Finally, I show how both philosophers draw similar conclusions concerning the epistemological status of "feelings," the pitfalls of using words without grasping the experiences that anchor their sense, and the role of argumentation in philosophical discourse.

1. Being as Such, Poetic Insight, and Nothing More

As Heidegger's thought evolves beyond the form it took in *Being and Time*, his concern shifts from the being of Dasein in particular to a consideration of what he comes to call "being as such." As Iain Thomson explains, "'Being as such' is one of the later Heidegger's names for that conceptually inexhaustible dimension of intelligibility that all metaphysics' different ontotheological ways of understanding the being of entities *partly capture* but never *exhaust*" (20). In other words, in his later work, Heidegger endeavors to comprehend the common source from which

different metaphysical conceptions of reality spring. He concludes that metaphysics has always been mistaken in assuming that there is some *single* right answer to the question of what reality is—of "what is and what matters" (Thomson 9). Instead, the lesson to draw from the repeated failure of metaphysical thinking to finally capture the "perfect" understanding of what and how entities are is that our thinking about reality will always be "imperfect"—hearing "perfect" and "imperfect" in their etymological senses of "complete" and "incomplete," respectively. That is, *no* conceptual account of the nature of being will ever fully exhaust all that being is and can manifest itself as. "Being as such" thus designates the always incompletely graspable source of everything that we do and can understand to exist, or "what is inexhaustibly given to the human to think" (Heidegger, *Country Path Conversations* 156).

For the phenomenologist Heidegger, being as such is something we can encounter in our own experience. In fact, it can be considered as that dimension or aspect of our experience which we have not yet captured in concepts, and yet which is unknowingly staring us in the face all the time. Because of this invisible or inconspicuous quality, Heidegger sometimes refers to being as such—only seemingly paradoxically—as "nothing." This terminology first emerges only two years after *Being and Time* in the lecture titled "What Is Metaphysics?" The infamous line reads: "the nothing itself noths [*das Nichts selbst nichtet*]" (90). In his subsequent writings, "the" nothing recurs as this active, though initially unnoticed, plentiful presence, which Thomson describes as "the phenomenological manifestation of that which both elicits and eludes complete conceptualization, an initially inchoate phenomenon we encounter when we go beyond our guiding conception of what-is" (85). Being as such, in the guise of the nothing, is thus the excess that remains over after we have seemingly pinned down the true nature of reality.

In "The Origin of the Work of Art," Heidegger shows us how we can arrive at a phenomenological encounter with the nothing through his meditation on the "thingliness of the thing" (4) and his consideration of a painting by Van Gogh. Starting from the notion that an artwork, whatever else it may be, is a "thing" with a physical presence in the world, he decides to first inquire into the essence of a "thing" in order to discover, on that basis, the essence of an artwork. His investigation unearths three traditional conceptions of the thing, each of which fails to adequately capture our actual experience of things. He concludes that it is precisely this uncapturability that truly characterizes thingliness. As he formulates this insight, "The inconspicuous thing withdraws itself from thought in the most stubborn of ways. Or is it rather that this self-refusal of the mere thing, this self-contained refusal to be pushed around, belongs precisely to the essential nature of the thing?" (12). Thus, in our very phenomenological encounter with things, we run up against their ineradicable inaccessibility. They simultaneously and inseparably reveal themselves to us while escaping our full grasp, and it is

precisely this elusive aspect of the thing that we can recognize as the "no thing" in which they are grounded. Hence, as Thomson points out, the very fact that not everything about a thing shows up to us "does show up to us" in our experience of the inadequacy of our concepts to fully name the thing's essence (79n19). In this way, the nothing of being as such makes its way into our experience.

Shortly afterward in this same text, Heidegger turns his attention to "a well-known painting by Van Gogh" depicting what Heidegger calls "[a] pair of farmer's shoes and nothing more" (13, 14). It is easy to hear this phrase as saying that the painting depicts *only* farmer's shoes, but Thomson argues that we should hear the "nothing more" as the plentiful, dynamic nothing described above. For in the same paragraph, as Thomson points out (85), Heidegger literally writes, "Surrounding this pair of farmer's shoes there is nothing, in which and to which they can belong" (14). Such a wording suggests that the nothing is the background out of which the shoes emerge and in which they are situated, as it is for every entity in general. Van Gogh captures a sense of this bountiful, all-containing nothing in the detail and texture of this background, which is not a featureless monochromatic abyss but a teeming sea of colors, brushstrokes, and half-glimpsed shapes. In this way, the shoes appear continuous with the background, as if they were simply slightly more recognizable constellations of the figures and colors composing it, and yet they stand out from it and acquire their distinctive character in contrast to it. Heidegger thus sees Van Gogh's painting as a dramatic, palpable revelation of the vibrant, conceptually untamable source and medium of the intelligible structures that populate our experience of reality.

Heidegger's account of the historical vicissitudes of our understanding(s) of thingliness, juxtaposed with his interpretation of Van Gogh's visionary painting, reveals both the forces that conceal the richness of being from us and those that promise to disclose it once more. He claims that the ancient Greek understanding of thingliness, born from an original insight the nature of reality, became lost to history when the original Greek terms were translated into Latin "*without the corresponding and equiprimordial experience of what they say, without the Greek word"* ("Origin" 6). Uprooted from the experiential soil in which they first grew, the Latinized fruits of Greek thought withered from lack of proper nourishment. This nourishment can come only from a continual renewal of the same poetic insights that gave rise to those words in the first place. Without it, men and women merely mouth the words without hearing their meaning. Worse yet, they remain unaware of their own semantic deafness because they imagine that their attenuated understanding of these terms is complete and adequate. But in so imagining, they fall victim to what Heidegger in *Being and Time* calls "leveling down," whereby "everything primordial gets glossed over as something that has long been well known" (165). The monotonous, habitual repetition of these words without our struggling to recapture their original sense numbs us to the striking, "unfamiliar source" from which they arose, doing "violence" to the things they name ("Origin"

7). Before long, our understanding of being becomes so impoverished that we become susceptible to a nihilistic outlook that is blind to being's rich and inexhaustible meanings.

However, if the original impetus to our understanding of being consisted in a creative insight into the nature of reality, then a sense of the plenitude and wonder of being can be restored through new insights of our own. Such insights, Heidegger suggests, will be hard to come by, at least in part owing to the obfuscating power of the customary, leveled-down interpretations of things. Attaining a fresh vision of the awesome dynamism of being as such requires struggling against these customary interpretations in order to twist free from them and be released into the apparent nothing that lies beyond them. However, certain people seem better equipped for this task than others. These are creative artists, who are able to see beyond the ordinary and communicate their vision through their artwork. We have already seen how Heidegger takes Van Gogh to be just such an individual, who was able to glimpse the dynamic presencing of the nothing and convey his insight not through words, but through paintings. Those who are receptive to these paintings may also catch a glimpse of being as such and thereby overcome the stultifying force of custom and habit. This is why Heidegger sees in art the possibility of overcoming our "rootlessness" through a reconnection with the inexhaustible source from which and in which our lives and meanings flow ("Origin" 6).

2. Schopenhauer on Concepts and Feelings

In this section, I will outline aspects of Schopenhauer's philosophy that resonate strikingly with the aspects of Heidegger's thought discussed above. In particular, I hope to show that Heidegger's views on the conceptual inexhaustibility of our experience of being find salient parallels in Schopenhauer's epistemological doctrine of the discrete nature of concepts versus the continuous nature of perceptions.

According to Schopenhauer, concepts are nothing more than abstractions from non-conceptual experience. As such, they necessarily contain less information than the unique, individual experiences from which they are drawn. They are thus "partial representations" that "have arisen merely through our thinking something away" (2: 378). Schopenhauer refers to the non-conceptual experiences from which they are abstracted as "feelings." He defines "feeling" [*Gefühl*] negatively, in the broadest possible sense, as "every modification of consciousness…which is *not abstract concept*" (1: 53). Under this broad heading, Schopenhauer includes not merely states of pleasure and pain but also spatiotemporally, causally structured representations of empirical objects. According to him, all the information we can ever abstract into concepts is already present in our felt perceptions. Conceptual articulation cannot *add* to our knowledge, but can only

convert it into a different form (1:54).

While concepts are indispensable for human life, the fact remains that they are paltry, low-resolution copies of the "inexhaustible" richness of felt perception (2: 76). They can only ever asymptotically approximate that richness, but never fully capture it, since concepts are discrete, while perceptions are continuous. Schopenhauer's favorite image to illustrate the relation between concepts and perceptions is the relation between a mosaic and the painting on which it is modeled. He writes, "However fine the mosaic may be, the edges of the stones always remain, so that no continuous transition from one tint to another is possible. In the same way, concepts, with their rigidity and sharp delineation, however finely they may be split by closer definition, are always incapable of reaching the fine modifications of perception" (1: 57). I am tempted to modernize this analogy and add that concepts relate to perceptions as a digital reproduction of a Van Gogh painting relates to the painting itself: the former is pixelated, stubbornly two-dimensional, likely smaller than the original, whereas the latter stands starkly before us, jumping out at us with three-dimensional globs of paint, in its full life-sized glory.

Via this distinction between concepts and non-conceptual experience, Schopenhauer effectively maintains that there is a "conceptually inexhaustible dimension of our reality [which shows up in] a kind of preconceptual givenness and extra-conceptual excess that precedes and exceeds" all conceptualization, as Thomson expresses this point *apropos* Heidegger (35). Adding Schopenhauer to the conversation introduces a different perspective on *why* non-conceptual experience is conceptually inexhaustible. His answer concerns the incongruity between the discrete nature of concepts and the continuous nature of the non-conceptual experiences from which they are drawn. Just as no tessellation using polygons, however many of them you have or however small you make them, can perfectly match the area of a circle, so no discursive description can ever do complete justice to the way reality concretely shows up to us. There will always be an excess that may be (partly) captured through another description, but no description or set of descriptions will ever capture it all.

3. Heidegger and Schopenhauer on Feelings, Words, and Arguments

Using the terminology of feeling, Schopenhauer's epistemology sounds a striking note. Keeping in mind that concepts can never give us new knowledge, but only translate the knowledge we already have into a different form, Schopenhauer's position amounts to the claim that all knowledge and insight is primarily *felt*, and only secondarily articulated (though never wholly adequately) into conceptual, discursive form. We acquire new knowledge only through our intuitions, perceptions, practical engagements, emotions, desires, and whatever else we

experience concretely. As striking as this view may be, it accords with many colloquial uses of the word "feeling." Thus, we may say that a skilled pool player *feels* the laws of mechanics and geometry while immersed in a game, usually without knowing (discursively, in the abstract) a single equation or theorem (Schopenhauer 1: 56), or a decent skateboarder *feels* how to glide down a hill without falling over or smashing into pedestrians, or a professional carpenter *feels* that a certain hammer is too heavy for the job.

Heidegger likewise suggests that our feelings are wiser than we give them credit for. During the course of his inquiry into the nature of the thing, he remarks that one often "feels" (7) that violence has been done to the concept of the thing through the kind of leveled-down pseudo-thinking that complacently abjures genuine insight in favor of unexamined secondhand words and phrases. He defends the validity of this feeling by suggesting that "perhaps what, here and in similar cases, we call feeling or mood is more rational—more perceptive, that is—than we think; more rational, because more open to being than that 'reason' which, having meanwhile become *ratio*, is misdescribed as rational" (7). Schopenhauer's epistemology concurs with and explains Heidegger's suspicion: according to the former, the seat of all wisdom and insight is our intuitively felt perception, which is our primary access to reality. Reason's access to being, by contrast, is only second-hand, and at best can do no more than clarify and draw out the implications of what we have already, in the broadest possible sense, felt. While he would not maintain that all "feelings" are on the same level or warrant the same degree of assent (since this concept of feeling is so broad and heterogeneous), still our basic perception of the world is something felt rather than thought.

Moreover, Schopenhauer, like Heidegger, is sensitive to the detrimental philosophical consequences of a slavish attachment to words whose meanings we have failed to experience for ourselves. Such words are ultimately dead ends, *Holzwege* in a purely negative (and non-Heideggerian) sense: "Concepts and abstractions that do not ultimately lead to perceptions are like paths in a wood [*Wegen im Walde*] that end without any way out" (2: 82). Thus, any philosophy that starts not from original insight but from these mummified hand-me-downs (words like "the absolute, absolute substance, God, infinite, finite, absolute identity, being, essence," or, one might add, like subject, substance, thing) ultimately goes nowhere and fails to enrich our understanding of reality (2: 82). This might not be a problem but for the fact that philosophers "at all times" have attempted to philosophize on the basis of such concepts (2: 83). When they do so, and thus when the words and concepts they use to philosophize are not backed by the relevant experience and insight, their minds are "like a bank whose liabilities are ten times in excess of its cash reserve, so that it ultimately becomes bankrupt" (2: 78). While the idea that philosophy originated in some primordial experience of being that has since been lost in translation, and hence that our estrangement from being follows a historical trajectory, is peculiar to Heidegger, Schopenhauer

would agree that philosophy suffers to the extent that it is guided by words whose meanings we have not managed to perceive for ourselves. Likewise, while he does not draw the implication himself, his philosophy provides the resources to conclude that, insofar as a civilization is shaped by such words, it will ultimately suffer cultural and ontological bankruptcy (such as by struggling with pervasive nihilism).

Schopenhauer also concludes on the basis of his epistemology that rational arguments do no more than make explicit what was already implicitly contained in the premises. For Schopenhauer, if we want to extend our philosophical insight at all, we have "to perceive, to allow the things themselves to speak to us, to apprehend and grasp new relations between them, and then to precipitate and deposit all this into concepts, in order to possess it with certainty; this is what gives us new knowledge" (2: 72). In all these ways, Schopenhauer's approach sounds proto-phenomenological. Despite his subordination of argument to insight, "Schopenhauer argues nearly everything he can to the hilt," as Bryan Magee memorably puts it (41), although he nearly always clinches every point he makes with a vivid analogy or comparison to leave his readers with an intuitive image to illustrate this point. This emphasis on direct insight, on showing rather than telling, certainly resonated with Schopenhauer's most influential reader, Nietzsche, who seems to have taken Schopenhauer's suggestion and run with it, breaking through at times to a register of writing that is equally philosophical and poetic. Heidegger continues this tradition with his "poetic" turn after *Being and Time* in which "he is no longer content simply to construct arguments in relatively straightforward philosophical prose, but also begins to try to lead his audience performatively to see the phenomenon ultimately at issue for themselves" (Thomson 81). Likewise for Schopenhauer, "writing and speaking, whether didactic or poetical, have as their ultimate aim the guidance of the reader to that knowledge of perception from which the author started" (2: 72). The underlying point on which they agree is sound: the only way to enrich our knowledge is through our own observations and insights, not through aping the technical terms and argument structures of others. We can test the validity of others' words only by comparing them with our own experience, by struggling to see the same thing they purportedly saw, and by articulating the fruits of this struggle for others to test on their own.

In this paper, I have sketched a few convergences between Schopenhauer and Heidegger concerning the conceptual inexhaustibility of non-conceptual experience and the philosophical implications they draw from this premise. I hope thereby to have shown that more fruitful work remains to be done concerning the relation between these two philosophers' bodies of work.

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Spheres, Semantics, and Parricide: The Stranger's Attack on Parmenides, Sophist 244b-245d

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Prior to writing the *Sophist*, Plato seemingly found his former metaphysical theories to be untenable in the *Parmenides* in which he introduced issues with the theory of the Forms.[1] To address these specific issues, Plato wrestled with the monism of the Parmenidean doctrine and its metaphysical ontology. In this essay, I will examine the debate of whether Plato takes the Parmenidean doctrine seriously in the *Sophist*. The views of Lesley Brown and Mary Louise Gill conclude that Plato was not truly attempting a dissection and complete understanding of Parmenides' poem, which thereby made it effortless for him to reject the view. Brown holds that Plato did not understand the metaphor's implications in its entirety, while Gill maintains that the metaphor was taken much too literally. I oppose both views and claim that Plato did attempt a serious understanding of monist ontology, and that whether the Parmenidean passages were taken out-of-context is not the case.

I will explain Plato's argument against Parmenides in the *Sophist* directly for an understanding of the context that Brown and Gill argue. Afterwards, I shall examine the objections of Brown and Gill, and then I will offer my own counterarguments against their claims. I aim to show flaws within their reasoning that I find to be based on both a misuse of language and unapplied context. Finally, I will offer a strict defense of Plato's interpretation of Parmenides' numerical monism and the Stranger's rigorous analysis.

THE SPHERE ARGUMENT: SOPHIST 244B-245D

Before expanding upon Gill and Brown's arguments, it will perhaps be useful to understand the argument rejected on the basis of its superficiality. I shall only be focusing on the second half of Plato's rejection which contains the argument Brown singles out, i.e., the sphere argument.[2] Plato's rebuttal through the Eleatic Stranger[3] begins on the premise that Parmenidean monism[4] will claim that *the whole* is the same as *the one*.[5] For if they did not, they would already be lost into plurality. To understand Parmenides' idea of wholeness, the Stranger quotes the famous poem giving an analogy of what a *whole* is:

> All around like the bulk of a well-formed sphere,
> Equal-balanced all ways from the middle, since neither anything more
> Must it be, this way or that way, nor anything less.[6]

Since Parmenides himself uses a sphere to explain the quality of wholeness in Being, the Stranger tells us that it must have a middle and extremities i.e. a multiplicity of parts as a sphere does. The Stranger then grants that what is "truly one, properly speaking, has to be completely without parts."[7] The Stranger goes on to conclude that a being with no parts does not fit the account that was given to what a whole is in Parmenides' poem. Furthermore, the one-being which cannot possess wholeness *will be deprived of itself*—this allows for the conclusion that being and wholeness have two separate natures. Consequently, *the whole* is not being and *being* is not whole.[8] On the Stranger's account, whatever *becomes* must at some point become a whole being so we cannot label either *being* or *becoming* as something that exists without taking wholeness as existent as well.[9] Moreover, what is not whole cannot have quantity at all since anything of any quantity has to be a whole of that quantity.[10] For example, one inch must be a whole inch or it cannot claim to be one inch. Since the monists claim Being has the quantity of one, it must be a whole *one* and claim wholeness as well. In showing that A) anything with the quality of wholeness must have parts, B) anything that exists must become whole, and C) that anything with quantity, i.e., the monists' one-being, must also be a whole of that quantity; the Stranger has finally set himself free of Parmenides' clutches. All three refutations introduce pluralism to Parmenides' theory about Being as one thing, and in doing so, Plato seems to have set himself free from the shackles of Parmenides' argument of Being. At last, the monists have been defeated.[11]

BROWN AND GILL'S OBJECTIONS

In her 1998 essay, "Innovation and Continuity", Brown discusses the Battle of Gods and Giants[12] within Plato's *Sophist*. Before her discussion comes an

explanation of the context that this battle arises. What precedes this battle was the investigation into earlier theorists of being and puzzles that arise when inquiring into their thoughts. These earlier theorists include recognizable pre-socratics such as Heraclitus, Empedocles, and most importantly for this essay, Parmenides and the Eleatic school of thought. Oddly, Brown writes in her essay that she will not discuss Plato's investigation of the dualists and the monists. She firmly states that "It is clear that the arguments do not represent a serious attempt to understand what the theories in question were driving at."[13] However, she gives only one reason for this which focuses solely on the 2nd part of Plato's argument against Parmenides. She does not mention the 1st argument against Parmenides at all, which suggests that her disavowal concerning Plato's misunderstanding in his 2nd argument against the monists is enough to cover both arguments as well as the argument against the dualists. She does this by asking the reader to consider the sphere argument; Brown states that the Stranger takes Parmenides' comparison of being to a sphere much too literally, which allows him to charge Parmenides' one-being with a multiplicity of parts. This is because her stance on the sphere analogy is that it was only a simile designed to "convey the notion of homogeneity and absence of differentiation" without any further argument.[14] This, for her, seems to be enough to skip over any discussion of this section in the *Sophist*.

When one turns to Mary Louise Gill's book, *Philosophos,* and its examination of this part in the *Sophist*, very similar objections can be found. Gill goes a bit farther in attempting to defend her points than Brown did.[15] In calling the 2nd argument "disappointing", Gill does not specifically state, as Brown does, that the interlocutors did not seriously attempt to understand the argument, but rather tells the reader that the Stranger "misrepresents numerical monism by appropriating an image the historical Parmenides uses as an analogy in his poem."[16] She argues that Parmenides, in his poem, only made a comparison of being to a spherical whole but did not say being is *literally* a whole on the grounds that Parmenides explicitly denies the divisibility of being.[17] Gill maintains that the Stranger did actually know what Parmenides believed since after concluding the divisibility of the sphere, he states that what is "truly one" has to be "completely without parts" in reference to Parmenides' One as a quantity with no parts—since with parts it would be more than one.[18]

In my understanding, both Gill and Brown implicitly deny that the Stranger attempted to consider that there is a metaphorical interpretation of Parmenides poem. Both views take the stance that the Eleatic Stranger misconstrued the Parmenidean poem for some cause, whether it be for advancement of his own metaphysical theories, accidental, or some other unknown reason. Both Gill and Brown seem to be in strict agreement that the Stranger took Parmenides much too literally which made it quite simple to overthrow his concept of the one-being. In the following sections, I will bring on my own objections to Gill and Brown's readings of this section in the *Sophist* and argue that the Stranger did no wrong in

how he had interpreted the monist's theory of being.

Status, Origin and Speech: Problems in Language and Context

Firstly, I would like to point out the significance of the home city of Elea in which the Stranger hails from. The fact that Plato veers away from using Socrates as his primary speaker[19] to reject Parmenides, but rather someone from the city that Parmenides hails from is of significant importance. The Stranger's origin and stated status as a philosopher is of such import that Plato reveals it in the first few lines of the *Sophist*.[20] If Socrates was our primary speaker in this dialogue, there would leave more room for misinterpretation of the Parmenidean doctrine.[21] However, since we have a "divine philosopher"[22] from Elea, there is less room to argue that the Stranger is incognizant and oblivious—furthermore, it was Socrates himself who held this to be true. In understanding the importance of divinity within the context of Platonic dialogues, it would be wise to interpret that because it only happens *ad hoc*, a Socratic reference to the divine is to be respected with little room for doubt.[23] Because of this, there is no reason to consider that the Stranger wanted to strawman the father of the Eleatic school of thought. The Stranger even goes so far as to ask Theaetetus not to consider him as committing a "parricide" when he tries to insist by brute force that "*that which is not* somehow is" and "*that which is* somehow is not."[24] This is somewhat thought-provoking since Parmenides actually taught that "what is not" to be forbidden and prohibited any inquiry into.[25] Additionally, one could argue the Stranger is more well-versed on the subject of Parmenidean Monism than anyone else in the Platonic dialogues apart from Parmenides and Zeno in the *Parmenides* considering his status and origin. This is reason enough to believe that the Stranger does actually attempt to take Parmenides' argument seriously contra Brown and Gill. This claim however, does not speak on whether the argument was taken literally or metaphorically, it only states that Plato, through the Stranger, does attempt to take the monist's theory in all seriousness.

Before a strict defense of the Stranger's refuting analysis against Parmenides' One, I find it critical to point out flaws within Brown and Gill's rejection. I will begin with Brown's claim that the sphere metaphor was designed only to "convey the notion of homogeneity and an absence of differentiation." The language she uses has already implied a multiplicity, something that I suppose she would call a fallacious understanding of Parmenides according to her disavowal. I shall argue that the notion of *homogeneity* implies a relationship. I claim that for a thing to be homogeneous, there must be something else for it to be homogeneous to. In claiming that there is only one thing, Parmenides would not be able to claim the relationship of sameness and homogeneity. For to be the same as a thing, *X*, actually states there "there is a thing, *Y*, that a different thing, *X*, is homogeneous

in nature to." This statement would not be valid under the conditions of Parmenides' Numerical Monism due to Being as only one thing. I admit that one may argue that the notion of homogeneity can still be conveyed in the statement that "A thing, *X*, is the same as itself", yet I believe this does not reach the monist's requisition of only one thing. This statement still embraces pluralism by employing two different concept-subjects within it; the concept of sameness and the subject as a thing, *X*. This once again cannot be embraced by the monist's since there are two separate entities within the statement. One may further argue against my rebuttal that a concept cannot be thought of as an entity, yet I believe that in the "sphere" of Parmenides ontology, the concept of sameness is still an entity since we cannot inquire into what is not,[26] yet we still do inquire into the concept of sameness putting it in the realm of what is. In Brown's dismissal of the Stranger's argument, she makes the mistake she believes the Stranger made: an unserious attempt at understanding what Parmenides was driving at.

The flaws of Gill's argument come from a different route from Brown's. Rather than a problem of language like Brown, I believe Gill makes a contextual error and possibly does not account for what the Stranger's argument was actually attempting to do. She never reveals, as Brown does, what she believes was the purpose of the sphere metaphor, rather she only takes the claim that it was taken fallaciously literally insofar as the Stranger still knew what the true view of Parmenides was. Here, I do not argue that the Stranger may have misconstrued the teachings of Parmenides—I only wish to claim that it was necessary to take the metaphor and subject it to rigorous examination, i.e., not fallacious. I find it to be the case that the Stranger was not attempting a direct rebuttal of Parmenides poem, but that his poem had insufficiently defended the thesis of his monism. I believe that in Stranger's rebuttal, he only meant to show that wholeness cannot be existent with the monist's view. The Stranger in this argument has, at the very least, shown two things; 1) that what is whole must have parts and 2) that what is one is without parts.[27] The combination of these two statements is impossible within the ontology of the Eleatic school, for Being to be completely without parts cannot allow Being to be a whole since what is whole implies parts, something the monists cannot maintain. On the other hand, Being as *truly one*, as the Stranger notes, cannot maintain the concept of wholeness for, as we have seen, wholeness implies parts—this is once again incompatible with the monist ontology. This conclusion does not misappropriate and take an analogy fallaciously, it only shows that A) Parmenides cannot explain his Being with wholeness if he is to claim it as one and B) that he cannot explain his Being to be one if he is to claim it is whole. The Stranger only showed insufficiency in the metaphor of Parmenides poem, and did not take an analogy literally.

A Defense of the Stranger's Analysis

After pointing out flaws in the objections of Brown and Gill, I will now share my own defense of the Stranger's argument. In asking whether the Stranger takes Parmenides' poem too literally or subjects a metaphor to an examination that is overly rigorous, I believe two paths of inquiry should be considered: (1) Whether Parmenides is able to be taken any way but literal and (2) whether the metaphorical interpretation forwards an understanding of Parmenidean Monism.

On the first path, I believe that there is an argument to be made that it would be impossible to take Parmenides any way but literally. Some scholars, apart from Brown and Gill, do maintain the belief that the sphere analogy is metaphorical and compare it to other parts of the poem that should also be taken as a metaphor.[28] This does not account for the fact of only one thing within the Parmenidean ontology for taking a passage literally and taking it metaphorically already implies two things, metaphors and literals, i.e. *more than one* which could not be rendered as permissible within the monist's ontology. As Gill tells us, "The numerical monist cannot even state his position without introducing plurality, and that is reason enough to reject it."[29] Whether or not the Stranger took the passage metaphorically or literally is a different question since I believe that he only used the possible metaphor as a route to show that wholeness and oneness are incompatible, a pluralistic approach.

On the second path of inquiry, which may or may not be contradictory to the first, one should consider how any sense of monism can be made without a serious and rigorous examination of the Parmenidean doctrine.[30] If Plato does not put Parmenides through a meticulous and painstaking assessment, then why would the Stranger make the earlier remarks about parricide and brute force? It's clear that the nature of wholes and their parts in monism cannot be understood through the poem but possibly can be if one were to ask Parmenides himself these questions. Unfortunately, the historical Parmenides was not alive for Plato to ask these sorts of questions so the only way to further an understanding is through this meticulousness. It was possibly because of these factors that Plato had the Stranger subject what seems to be considered metaphorical to such an examination. In no way should it be considered an exaggeration of the true meaning of the passage since Parmenides too used pluralism to explain his monistic ontology when referencing it to be whole, unique, steadfast, and complete.[31] If Plato cannot use a pluralistic understanding to interpret the monism of Parmenides, then it does not seem possible to take the doctrine of the One seriously at all.

Committing a Parricide

After consideration of the objections proposed by Brown and Gill, further analysis can prove that the Stranger did have a valid argument against Parmenides. In

addition to the flaws within the objections of the two philosophers, they failed to consider for what reason and in what context the *Sophist*'s rebuttal to monism entailed. As a result, they do not maintain why they believe the Stranger's rebuttal was taken fallaciously literally, only that it was. In my considerations of the status and origin of the Stranger as well as the context Plato was writing in, I believe that it should be held that the Stranger had a serious and reasonable argument. When a greater consideration of pluralism in Parmenides' poem is revealed, as well as the incompatibility of oneness and wholeness, the Stranger does not reveal himself as a fallacious philosopher, but stays true to his description as a "divine philosopher."

NOTES

1. This is under the assumption that the *Parmenides* comes before the *Sophist*. Since the *Parmenides* was a severe critique of Plato's Theory of the Forms, a rework of Plato's metaphysics was crucial which is possibly why the *Sophist* takes up the task of constructing an entirely new theory than that of the Forms. Furthermore, the beginning passages in the *Sophist* reference Socrates' conversation with Parmenides when he was a young boy and Parmenides was an old man (*Soph*. 217c), most likely a reference to the dialogue of the *Parmenides*. I believe this to be sufficient evidence that the *Sophist* was written at a later date. Nicholas P. White's translation of the *Sophist* footnotes this section and holds the same belief. This is the standard view concerning the composition dates of Plato's dialogues in scholarship, cf. Rist's "The Order of the Later Dialogues of Plato" and Gill's "Method and Metaphysics in Plato's Sophist and Statesman." However, this debate is beyond my scope.
2. The first argument, also known as the name argument, against the monists is an attack on the different names Parmenides uses for the same thing. For further writing on the first half of the argument against Parmenides, see Notomi 215-216. Cf. Alieva 82. Cf. Crivelli 76-9. Cf. McCabe 66-73. To summarize the first argument, it is concluded that "One" and "Being", whether the names refer to the same thing or not, as two separate words embraces pluralism—for a true monist would only need one name. Since the monists are using two separate words to refer to being, they introduce plurality which in itself concludes that this theory of monism can be rejected. Furthermore, monism cannot say that names and what they reference are two different things, contra *Cratylus* 430a6-7 (Names are different than which they name—names only imitate the things they name), since that as well embraces pluralism.
3. I believe Plato has decided to use the Stranger from Elea as his speaker in the dialogue that rejects Parmenides due to the Stranger being from the same city as Parmenides. I elaborate on this in later sections.
4. Parmenidean Monism will also be referred to as monism within this essay. However, I do admit that there are other types of monism such as predicational monism and material monism like that of Thales and Anaximander.
5. *Sophist,* 244d15-e1—All translations used in this essay are from Nicholas P. White unless stated otherwise.
6. *Soph.* 244e3-6
7. *Soph*. 245a8-9. I believe that here we see the Stranger's home city come to be of

use. Since the Stranger is from Elea and partakes in the Eleatic school of thought, he can say what something that is *truly one* can be since he is more familiar with Parmenides' one-being.

8. *Soph.* 245c1-d2
9. *Soph*. 245d4-6
10. *Soph.* 245d8-10
11. These refutations are contingent on the view of Parmenides as a numerical monist, which is somewhat commonplace within scholarship. However, there are arguments that do argue for Parmenides as a predicational monist, see Patricia Curd's *Parmenidean Monism*. Considering that Gill does keep her rejection of this argument within the realm of belief that Parmenides is a numerical monist, I will take that as my view as well if I am to properly reject her objections. Furthermore, on the basis that the foundation of Zeno's Paradoxes is mathematics as well as the idea that Zeno was arguably the most familiar person in history with Parmenides and his theories, then it does not seem problematic to consider Eleatic monism to be numerical. For after considering Zeno and Parmenides' intimate relationship, both physical and intellectual, I find the idea of Parmenides as a numerical monist more convincing than predicational monism.
12. The Battle of the Gods and Giants can be found in *Soph.* 245e-259d.
13. Brown 185.
14. Brown 185.
15. It is worth noting that Gill does only render the 2nd argument against Parmenides "disappointing" and refers to the first argument (The Name Argument) as "better" than the latter. She compares it to the first deduction in the *Parmenides* except that the Eleatic Stranger focuses on names rather than attributes which was the focus of the deduction in the *Parmenides*, see *Philosophos;* Gill 95.
16. *Philosophos;* Gill 95
17. DK 28B8.22-24—All fragments mentioned are from *Philosophy Before Socrates 2e*, McKirahan145-150
18. *Soph.* 245a8-9
19. In all dialogues commonly held as the middle period and early period dialogues, Socrates is our primary speaker. The shift from Socrates as our primary speaker is most notable in the later dialogues such as the *Sophist*, *Statesmen*, and *Laws*. Interestingly, this is also when Plato's methodology of obtaining knowledge switches from the elenchos and hypothesis to the method of collection and division; whether this is related is beyond the scope of this essay.
20. *Soph.* 216a2-4: Plato writes that the Stranger is "from Elea and he's a member of the group who gather around Parmenides and Zeno. And he's very much a philosopher."
21. This is not to say that Socrates does not have the intelligence to understand the Parmenidean treatise but only to point out the difference between teaching yourself vs. having a mentor teach you. Since Socrates was not a member of the Eleatic School, he is in a sense removed from a direct understanding of their thought processes and teachings. In this sense, he would not necessarily understand Parmenides' poem as well as the Stranger who was a member of the Eleatic School and learned their teachings directly. It's similar to the difference of reading Plato in its original Greek vs. reading a translation since it adds a possible layer of misinterpretation.
22. *Soph*. 216c1

23. Even though it is Theodorus who calls the Stranger a divine philosopher, it is immediately replied by Socrates that his opinion is the right one to hold. Socrates goes so far as to say that it is quite hard to distinguish a God from true philosophers. See Larkin 136-147, 169-176; Larkin argues that we cannot take Socratic references to the divine as ironic and that Socrates himself believes that instances of divination can be recognized as viable sources of truth. He concludes by saying that we must "take seriously the role of the divine in the case of Socrates." For more socratic references to the divine, see *Philebus* 25b*, Symposium* 201d-e*, Meno* 81a-b.
24. *Soph*. 241d3-8
25. *Soph*. 237a4-b3, 258c6-e4
26. DK 28B2.5-8, See also DK28B6.1-2
27. See Harte 100-116.
28. See McKirehan 163.
29. *Philosophos;* Gill 95.
30. McCabe 67 n.28.
31. DK 28B8.4

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Program of the 75th Annual Meeting of the New Mexico Texas Philosophical Society

March 28-29, 2025

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

Friday Morning Session 1

Harits Hasra, University of Arizona
"Uncertainty Mapping for Wellbeing Policy
Comments: **Walter Barta**, University of Houston

Lamont Rodgers, Houston Community College
"Locke and the Natural Right to Pardon"
Comments: **Walter Barta**, University of Houston

Friday Morning Session 2

Justin Hill, Tarleton State University
"What a Body Can Do: Subject-Object Distinctions as Self-Estrangement in Horkheimer, Adorno, and Early Marx"
Comments: **N. Mark Rauls**, College of Southern Nevada

Apple Igrek, Oklahoma State University
"The Will to Power as an Oppositional Force against Authoritarianism"
Comments: **Justin Hill**, Tarleton State University

Friday Afternoon Session 1

Walter Barta, University of Houston
"The Dog-Whistle/Wolf-Cry Dialectic: Political Divergence via Speech-Act Attribution"
Comments: **Lamont Rodgers**, Houston Community College

Friday Afternoon Session 2

Benjamin Koons, University of St. Thomas
"Sudden Actions and Decisions: Aristotle vs. Contemporary Virtue Ethics"
Comments: **Dan Flores**, Houston Community College

Ori Respler, Georgia Southern University
"Spheres, Semantics, and Parricide: The Stranger's Attack on Parmenides, Sophist 244b-245d"
Comments: **Jacob Mills**, Houston Community College

Friday Afternoon Session 3

Angela Bischof, Northern Arizona University
"Reclaiming Respect: An Indigenous Response to Regan"
Comments: **Allison Fritz**, Chadron State College

Andres Molina Ochoa, South Texas College
"Between Borders: Reassessing Moral Obligations and National Identity"
Comments: **Angela Bischof**, Northern Arizona University

Friday Plenary Panel

Human Horizons at Houston Community College:
A Project of the Teagle Foundation Cornerstone Learning for Living Grant
Joanna Fax, David Liakos, Melinda Mejia, Jacob Mills, and Nathan Smith, Houston Community College

President's Address

Vanessa Voss, Lone Star College
"Just Laugh or Die: Jokes as Authoritarian Propaganda"

Saturday Morning Session 1

Jeffrey Watson, Arizona State University
"The Problem of Phenomenal Accuracy in Flashbulb Memory"
Comments: Brandon Williams, Houston Community College

Tarik Tijanovic, Independent Scholar
"Towards a Psychological Theory of Coincidence"
Comments: **Sarah Woolwine**, University of Central Oklahoma

Weiwei Mo, Rice University
"Calling for Self-Understanding: Rationality of Transformative Choice"
Comments: **Tarik Tijanovic**, Independent Scholar

Saturday Morning Session 2

Thomas Rule, American University in Cairo
"Homesickness and Homecoming: Heidegger and Our Uncanny Dwelling"
Comments: **Graham Bounds**, Central New Mexico Community College

Robert McKinley, University of New Mexico
"Heidegger and Schopenhauer on Being's Conceptual Inexhaustibility"
Comments: **Dave Beisecker**, University of Nevada Las Vegas

Graham Bounds, Central New Mexico Community College
"Heidegger on Aristotle's Definition of κίνησις"
Comments: **Thomas Rule**, American University in Cairo

Saturday Morning Session 3

Mirela Oliva, University of St. Thomas
"On Cosmic Meaning"
Comments: **Andrew Pavelich**, University of Houston - Downtown

Dan Flores, Houston Community College
"Gradgrind and Dickens' Conception of Utilitarianism"
Comments: **Gates Ely**, University of Houston

Andrew Pavelich, University of Houston - Downtown
"The Ethics of Suicide Prevention"
Comments: **Justin Bell**, University of Houston - Victoria

Saturday Afternoon Session 1

Parish Conkling, Houston Community College
"Gender as Genocide: An Argument for the Inclusion of Gender as a Protected Group under Article II of the Genocide Convention"
Comments: **Margaret Betz**, Rutgers University Camden

Alice Hilder-Jarvis, University of Cambridge
"Towards a Theory of Gender Identity as Self-Interpretation"
Comments: **Weiwei Mo**, Rice University

Margaret Betz, Rutgers University Camden
"Can't You Take a Joke: Humor Figleaves and Sexist Speech"
Comments: **Parish Conkling**, Houston Community College

Saturday Afternoon Session 2

Jacob Mills, Houston Community College
"Inference to the Best Explanation and the Principle of Sufficient Reason"
Comments: **Jeffrey Watson**, Arizona State University

Gates Ely, University of Houston
"An Error Theory about Error Theory"
Comments: **Ori Respler**, Georgia Southern University