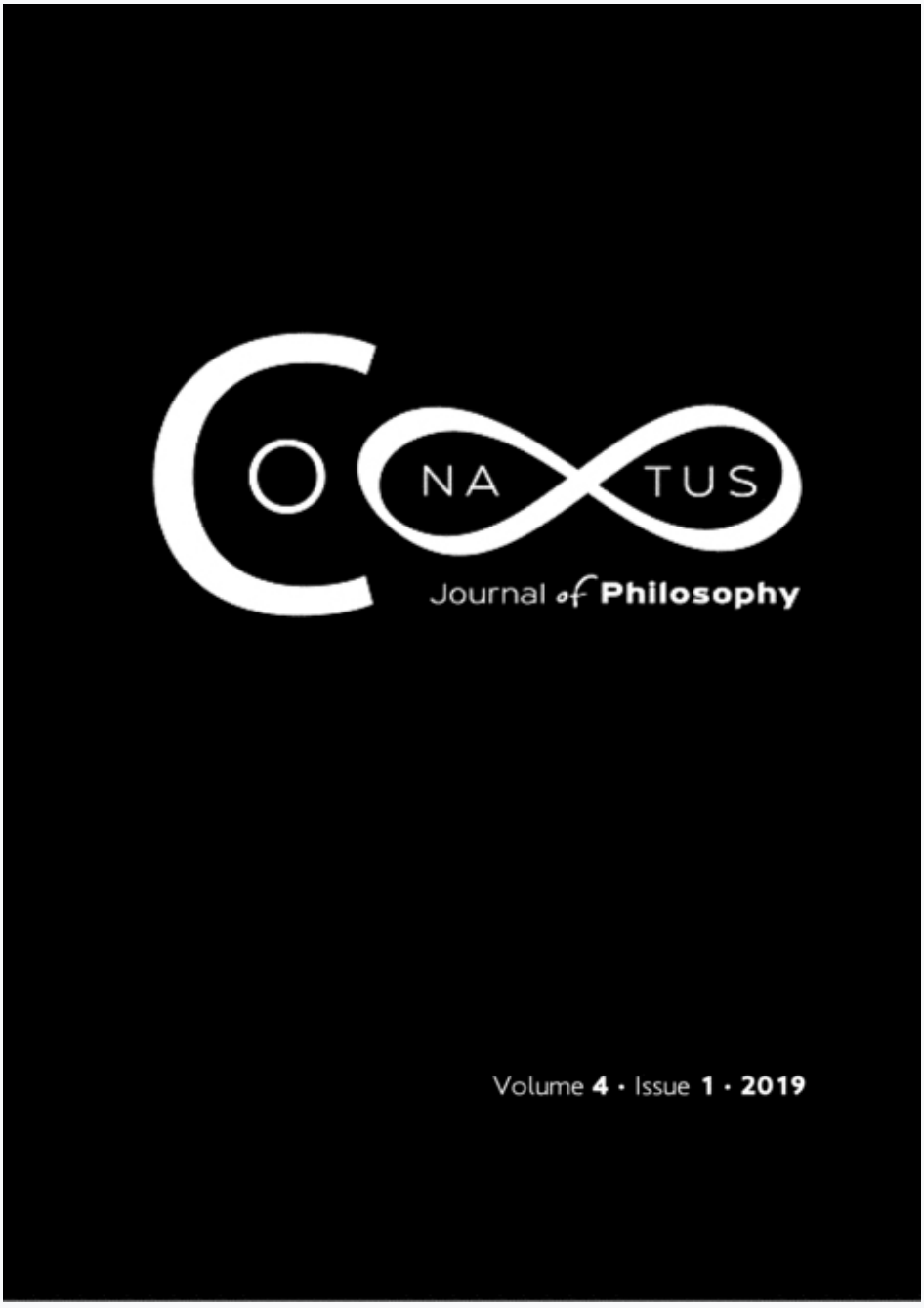
Conatus - Journal of Philosophy

Vol 4, No 1 (2019)

Conatus - Journal of Philosophy



Volume **4** • Issue **1** • **2019**

Volume **4,** Issue **1** • **2019**

p-ISSN: 2653-9373
e-ISSN: 2459-3842

p-ISSN: 2653-9373
e-ISSN: 2459-3842

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DOI: http://dx.doi.org/10.12681/cjp.19708

Ethics of War and Ethics in War

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Abstract

The paper examines the justification of warfare. The main thesis is that war is very difficult to justify, and justification by invoking "justice" is not the way to succeed it. Justification and justness ("justice") are very different venues: while the first attempts to explain the nature of war and offer possible schemes of resolution (through adequate definitions), the second aims to endorse a specific type of warfare as correct and hence allowed – which is the crucial part of "just war theory." However, "just war theory," somewhat Manichean in its nature, has very deep flaws. Its final result is criminalization of war, which reduces warfare to police action, and finally implies a very strange proviso that one side has a right to win. All that endangers the distinction between ius ad bellum and ius in bello, and destroys the collective character of warfare (reducing it to an incomprehensible individual level, as if a group of people entered a battle in hopes of finding another group of people willing to respond). Justification of war is actually quite different – it starts from the definition of war as a kind of conflict which cannot be solved peacefully, but for which there is mutual understanding that it cannot remain unresolved. The aim of war is not justice, but peace, i.e. either a new articulation of peace, or a restoration of the status quo ante. Additionally, unlike police actions, the result of war cannot be known or assumed in advance, giving war its main feature: the lack of control over the future. Control over the future, predictability (obtained through laws), is a feature of peace. This might imply that war is a consequence of failed peace, or inability to maintain peace. The explanation of this inability (which could simply be incompetence, or because peace, as a specific articulation of distribution of social power, is not tenable anymore) forms the justification of war. Justice is always an important part of it, but justification cannot be reduced to it. The logic contained here refers to ius ad bellum, while ius in bello is relative to various parameters of sensitivity prevalent in a particular time (and expressed in customary and legal rules of warfare), with the purpose to make warfare more humane and less expensive.

Key-words: *war; peace; justification of war; ius ad bellum; ius in bello; justification vs. justness*

Justifying war appears to be a hopeless task: at the same time necessary and impossible. Perhaps the first part – necessary – was the source of a need to establish "Just War Theory," a theoretical tool to provide justificatory reasons for employing force in cases deemed needed. However, we

can ask: What do we really mean by the term "justifying?" What is there to be justified, what can be justified, and what do we want to justify? In his book *Arguing about the War*, Michael Walzer states:

> The theory of just war began in the service of the powers. At least it is how I [i.e. Walzer] interpret Augustine's achievement: He [Augustine] replaced the radical refusal of Christian pacifists with *the active ministry of the Christian soldier*." And then he [i.e. Walzer] continues: "Now pious Christians could fight on behalf of the worldly city, *for the sake of* imperial *peace*.[1]

The word "ministry" here equals to "serving," of course; and it is a legitimate, justified, and consecrated kind of serving for the sake of peace, a matter of duty. The rest is rather obvious and seemingly convincing; to quote again another piece of Michael Walzer: "How can it be wrong to do what is right?"[2]

But we can also reverse the phrasing of this question: "How can it be right to do what is wrong?"

In justifying or explaining war, there are two distinct lines (or levels) of issues, indicating two different sets of problems, overlapping but not concurrent with the distinction between *ius ad bellum* and *ius in bello*.[3] One of these lines deals with the specific *nature of war as a specific practice*; the other refers to *the purpose of it*. We shall analyze both these lines in the course of this text.

However, there is no need to consider *justice* as a sole and ultimate justification of war in either of these lines, in other words that war has to be *just* in order to be justified, in the sense, assumed within *just war theory*. Wars are fought for reasons that certainly could and should be evaluated for their justness, but justice is not the primary reason for starting a war. Due to that reason, there is a conflict which cannot be resolved otherwise, and with concurrent mutual consent the conflict cannot remain unresolved.

In this sense, beginning a war is entirely a matter of freedom, and it can be avoided by rejecting the second part of this clause (either by deciding not to attack, or to surrender immediately upon being attacked). Afterwards, it

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[1] Michael Walzer, "The Triumph of Just War Theory (and the Dangers of Success)," in *Arguing about War*, ed. Michael Walzer (New Haven: Yale University Press, 2004), 3-22 [italics by the author].

[2] Michael Walzer, "Political Action: The Problem of Dirty Hands," *Philosophy & Public Affairs* 2, no. 2 (1973): 160-80.

[3] *Ius ad bellum* is the justification of starting or entering into a war, while *ius in bello* defines what is the acceptable or permissible conduct within a war.

becomes an event burdened by many kinds of necessities, many unpredicted, or not predictable at the starting point. In all possible combinations, the result might be unjust; but even if it is just, the justice there only comes afterwards, and even then it depends on the definition of what's taken as "peace" in any particular evaluation. The resolution of the conflict should be a restored or new peace, and its stipulation has decisive impact on what will be taken as the description of justice in any concrete case. If "peace" is the articulation of the accepted or recognized distribution of power in a particular society,[4] we may say that peace is the object of war for both sides, implying that a content-wise definition of justice depends on the definition of this articulation: what constitutes a matter of legitimate freedom depends on what is accepted as "peace."

It follows that there are no just wars as such (although war is usually perceived as such from both sides, in a similar manner as with perception of revenge). An attack, and even a defense, might be unjust, as well as any particular act or practice employed in a war, and some wars might contain more such unjust parts than some other wars. Moreover, taking into consideration that the definition of war contains acceptance of the risk and readiness to be killed and even to kill, war is obviously an unfortunate and bad state of affairs that should be avoided. The ultimate nature of that risk, unlike for example the risk to be killed in public transportation (nobody avoids going to work because of the actuality of such a risk), is an indicator that all wars are cases of political failure; and, regarding those who must face the choices they would rather avoid, we say that all wars are unjust. But this does not imply that they are necessarily unjustified.

To be "just" and to be "justified" is not the same. Everything we do is justified by some reasons, and most of them are morally neutral, i.e. morally permissible (matter of legitimate freedom as it is not being morally impermissible, i.e. is not either "just" or "unjust"). Talking about justice in such morally neutral situations is an indicator of unfounded assignation of blame to the side designated as "unjust." Moreover, on the motivational level, nothing we do, except that which is directly connected with what we must morally blame, is done for the sake of justice – our acts are based on ends (goals or purposes), which are in turn based on our desires and interests. The question of justice comes only retroactively, when something wrong has been done. And moral wrongness depends on the fact that something has been done with wrong intention. When others are at stake this *might mean the lack of consent*. However, *mutual con-*

[4] Cf. Jovan Babić, "The Structure of Peace," in *World Governance. Do We Need It, Is It Possible, What Could It (All) Mean?*, ed. Jovan Babić, and Petar Bojanić, 200-212 (Newcastle upon Tyne: Cambridge Scholars Publishing, 2013).

sent, which is a part of definition of war, *is not lacking in this manner*.[5] Even in the case where justice is a triggering[6] reason for starting a war, i.e. for attacking,[7] its overall justness will depend on the evaluation of what has been done in the end. Unjust realization of perfectly just goals will be unjust. There is no way that justice can justify something in advance, or give an *imprimatur* to realize some ends by *any means*.

I.

The first level of justification refers to the set of problems regarding the nature of warfare as a specific activity, which is connected with high risks regarding basic human values of life and bodily integrity. War comes with the risk of getting killed (which is not a very specific risk here, indeed, as it is characteristic of many, probably most or all, other human activities as well),[8]

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[5] This entails that some war actions, or even some wars, do not fit the normative definition of war given here. The part of that definition relevant here is the existence of some initial equality, i.e. some possibility of success for both sides (such prospect is a necessary condition for the rationality of any action; otherwise it will be indiscernible from mere conceiving, fantasizing and wishful thinking). Also, it entails that those actions that are not intended for *the resolution of the conflict* (which requires preservation of the existence of the sides in the conflict), like extermination or annihilation, also do not fit the normative definition of war. Conflict cannot be "solved" by destroying one side of it. Cf. Michael Walzer, "World War II: Why Was This War Different?" *Philosophy & Public Affairs* 1, no. 1 (1971): 3-21. [World War II produced a kind of conceptual confusion regarding the concept of war, which subsequently gave a strong support to crusade-like features of just war theory to evolve to the point where, self-contradictory, similar kind of logic as the one present in the constitution of World War II has been used as a tool of justification (e.g. in justifying foreign armed intervention or, even more, in the doctrine of "responsibility to protect")].

[6] Many phenomena are designated as "wars" while they are not. For example, the "Korean war" was a military intervention, and was a *stricto sensu* war in part regarding only the conflict between USA and China. An armed conflict which *starts* for reasons of justice, and not of self-defense, would also belong in this kind of category. WW II, which might come to the mind, only *evolved* into a war where justice played such an important role (although that role also had its clear propagandistic and military purposes); in the beginning, it was a matter of defense of those who were attacked. That defense would be justified even if the attack was not as vicious as it subsequently proved to be.

[7] The most common reason for attacking is an *empirical* matter. It is a complex issue, much more than it is presumed to be in the theory of just war. For example, Thucydides suggested that the reason for the Peloponnesian War was Sparta's fear for the growing power of its opponent, Athens. On the intuitive level the most probable triggering reason for attacking (as well as in the rest of nature) is the perception of the other as *weak* (or weaker). It should be corroborated empirically to see if most, or all, wars started with the belief that the attackers are stronger and the attacked side weaker.

[8] Risk of being killed in war is probably considerably higher than the risk of being killed in public traffic, and certainly much higher than being killed by taking medication, but the nature of that risk is pretty much the same – it is the result of previous decision-making and the uncertainty ingrained in realization of what's decided despite the fact that there is such a risk.

but also *the risk of intentional killing*, which *is* a really peculiar feature of war with obvious moral importance.

There is a very peculiar feature of both of these risks in the context of war, reciprocity: the risk to be killed is reciprocally transferred from one war ringside to the other side as a mutual threat; the risk to kill is also distributed reciprocally in the same way. That's why killing in war *might not be* morally impermissible. Two aspects seem to be relevant here. First, although killing is an inherent part of war, it is not its aim: the aim is the victory or, in Clausewitzian terms, compelling the adversary to fulfill our will.[9] Killing might come as a result of this process, either accidentally or, specifically, in a (mutually reciprocal) blackmailing scheme: *a preparedness* to be killed and kill is crucial part of the *means to convince* the opponent of the seriousness of our intent to compel them to give up their will and accept ours. Second, reciprocity secures mutual consent, a kind of contractarian transfer of obligation to treat the other side as an enemy, but not as a criminal. Both sides accepted the war as a decision-making rule; they agreed that a conflict that cannot be resolved otherwise *should not remain unresolved* and so took and accepted not only the risk to be killed, as a universal risk present virtually in all human activities (the fact of vulnerability), but also the risk to kill if that proves to be necessary to accomplish the goal.

Both of these risks are distributed symmetrically and reciprocally. Being killed in such a scheme is not something unjust, something that, as such, should be prosecuted and punished, or avenged (or retaliated against). This shows that killing in war is not an ordinary killing which contains an offense, but it is a kind of legitimate, mutually agreed, collective act. It is not an act of an individual as such, a soldier as a particular person with his own private interests and concerns, but an act of the warring army, wherein an individual is doing what is defined by the rules of war as a specific decision-making rule. What a particular soldier is doing is considered part of collective endeavor, in a very complex scheme in which the responsibility is articulated as a function of the individual within collective: responsibility is constrained *and defined* by that function.[10]A soldier, or a military unit, is a part of an army as a collective

[9] Cf. Carl von Clausewitz, *On War*, trans. James John Graham (London: Penguin Books, 1968), 101: "War therefore is an act of violence intended to compel our opponent to fulfill our will."

[10] If not, if a soldier is doing something not articulated within the function performed in a collective scheme, then his responsibility will be purely individual, probably a war crime, or possibly an act of heroism beyond any military task or duty. Although all responsibilities are individual, individual responsibility, defined as independent of the military function that an individual performs, is outside the scheme of reciprocity and does not belong to war as a war activity; it is a private enterprise of the individual for which she is directly responsible. If reciprocity cannot apply (like in e.g. war crimes) it should not be considered to be part of war as the activity to resolve a conflict over what should be recognized as "peace" (and, accordingly, should be punished).

entity whose identity is irreducible to a set of individuals. Soldiers who kill in war are not doing so as individuals, but exclusively as members of a warring side, otherwise it would not be a part of war but would be a criminal act.[11]

It is quite obvious that battles are symmetrical: both sides pose mortal threat to each other, and the situation resembles to Kant's picture of a shipwreck, where "there can be no *penal law* that would assign the death penalty to someone in a shipwreck who, in order to save his own life, shoves another, whose life is equally in danger, off a plank on which he had saved himself."[12] According to this picture, war is certainly a very bad, ugly and undesirable situation, something that nobody would prefer. At the same time, it is a situation anyone can find themselves in, especially if one is not vigilant enough, but also sometimes despite all possible vigilance.

Additionally, as a matter of fact, this is not all we mean by the word "war." It might be a description of a most typical situation in which participants in a war may find themselves in, but there is a part of the concept of war which is entirely missing here: how did this situation occur in the first place (how did it happen that they found themselves in such a situation)? Soldiers in the middle of the battle may epitomize the war and be our first association of it, but we are searching for a serious and responsible analysis of an important phenomenon, and thus we cannot take a typical, even central part of the picture and confuse it with the whole. In Kant's picture, there was a shipwreck happening *prior* to the situation. The two actors fell in the water, swam and saw the log in the distance, and recognized the log as a place where they could find their salvation.

The point of the story begins only *after* all of that. Similarly, in the context of our question about participants in a war, *the war had already started.* This war is part of existing (actual) reality around them, with all relevant ingredients: the changed circumstances (the presence of actual, not only possible, threats), the suspension of many rules of ordinary life (including some important laws, or their parts), changed premises and criteria of evaluation in whatever one is doing, etc. The question of whether this war *should* have started (first question) is different from the question what to do now *after* it has started (the second question). The reason why it started is only of a delayed importance to those finding themselves within a war. They have to fight first, and investigate later, if there is a chance for it. I used to have students who served in the Gulf war, and later in Iraq and

[11] This description opens a room for a good delineation between warfare and war crimes, the latter being all those acts which have no specific military purpose: although both kinds of acts are bad and negative, as killings, killing in war is not considered as a murder unless it is militarily senseless or not militarily needed.

[12] Cf. Immanuel Kant, *The Metaphysics of Morals,* trans. Mary Gregor (Cambridge: Cambridge University Press, 1996), 28 [standard pagination by the edition of Preussischen Akademie, Berlin: Bd. VI, S. 235].

Afghanistan, and they describe their experiences in a way in which a survivor of a shipwreck might do: *him or me*, quite independently of the fact that "he" is *a total stranger,* someone about whom they didn't know anything at all, including anything of their being justified, or "justified" in being there, on the opposite side.

You may respond that in many situations this picture is not accurate. The soldiers are not shipwreck castaways who just happened to find themselves in a bad situation. They can calculate the risks, and avoid entering the situation in the first place. Igor Primoratz gives a detailed depiction of such a *calculation* in one of his articles.[13] The point he makes could, in a certain sense, be right; there should always be an option to avoid any risk (nothing we do is in advance necessary and for that matter unavoidable). The shipwrecked people could simply never go on the journey, and if they didn't, they certainly would never find themselves in such an ugly and humiliating situation like fighting for a log in cold open water. But the price for that would be to abandon everything connected with the journey in any real terms. In a way, it is equivalent to a capitulation in advance, and soon we will come to this matter. It would be better for those who suffered in a car accident that they had stayed home, of course, but it seems unfair to say that their calculation to do otherwise was not correct and hence blamable.

Here we may have a feeling of moral absurdity: both people involved know that the survivor won't be able to avoid looking in the mirror and wondering what is there after the success (i.e. survival); and this is, at least in my impression, the main issue with survivors and the moral risks connected with survival: did I deserve to be the one who made it? And they would take "me" (themselves) in the context of whatever they think they deserve in their whole life before, and prospectively after that point in time, not only the specifics of that particular situation. They may then feel that they should be grateful; but to – what? Destiny? It is necessarily humiliating to be dependent on such an accidental set of circumstances in a situation that is not determined by natural causes. It seems to me that this is why survivors may feel a need to be able to say that it was *necessary despite being seemingly impossible*. They ask themselves the Walzerian question: "How can it be wrong to do what is right?"

II.

A quite different line of argumentation, indicating a different set of problems, is the other characteristic of war: in reality, it functions as *a decision-making rule*; a very peculiar one, which is not, based on the strengths of reasons used

[13] Igor Primoratz, "Michael Walzer's Just War Theory: Some Issues of Responsibility," *Ethical Theory and Moral Practice* 5, no. 2 (2002): 221-43.

in arguments, like polemics and debates, but on the strength of pure force as such.[14] Based on this rule, the purpose of the institution of war is to reach a decision in matters where other means of reaching the decision have failed; and the *constitutive rule of this institution is victory*.

In principle there are two points of special interest here: the starting point, and the point of resolution. Both these points have a property extremely important for a serious analysis of war: they change the reality and the framework, scope and context in which everything that follows will unfold – and also necessarily change the most relevant criteria of applicable evaluations of all decisions and acts performed. The scope of possible decisions changes cardinally after each of these irreversible points. Many things, which could have been decided upon before such a point is reached, will no longer be an option afterwards. The time before and the time after each of these points, in both what is the reality and what are the criteria of evaluation of what counts as legitimate and valid, are different. This is the line of thought on which I want to focus more on in this paper.

III.

What does it mean that the constitutive rule of war is victory? Isn't war only a matter of fighting and killing? If we look more closely, we may notice that in the beginning of war both sides show, and not only on a declaratory level, signs of desiring or hoping to avoid the coming conflict: the attacked side hopes not to be attacked, and the attacker hopes that victory will come in a fast and easy manner.[15]

We may have difficulties with the second hope – which would be realized if the attacked side surrenders quickly, presumably instantaneously – except if we consider the attacked side to be deserving the attack, and the attacker justified; but such a case would not fit into what we consider to be a war, and such an event should not even be called war. It would be police action, an act of punishment, or maybe an act of revenge or retaliation, perhaps too small and one-sided to be designated as a war. We can however say that one crucial feature of war as a decision-making procedure is absent in this case, and that

[14] However, strength of reasons as a way to solve disagreement in an argument functions only as a *regulative* rule; such strength does not produce a new reality, one independent of the already existing factuality in which the reasons find their strength (the truth of the facts). Contrary to this, war understood as a decision-making rule includes a rule which is not only regulative, but also constitutive, opening a room to a new reality upon employment of that rule (victory defines what the laws will be after the war).

[15] There is an interesting difference between possible desiring and (always present) hoping: it is possible that the attacker might desire not to have to attack in the first place, but there is no sense in saying that they hoped not to have to attack at all – except in cases in which the attack is a form of defense.

is a presumed initial equality of adversaries. This means that the victory is not the right word to describe what happens: we cannot say that police was *victorious* in a specific clash with criminals, except in a metaphorical sense. It seems more appropriate to say that police was *successful*. It seems that initial equality is part of the definition of war, or pre-supposition of its possibility, as it is also part of the definition of justice.

In Thucydides we read: "Justice is enforced only among those who can be equally constrained by it;" or, in another translation: "The standard of justice depends on the equality of power to compel."[16] However, equality is not as easy a concept as it may seem to be. In Hobbes we read that even the weakest, and not necessarily the brightest one, can kill the strongest and brightest through cunning.[17] It seems that determination plays greater role than actual magnitude of available force. Finns succeeded to defend themselves against the Soviets in 1939-40, despite the huge inequality of strength; only a few years later, the Soviets defeated the strongest military power of that time, Germany, in a battle much bigger than the Finish episode. Moreover, the US lost in Vietnam. So, while we may feel some optimism that reducing equality might reduce the risk of war, this approach is not very promising. I will return to the issue of this inequality later, as it designates what we call "peace," as a clear and conclusive demarcation of two parts of our freedom, the legitimate one and the part which is forbidden. An unjust peace will always have the tendency and sometimes the capacity to produce war.

Then there is the first hope, the hope not to be attacked in the first place. If that was the case, there would be no war. Unfortunately, one cannot be sure that such an outcome will still happen regardless of the strength of the wish (or the hope). How can you be sure? It seems that the only viable strategy is to prepare for defense and attempt to deter a possible attack. And here is the crux of our issue. War could be easily avoided if the attacked side capitulated instantly. That seems to be the only way to avoid any war without any further constraint.

We can easily imagine such an option in any particular situation, whereas it seems impossible to conceive that attacks simply cannot occur, that they somehow won't ever happen. We cannot conceive the impossibility of attacking.

But if we cannot conceive the impossibility of attacking, why cannot we conceive universal instantaneous capitulation as a spontaneous answer to any attack? It is still possible in any particular case. Why cannot it be uni-

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[16] Thucydides, *The Peloponnesian War,* trans. Walter Blanco (New York: W. W. Norton & Company, 1998), 227, [5:89]. For another translation see Thucydides, *History of the Peloponnesian War*, trans. Rex Warner (London: Penguin Books, 1985), 402.

[17] Thomas Hobbes, *Leviathan* (Indianapolis: Hackett Publishing Company, 1994), 74.

versalized? What is it so precious in defense or victory that prevents us to do this? What is the worth of victory?

IV.

Before answering that question, we may notice that the very concept of victory depends on the fact that victory is not secured *in advance:* without at least some uncertainty of the outcome, there is no real sense in speaking of "victory." The main, essential, point here lies in what "in advance" means. In time-related sense, the phrase "in advance" means that we can predict what will, or at least what should, happen. But there is an important difference between the two (between what will happen, and what should happen). As we shall see, both are uncertain, as the future is uncertain in both factual and normative sense. It is not certain what will happen, and neither is what should happen. This is the essence of victory: that it brings up for debate the definition of the legitimate state of affairs, *the peace*. Also, that definition also is not given *in advance*. It is the object of conflict and fighting. In war there is no factual control of what will happen in the future time.

However, there is a sense in which what should happen is, and has to be, the matter of a consensus in advance, actually two such consensuses – for each side, a *consensus* that "our side" *should* win. This consensus has a huge mobilizing impact. The determination to believe what should happen enforces the deciders to enter war at all, whether to attack or to attempt defense. Both sides have symmetrical position in this regard. If it is not the case that either side *could* win, what is happening is not war but something else (police action, robbery, etc.). Again, war is a state of affairs in which we have no *normative control* of our future time.

So, the lack of control over the future seems to be an essential feature of war, both in factual and normative sense.

The first, factual sense implies temporariness of war. War is a temporary state of affairs, a state that should pass and end with the victory of one side, therefore establishing peace as a permanent state of affairs. Peace will be a state of affairs where we have both the factual and normative control of our future time, and this is something that victory can bring. Factual control of the future in the state of peace is based in normative control of the future contained in the definition of that particular peace: what should not be done, as defined by accepted laws. Peace will be, as it is, a specific articulation of the distribution of power, where laws will be established, demarcating precisely which part of our freedom has been legitimized and which not. It will still fit into the scheme which differentiates war from peace, analogously to the difference between death (or, as a matter of fact, the risk of death) and

life; and it will be in accordance with an operative definition of life as an activity of *free and unhindered* process of setting goals and attempting to realize them, which means that life requires peace for this prospect of unhindered free living. In this scheme, war looks like a dangerous and hazardous road which eventually leads to peace. By attaining peace the job is done, and victory determines what is right and what is not. The legitimate distribution of power has been established; *it has become valid through the act of its acceptance*. The result is consensus on what the laws and ways of life will look like.

The second sense of lack of control of the future, the normative one, is more interesting, politically and morally. It cannot be described simply by pointing to its temporariness, by saying that it will pass. It is a *deep disagreement about what should be the outcome of the war*. This looks like a redundant thing to say, but it is somehow very frequently left out from the logic of reasoning about war. The complex story of moral equality of soldiers belongs here. Here is the terrain where the uncertainty of victory plays a very special role. In essence, it is the same role that consensus plays in the act of establishing laws and their validity: consensus must be free to be valid, which means that there has to be a possibility of rejection. Having in mind the question posed in the beginning of the paper, how to justify what seems to be unjustifiable, here we encounter that possibility: what could be a stronger argument for the justification of a conflict than the absence or lack of consent? It seems really obvious: if there is no consent in cases where consent is necessary, it seems that the only possible response must be to restore or establish it.

Victory has the logical structure of consent, which is not visible at first and is frequently overlooked.[18] The uncertainty in victory contains the possibility that either side in the conflict could lose, which is a part of the fact that before victory both sides are aspirants to being in the right. Winning is the focus, but without accepting the possibility of losing there can be no victory, and no war. This, importantly, establishes a normative reciprocity of expectations: each side expects that the other side will be defeated.

[18] It may be objected that defeat is not something *accepted voluntarily,* but the constitutive rule of war says just the opposite: the fact that you accepted to play that game should show that *there is a point* at which you are prepared to *accept* capitulation. Capitulation is the last means of defense, and it has to be ingrained in the rule: it means that there are some limits to victors. The articulation of these limits is very important part of how wars should settle the disputes for which both sides decided to be solved despite the fact that they cannot be solved peacefully. According to Kant, for example (and this seems to me to be the very best definition, or articulation, of capitulation), there are three conditions for a valid capitulation (Kant, *The Metaphysics of Morals* VI, §57-58): the defeated cannot be annihilated, humiliated or punished. These are the conditions that make the acceptance of capitulation a form of consent, based in original acceptance to settle the dispute by war. This preserves the freedom to enter war in the first place even in its possibly non-victorious end, keeping the possibility to lose open, and implying that victory is not, as it cannot be, necessary.

There are two logical features of this that are important to emphasize. First, it is the nature of freedom (and also its price) to proclaim the aspiration to propose and attempt to determine a different definition of right without this being defined as a criminal activity (at least not in a legal sense – otherwise what one side is doing would have to be designated as criminal). Second, this story is strictly within the *ius ad bellum* scheme, and has not yet anything to do with what we may find, or anything resembling arguments belonging to *ius in bello*. Both of these aspects could easily be overlooked in the just war theory. Regarding the first aspect, if validity of a normative structure of a state of affairs depends on consent, it implies a choice, i.e. freedom. Regarding the second aspect, the content of *ius in bello* will depend on various beliefs, customs, habits, sensitivities, and established expectations.

This is a specific feature which reflects the nature of *ius ad bellum*. This feature is *reciprocity*, a type of a mutual relationship which safeguards both sides from those actions that would destroy the relationship. This is one of those points where influence goes from *ius ad bellum* to *ius in bello*, which is not reducible to the final outcome, victory. Both sides recognize the same or similar set of prohibitions, requiring that the adversary won't be destroyed, annihilated or humiliated to the point at which it would not be capable of restoring its identity and nature. This aspect is very often absent from the contemporary, as well as old, interpretations of just war theory, which usually denies the rights necessary to establish this reciprocity and minimal respect to the other side. A part of the problem in interpreting terrorism, or antiterrorism, lies in shortcomings like these.

There is an important difference between soldiers and policemen, between an army and the police, and consequently between war and police action. Assumption that there is no such difference would lead to a morally risky practice of labeling wars as "just" and "unjust" on a regular basis.[19] The attacking army must be confronted with a defense, which is necessarily a counter-attack. However, the soldiers of the attacking army are not an aggregate of individuals, like a gang of robbers, which has decided on its own to move and attack. This does not make their attack just, of course, but the causes of war are normally very far from them, as the decisions are also very far from them. In the battlefield the unpredictability of the outcome, acceptance of the rules of the game, and the reciprocity which follows make the

[19] Cf. e.g. Jeff McMahan, "The Morality of War and the Law of War," in *Just and Unjust Warriors: The Moral and Legal Status of Soldiers*, ed. David Rodin, and Henry Shue (Oxford: Oxford University Press, 2008), 19. Also Jeff McMahan, "The Ethics of Killing in War," *Philosophia* 34, no. 1 (2006): 23-41, 23. However, Michael Walzer dissents: cf. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), 41: "Without the equal right to kill, war as a rule-governed activity would disappear and be replaced by crime and punishment, by evil conspiracies and military law enforcement."

"cause" of both sides *prima facie* right. This is contrary to what for example Primoratz would say: "For there are wars in which one side is fighting for a just and the other for an unjust cause; there are wars in which both sides are fighting for an unjust cause; but there are no wars in which both sides' causes are just."[20] On the contrary, most wars are precisely such that both sides have some *prima facie* good reasons on their side. There is a valid dispute, but they are not able to resolve the dispute by other means, and they are not prepared to leave it unsolved.

The lack of the ability to resolve a dispute by arguments does not imply anything regarding the causes of the dispute. Of course, it is possible that both sides have unjust causes for starting the conflict, but to the extent of that being the case, it is not very interesting. If both sides have, or one side has, only bad reasons for the action, there would not be a moral *problem* there. The case in which one side has only wrong reasons, based on unjust causes, would be tragic if this side wins. The humiliation contained in helplessness and despair may last for generations. The vanquished side might never be able to accept the result, and peace could not be truly attained – the result would be a prolonged truce without a valid closing. The case in which both sides have only wrong reasons is more than tragic, it is morally absurd. In both of these cases war is a crime, and just an ordinary one, morally simple and not worthy of much discussion. In both of these two cases foreign military intervention, if possible, would be fully justified or even obligatory. Should we, in fact, even call these cases wars? In the case where only one side is just as to the right of defense, this would create a clear right to employ warfare as a means in countering the attack, but the crucial part of the definition of war would be lacking: the consent to accept the result of war as just and as the basis of a new peace, which is the lawful state of affairs. Some wars certainly are of this kind, even big ones, like World War II.

The really interesting and morally relevant cases are those where both sides have a legitimate right in what they are fighting for. Most civil wars are such, they are just "normal," regular[21] wars, which fill in the gap of the capacity to make the important decision.

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[20] Cf. Primoratz, "Michael Walzer's Just War Theory," 228.

[21] Cf. Raphaël Fulgosius, "In primam Pandectarum partem Commentaria," ad Dig., 1, 1, 5, trans. Peter Haggenmacher, quoted in *The Ethics of War, Classic and Contemporary Readings*, ed. Gregory Reichberg, Henrik Syse, and Endre Begby (Oxford: Blackwell Publishing, 2006), 228; cf. also Gregory Reichberg, "Just War and Regular War: Competing Paradigms," in *Just and Unjust Warriors: The Moral and Legal Status of Soldiers*, ed. David Rodin, and Henry Shue, 193-213 (Oxford: Oxford University Press, 2008); Peter Haggenmacher, "Just War and Regular War in Sixteenth Century Spanish Doctrine," *International Review of the Red Cross* 32, no. 290 (1992): 434-45.

V.

The thesis that one side *must* be wrong is obscure.[22] In one sense the war should end, and one side should be defeated, and according to the rule,[23] this side should be found to be wrong. On the other hand, the victorious side in a war cannot be determined ahead of time; and if victory has been accepted as the constitutive rule of the game, this also means that it is impossible to determine who is right in advance. If *that, i.e.* in advance determining who is right, was possible, it would reduce war to police action. Let me forgo this argumentation and focus on two other issues of direct importance. One is the issue of why it is not possible to capitulate in advance, based on the right of defense, the other is the relationship between *ius ad bellum* and *ius in bello*, regarding the causes of war and the question if *ius in bello* depends on *ius ad bellum* in this way.

Capitulation is especially interesting. As I have said before, both sides hope to avoid war, but neither of them would give up and abandon what they are fighting for. As Thucydides points out, hope requires resources. These are resources which enable to avoid the war, or to win it. One way to avoid it would be not to have or not to produce reasons to be attacked. But how can you provide for that? *Hope* is not enough, and *hope* might be self-deceiving. Thucydides states that: "In times of danger hope is a comfort that can hurt you, but won't destroy you if you have plenty of other resources."[24] One such resource could be becoming a member of a club consisting of those who are powerful enough; this is the famous "Doyle's Law:"[25] that "democratic states don't war against each other."[26] This means not only that "democratic states" are strong, but also that they are *the strongest* ones, as Pericles suggested – according to Thucydides – in the famous "Funeral Oration."[27]

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[22] The question is: why is it not enough to say that one, or both, side(s) *might* be wrong? Why is it necessary to say that one side *must* be wrong (with the hidden implication that it is, on careful scrutiny, knowable in advance)?

[23] "According to the rule" implies that it *cannot* be known in advance who will win, which implies quite different meaning of the word "wrong" from the hypothesis presumed in just war theory, which is that war is the activity of re-establishing impaired *status quo ante* (and where "wrongness" has been defined, legalistically, as the violation of the then present, existing, law).

[24] Thucydides, *The Peloponnesian War*, 5:103.

[25] As named by late Burleigh Wilkins in one of his papers.

[26] Michael Doyle, "Liberalism and World Politics," *The American Political Science Review* 80, no. 4 (1986): 1151-1169.

[27] Thucydides, *The Peloponnesian War*, 2:39.

VI.

The other, and most common, resource of this hope is preparation for defense. Seriousness in determination in this is part of legislative structure: a matter of authorization to enforce laws. If a state has no intention to defend its constitution and laws, its authorization to enforce them is no longer evident. So, it seems that capitulation in advance is not possible based on rather procedural and logical reasons. It is not possible to be logical because giving up in advance wouldn't be capitulation; and it is not possible to be procedural, because the decision to defend the legal *status quo* is part of the *status quo*.

So, there is no need for a particular decision regarding defense, whereas such a decision is required for capitulation. The reasons in these two situations are of very different kind: reasons for defense are principled reasons, based on the existence of some rights and they are independent of the prospect of success. (These reasons are very peculiar and perhaps couldn't be conclusive as such, but still they are different from all so called *prudential reasons*). Reasons to capitulate are different, they *are* prudential, they are dependent on the prospects of success (in defense), and might imply a moral duty to capitulate, as a matter of political and moral responsibility. Both capitulation and rejection of capitulation are among those irreversible points after which the reality is changed, along with all the relevant parameters for evaluation in our search for justification.

Before we proceed further, let us see what I mean by saying that capitulation in advance is not possible. Logically, there are only two options for conceiving a world without war. One is the absence of freedom, in which case everything would be necessarily determined by absolute, hard determinism, automatically or mechanically. The other is a scheme within which every attack would be followed by an immediate capitulation. We may rule out the first as not interesting for the topic under discussion, as we cannot conceive of ourselves as not being free.

The second provokes a question: how immediate would this capitulation in advance be? It could be conceived as a scheme in which the attacked party has lived peacefully in the hope not to be attacked, but with a preparedness to surrender immediately if the attack occurred. This readiness and preparedness would go *before immediacy*: it would be a capitulation *in advance*. This could be conceived only in a world in which *pacifism* (a very strong version of it) is a truly universal world religion accepted by everyone.

It would be a strange world: forbidding defense and allowing attacks. You may protest: why not forbid attacks too? Yes, why not? But they have been *forbidden* already, haven't they? If the attack happens, this isn't because it is allowed; on the contrary, if allowed this wouldn't bear any normative significance, but would be like the act of arresting a criminal, or "attacking"

a river to make a bridge over it. But an attack is possible even if it is not "allowed," as an act of aggression, an unjustified attack. *Things that are not necessarily allowed are possible to occur.* If such an attack was not possible, it would not have happened in the first place, and the question of defense would not need to be raised at all. But obviously, as a matter of fact, it *is* possible, and in a way the "proof" of this possibility (a very efficient kind of proof) is its sporadic but real occurrence. And only then, only *if* and *when* it occurs, we have a chance to resist *or not to resist.* The existence of this possibility is a matter of freedom: we may attack, justifiably or not, "allowed" or not. There is no point in "not allowing" or "forbidding" attacking. The attack is an accomplished fact, not something that defenders get to decide upon – it is something they find as a decision already made: the attacked side is not a participant in that decision-making process. Of course, it would be best not to be attacked in the first place – and certainly there are many possibilities to at least attempt avoid being attacked. However, there is no possibility to limit the scope of reasons to be attacked only to those which could be excluded by cooperative or conciliatory behavior of prospected targets, and to some extent that scope is entirely independent of anything in the domain of what the targeted side can do. Despite the fact that many things before the attack might be a matter of negotiation or consensus, many are not.

Defense is different: factually it is a matter of decision.[28] To presume that we must not even try to defend ourselves implies a mechanical obedience to the clause of forbidding defense, not a decision to surrender: if it was a decision, an opposite possibility should have been real (even if it isn't necessarily chosen in the end). If we remember that the only way to "abolish" war (in the sense of making it impossible) is that everybody attacked capitulates in advance (which is equivalent to forbidding defense), we come to a strange place: war is no longer really possible since defense is forbidden, and attacks are not addressed, or mentioned, even if they occur.

[28] This is complex: the attack is directly a matter of decision, the defense however is necessitated by the attack and even normatively it is not the matter of decision: it is obligatory (there is an official obligation to attempt it). But in the context of the ongoing war, i.e. after the point at which a war started to unfold, the attack, along with the decision on which it is based on, has to be taken as a brute fact. The defense is still a matter of consideration: how far to go in attempting to accomplish it. The situation is now reverse: the defenders decide what will be the price of war, through determining how much they are prepared to sacrifice in the course of defense. The attackers, although they also consider the price they are ready to pay, have to accommodate to the determination of the defenders, and even to the point of losing the war (as happened to Soviet Union in their war with Finns in 1939-40). Of course, the attackers might *hope* that the defenders will not be very determined – but that is not a matter of their choice. They might withdraw (as Americans did in Vietnam), but in a way they are slaves of their decision to attack in the first place.

So, we face a peculiar dialectic here: war is *per definitionem* a temporary state of affairs which should end, peace is a state of affairs that should last – this is on the normative level. On the ontological level, however, the positions are reverse: peace is a temporary articulation of power, its distribution and structure (articulated through laws, as schemes of long term "crystallized or frozen" collective will), which will become, sooner or later, unjust and unbearable, or otherwise endangered through accumulation of differences and changes within or outside that structure. *Peace* is necessarily fragile and *it has to be actively defended*, by force if necessary. Peace requires effort in order to be preserved. However, *the prospects of defense are uncertain and varying*. The effort to preserve peace is not natural, inertial or spontaneous, it is arbitrary, for two reasons which are opposite to each other: first, because of the choice ingrained in laws (the fact that the laws could have been different) and, second, because the laws are to be taken as "eternal" (*sub specie aeternitatis*), or "frozen" and normatively constant, not the matter of any current decision-making (the laws are the result of past decisions, and have to aspire to be valid indefinitely in time, otherwise they could not be enforced). So, preservation of peace, and all the efforts to achieve it, necessarily becomes unconvincing and implausible at some point. Therefore, peace is, ontologically, from inside, temporary. Changes will accumulate until a new and different peace is made, which has to be realized through conflicts, so the only matter is whether these conflicts will be resolved in a more or less peaceful manner.

War on the other side, despite being normatively defined as a temporary state of affairs, is latently always there: as a kind of energy to resolve conflicts in whichever way needed to reach a resolution. In this sense, war is always an indicator of weakness: there is not enough strength to avoid conflict in the first place, and, in the second place, to resolve it quickly and efficiently in a peaceful way. War is a failure of the effort to maintain peace. If peace is not strong enough, war is always there, latently waiting to "erupt." However, it is also possible that practically some conflicts cannot be resolved at all in accordance with the principles forming a particular peace, or, even more importantly, that those very principles are at stake and cannot help. In such a situation it is possible that a new perception (or just a different perception within that particular situation) of what is just and fair will produce the idea of affordable means to resolve the conflict. We can suppose that many conflicts in fact are resolved in this way, not on the basis of reasons, but on the basis of strength, the physical strength or the plausibility of threat of some kind. Prejudices and ideologies work that way, and work very efficiently – by silencing, suppressing, absorbing or amortizing the conflicts. But it is also possible that there are no such means, or that they are not efficient enough,

and that conflict will start *and continue*. This is the point of starting a war, as the process in which there is no control of future time, but uncertainty and cunning, luck and accidental combinations of circumstances would create the network, or context, within which an end would be reached in foreseeable time.

In such a case the crucial part is the *irreversible point after which conflicts would go outside of any or adequate control of the instruments for resolving conflicts*, instruments which contain the most important parts of peace (laws, customs, established expectations, everything taken for granted like the sense of decency, fashion, etc.), most notably, instruments which enable us to make conflicts localized and limited, confined to a definite period of time. This is the crucial point: *after such an irreversible point, in war, there are no deadlines*. The presence of this "irreversible point," a point of no return, is what defines war: after that point we have no peace anymore, and war, or some such conflict, is the means to either restore the old peace or create a new one, but within indefinite time-frame and without definite prospect of who will be the victor. In this sense, war is clearly a temporary state of affairs, and it has to end at some point. Even in the period of the utmost uncertainty of its duration and outcome, it is not presumed to last forever. But no deadlines exist. And, as I said, it is latently always there, waiting to erupt.

VII.

Those who win will enjoy their victory (or believe they are enjoying it), and those who lose will have to accommodate, if they survive. But they wouldn't survive intact, which was the reason why they defended the *status quo ante* in the first place. The result of the defeat is that the defeated have to change. The change might be for their own good, or not (certainly not the same kind of good as for the victors), but for them it will be experienced as a loss (in addition to the loss they paid already). However, as Max Weber says in "Politics as Vocation:"

> Instead of searching like old women for the 'guilty one' after the war – in a situation in which the structure of society produced the war – everyone with manly and controlled attitude would tell the enemy: 'We lost the war. You have won it. That is now all over. Now let us discuss what conclusions must be drawn according to the *objective* interests that came into play, and what is the main thing in view of the responsibility towards the *future*

> which above all burdens the victor.' Anything else is undignified and will become a boomerang.[29]

And then continues:

> A nation forgives if its interests have been damaged, but no nation forgives if its honor has been offended, especially by bigoted self-righteousness. Every new document that comes to light after decades revives the undignified lamentations, the hatred and scorn, instead of allowing the war at its end to be buried, at least morally.[30]

Every peace is time limited and should be corrected and amended from time to time. Most of these emendations occur through defined procedures within the structure of peace, but there is always a pure and raw freedom as final remedy, as it is the final source of rational life, life as an enterprise of setting goals and attempting to realize them. So, war is a latent but real possibility, a very expensive and often also unnecessary, immoral, even absurd possibility, like so many of such kind we always have within our reach, in the domain of our freedom. However, virtually all of these options can in some extraordinary circumstances become feasible (like, for example, to cry and shout aloud: it would be very improper for me to do that here and now, in the middle of my talk for example, but if I am falling from a cliff it would suddenly become very proper and feasible). And this shows the power of these irreversible points in the course of time: what was in our power before such a point, it is no longer there afterwards.

This is important, because the *existence and articulation of responsibility* depend on it. The scope of possible decision-making is cardinally limited after the irreversible point, actually it turns something that was an action into a partly pure phenomenon. The irreversible point is a consequence determined by the events and actions that happened before: the history of expressing opinions, giving declarations, making commitments, the history of political activities etc. The final decision might come like a natural event: unavoidable and practically necessary. The scope of what can be decided upon is drastically narrowed gradually up to the point after which the decision cannot realistically be avoided.

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[29] Max Weber, "Politics as Vocation," in *From Max Weber: Essays in Sociology*, trans. and ed. Hans Heinrich Gerth, and Charles Wright Mills (New York: Oxford University Press, 1958), 77-128.

[30] Ibid.

This means that the decision to be reached had been articulated and, as a matter of fact, became a *fait accompli* at some prior point, before it has been declared. This has obviously important impact on the issue of the responsibility for all subsequent acts and practices, becoming a kind of a context or factual premise for them, which is then something that necessarily must be taken into account in any attempt to evaluate them.

This is the reason why it is much easier to start a war than to stop it. War can be shortened, or prolonged, but stopping it is no longer an option – as it isn't within the scope of our free decision-making anymore.

The unpleasant conclusion is that war cannot be morally justified, that just war theory cannot give the justification for it [as it cannot justify changing or broadening the concept of "(self) defense" by including in it many attractive, ideologically appealing, seemingly compelling, value ingredients by excluding the "self" part] – but on the other hand, the participation in war is not covered by this judgment. Or taken in a simplified form, we might say that *morality forbids war, but not necessarily participation in it*. Which means that *ius ad bellum* and *ius in bello* have to be distinguished. Regarding the *ius ad bellum,* which is philosophically far more interesting, my opinion is that, morally, the most important matter here is *producing causes of future wars*. However, this is not an easy matter at all, as we *cannot* know in advance what these causes may be – it depends on what *will happen afterwards,* on accumulation of many small ingredients of the social fabric of values and interests, and the structure of beliefs, prejudices, norms, customs, and laws based upon them. This is extremely uncomfortable because it implies that we do not and cannot know when we produce causes of future wars, future conflicts, or adding energy to processes, which can prevent resolution of these conflicts by peaceful means. Peace is unstable, it is precious, it requires vigilance, and a kind of epistemological modesty and wisdom, contrary to epistemological arrogance which characterizes a great part of the contemporary debate on these extremely important and sensitive matters.

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N. Borza • *Conatus* 4, no. 1 (2019): 31-60
DOI: http://dx.doi.org/10.12681/cjp.18851

Animating Sympathetic Feelings. An Analysis of the Nature of Sympathy in the Accounts of David Hume's Treatise

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Abstract

Sympathy is a powerful principle in human nature, which can change our passions, sentiments and ways of thinking. For the 18th-century Scottish philosopher David Hume, sympathy is a working mechanism accountable for a wide range of communication: the ways of interacting with the others' affections, emotions, sentiments, inclinations, ways of thinking and even opinions. The present paper intends to find a systematic reading of Hume's Treatise of Human Nature (1739) from the point of view of what the mechanism of sympathetic communication implies in terms of strengthening our action of understanding, of being sensitive to, and vicariously experiencing the feelings, thoughts, and experience of others. Hume's description of the sympathetic mechanism appears to suggest that sympathetic passions come upon us purely by natural means in a passive manner, without the active use of any of our faculties. Consequently, scholarly attention is drawn to the mechanistic character of the sympathetic process; its automatic nature is emphasized to such an extent that some experts even find it to be completely void of any reflective process. The current study investigates to what extent the sympathetic process can actively be modified and in what manner sympathetic feelings can be generated as described in Hume's system of emotions. The paper identifies at which points the otherwise mechanically and passively operating process of sympathetic feelings is open to be modified by actively altering or strengthening certain skeletal points of the mechanism. I argue that the alterations can be initiated by the person who receives the sympathetic feelings and also by the person whose passions are transmitted, moreover even by a third party. In a seemingly mechanic model, there is room for altering or at least amplifying one's sympathetic feelings.

Key-words: *sympathy; David Hume; imagination; mechanic; philosophy of mind; relation of impressions and ideas*

I. Introduction

Sympathy is the common feeling of understanding others' suffering, of caring about others' trouble and grief, and of supporting others in the form of shared feelings. The origin of the word *sympathy*, however, is not comprised to the compassionate perception of the calamities of others.

It used to convey a broader concept than the feeling of pity and sorrow for someone else's misfortune. The Greek word *sympatheia* (συμπάθεια) covers the general meaning of fellow-feelings, where *pathos* (πάθος) refers to any kind of emotion or passion, including pleasure and pain.[1] In harmony with the etymological origins of the word, the 18th-century Scottish philosopher, David Hume (1711 – 1776), applied the technical term 'sympathy' in a more extended meaning than today's common usage of the word. Hume discusses sympathy in detail in his *Treatise of Human Nature* (1739),[2] where he explicates that sympathy is a complex mechanism not to be confused with the feeling of compassion. In the *Treatise*, Hume bases his philosophy on the observation of facts about human nature; thus Hume's treatment of the sympathetic mechanism is fundamentally descriptive.[3] The observation-based, descriptive *Treatise* does not provide us with straightforwardly worded advice on how to use the sympathetic principle in a conscious manner if it is possible at all. The present paper intends to find a systematic reading of Hume's *Treatise* from the point of view of what the accounts of the mechanism of sympathetic communication implies in terms of strengthening our action of understanding, of being sensitive to, and vicariously experiencing the feelings, thoughts, and experience of others. Accordingly, the current study investigates to what extent the sympathetic process can actively be affected on and in what manner sympathetic feelings can be generated as described in Hume's system of emotions. In order to apprehend the way sympathy is treated by Hume, the nature of the *Treatise* is discussed first. It is followed by the explication why sympathy plays a crucial role in Hume's description of human nature. Then

[1] Henry George Liddell, and Robert Scott, *Greek-English Lexicon with a Revised Supplement* (Oxford: Clarendon Press, 1996), 1285 (entry: πάθος).

[2] References are to the 2007 edition David Hume, *A Treatise of Human Nature*, ed. David Fate Norton, and Mary J. Norton (Oxford: Clarendon Press, 2007), henceforth cited by book, part, section, and paragraph number; Hume's *Enquiry Concerning the Principles of Morals*, ed. Tom L. Beauchamp (Oxford: Clarendon Press, 1998), and *Enquiry Concerning Human Understanding*, ed. Tom L. Beauchamp (Oxford: Clarendon Press, 2000) will by cited by section, paragraph, and page number accordingly. It is only in the *Treatise* where Hume gives a comprehensive analysis of the working mechanism of sympathy. In the *Dissertation on the Passions* and the *Enquiry Concerning the Principle of Morals* Hume remains reticent about the way we sympathize with others. Vitz collects several possible explanations why the explication of the mechanism of sympathy could have been dropped in the *Enquiry*. See Rico Vitz, "Sympathy and Benevolence in Hume's Moral Psychology," *Journal of the History of Philosophy* 42, no. 3 (2004): 262.

[3] Some scholars interpret the descriptive tendency of Hume's works to be a sign of the author avoiding the transgression of the is-ought gap [see Daniel J. Singer, "Mind the Is-Ought Gap," *The Journal of Philosophy* 112, no. 4 (2015): 193-210], which is a customary interpretation of Hume's famous warning against the dangers of failing to consider the is-ought distinction in moral philosophy (see Hume, *Treatise*, 3.1.1.27); while others suggest that there is still some normativity in the Humean accounts of human nature [see, for example, Tito Magri, "Natural Obligation and Normative Motivation in Hume's Treatise," *Hume Studies* 22, no. 2 (1996): 231-254].

the working mechanism of sympathy is clarified in the Humean framework, the points in each step are highlighted where the mechanism is less than completely automated. Finally, the view claiming that the sympathetic process is entirely automatic is rebutted by revealing the non-mechanic elements in several Humean examples accounting for the process.

II. The nature of Hume's *Treatise of Human Nature*

As the subtitle of the *Treatise,* Hume's earliest philosophical work, clarifies, Hume ventures to "explain the principles of human nature"[4] by introducing the experimental method of reasoning into moral subjects. Moral philosophy for Hume does not primarily mean the deliberation about what is right and wrong in our conduct, consequently it is only about a third of the *Treatise* which deals with morals in its narrower sense. However, Hume applies moral philosophy as a general term for the science of man. In the *Advertisement* of the *Treatise*, Hume uncovers his plan to complete his work about human nature with the examination of "morals, politics, and criticism."[5] The approach to treat moral philosophy as a science which includes, in modern terms, psychology, anthropology, political science and even political economy was typical in the mid-18th century.[6] In such a framework, moral philosophy for Hume is the study of moral beings in general, it is not particularly restricted to morality. Discovering the principles of human nature is essential for Hume since he treats human science as the hub of all other sciences by declaring it to be the "only solid foundation for the other sciences,"[7] of which human nature is "the capital or centre."[8] No science, including mathematics, natural philosophy and natural religion, is unconnected to human nature, argues Hume, since they all "lie under the cognizance of men, and are judged of by their powers and faculties."[9] Both in human and in natural sciences, the experimental method denotes the use of experience and cautious observations in "different circumstances and situations,"[10] the application of "careful and exact" experiments in the "endeavour to render all our principles as univer-

[4] Hume, *Treatise*, Intro, 6.

[5] See the advertisment that preceeds the Introduction.

[6] James A. Harris, *Hume. An Intellectual Biography* (Cambridge: Cambridge University Press, 2015).

[7] Hume, *Treatise*, Intro. 7.

[8] Ibid., 6.

[9] Ibid., 4.

[10] Ibid., 8.

sal as possible."[11] Hume undertakes to find universal explanatory principles; however, avoids going beyond experience by pursuing demonstrative, a priori reasoning in his venture. Rather than relying on abstract deductive reasoning, Hume intends to discover human nature through collecting experience and conducting experiments in the form of attentive observations and reflections on them.[12] Hume's non-teleological study of human nature expressly rejects uncovering final causes or the end of man through the application of metaphysical reasoning since they cannot be clearly investigated and supported by the experimental approach;[13] Hume also asserts that the natural principles of human life are not to be observed in man in isolation but moral experiments need the reflective observation of "men's behaviour in company, in affairs, and in their pleasures."[14] Since Hume reveals the principles of human nature as witnessed in society, his descriptive system of emotions does not depict the abstract idea of individuals or of abstract subjects in their singularity either. The *Treatise* sheds light on the principles of the interaction of the affects among people in a social context.

III. The indispensable importance of sympathy in the Humean moral framework

Using the experimental method, the three books of the *Treatise* discuss the following three wide-ranging topics: human understanding, the passions, and morals. The notion of sympathy has a pivotal role in the last two books, where Book II covers matters that nowadays would be termed as the philosophy of psychology.[15] Hume describes sympathy as a "very powerful principle in human nature,"[16] which can change our sentiments and ways of thinking, or at least "disturb the easy course"[17] of our thought. His treatment of sympathy as the most remarkable quality in human nature expresses admiration of our propensity to "receive by communication their [the others'] inclinations and sentiments."[18] In the Humean account of human nature, sympathy is the mechanism through which we have the ability to "enter so deep into the opin-

[11] Ibid.

[12] Ibid.

[13] Ibid., 3.

[14] Ibid., 41.

[15] H. O. Mounce, *Hume's Naturalism* (London: Routledge, 1999).

[16] Hume, *Treatise*, 3.3.1.0.

[17] Ibid., 3.3.2.2.

[18] Ibid., 2.1.11.2.

ions and affections of others."[19] Sympathy is clearly not a feeling of sorrow; moreover, it is not even a simple fellow-feeling in the Humean framework. Pitson defines the term as a mechanism by which "mental states are communicated from one person to another."[20] Sympathy is a working mechanism, a technical term for the way of communicating with the others' affections, emotions, sentiments, inclinations, ways of thinking, and even opinions.

Hume recognizes the significance of our ability of transmitting affections by underlining that "the force of sympathy must necessarily be acknowledged."[21] The mechanism of sympathy as a means of communicating one's sentiments is fundamental in the Humean philosophy for several reasons. Considering its scope, sympathy is of paramount importance since it works as a universal principle affecting all human beings irrespective of age and education. Not only children "embrace every opinion proposed to them,"[22] and feel the passions which arise in their fellows through sympathy, but "men of the greatest judgement and understanding"[23] are also under the effect of sympathizing with others' inclinations and sentiments. Observing man in society, Hume finds that no one is immune to the passions which arise in others; feelings have a tendency to spread among members of a group through sympathy. Using the medical adjective 'contagious,' Hume describes the passions as easily transmissible, similar to infections, which "pass with the greatest facility from one person to another, and produce correspondent movements in all human breasts."[24] The metaphor of contagiousness depicts how powerful the communication of the passions is: the passing of emotions happens instantaneously and involuntarily, it does not seem to be possible for anyone to stay unaffected by sympathetic feelings. In revealing the principles of human nature, Hume finds that indifference cannot be attached to the mechanism of the communication of the passions. It is no less than our happiness for which sympathetic feelings are crucial. Hume observes that no true contentment is conceivable without them. The explanation for this observation relies on the social nature of man: Hume stresses how fervently human beings wish

[19] Ibid., 2.1.11.7.

[20] Tony Pitson, "Sympathy and Other Selves," *Hume Studies* 22, no. 2 (1996): 255.

[21] Hume, *Treatise*, 3.3.6.2.

[22] Ibid., 2.1.11.2.

[23] Ibid., 2.1.11.2.

[24] Hume, *Treatise*, 3.3.3.5; Waldow distinguishes two forms of sympathy in Hume's works: 1) Sympathy which proceeds by pre-sensation impressions, the pure contagion cases; 2) Sympathy which first forms ideas, then converts them into impressions [see Anik Waldow, "Mirroring Minds: Hume on Sympathy," *The European Legacy* 18, no. 5 (2013): 72]. Vitz on the other hand categorizes Humean sympathy along three aspects: 1) a cognitive mechanism; 2) the sympathetic sentiment; 3) the sympathetic conversion of an idea into an impression (see Vitz, 263).

to be in society and avoid complete isolation. Our inclination for aspiring to social partaking makes perfect solitude "the greatest punishment we can suffer."[25] One would feel deeply despondent without the chance to share the passions, thus Hume describes even happiness as a miserable state when there is no company to share it with. With a paradoxically powerful image, Harris assesses Hume's description of human nature as intensely social and in passionate need of the society of others as an account which is "almost claustrophobically social."[26] Besides its animating nature and all-embracing power, the mechanism of sympathy is essential in the Humean explanatory schema in the process of approbation, too. In his moral experiments, Hume discovers that one would not approve of the character of the other if it was not for sympathetic feelings. The mechanism of sympathy, the "intercourse of sentiments [...] in society and conversation,"[27] makes us capable of forming the foundation on which we base our approval and disapproval of characters and manners. Thus, the sentiment of moral approbation rests on the communication of emotions. Hume notes that even if "self-interest is the original motive to the establishment of justice, but a sympathy with public interest is the source of moral approbation."[28] In this sense, the mechanism of sympathy, which acts as the basis of our moral approbation, is indispensable in the Humean moral framework. Without sympathy one is indifferent to the public good on which justice rests. Thus, sympathy is the "chief source of moral distinction,"[29] and one would become a "monster" without its active use.[30] Additionally, Hume attributes an even wider range of applicability to the importance of the process of forming sympathetic feelings by maintaining that it is "the source of the esteem, which we pay to all the artificial virtues."[31] Besides sympathy producing our sentiment of morals in all artificial virtues, it "also gives rise to many of the other virtues."[32] In consequence, sympathy is utterly influential in the judging of morals. In general terms, sympathy is the basis of sociability, as Hume argues: we have "extensive concern for society from sympathy."[33]

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[25] Hume, *Treatise*, 2.2.5.15.

[26] Harris, 115.

[27] Hume, *Treatise*, 3.3.3.2.

[28] Ibid., 3.2.2.24.

[29] Ibid., 3.3.6.1.

[30] Hume, *Enquiry Concerning the Principles of Morals*, 6.1.

[31] *Artificial virtues* denote human qualities which serve the interest of society and are beneficial for the good of mankind; they include virtues such as justice, allegiance, modesty, good-manners; see Hume, *Treatise*, 3.3.1.9.

[32] Hume, *Treatise*, 3.3.1.10.

[33] Ibid., 3.3.1.11.

IV. The mechanism of sympathy

In order to comprehend Hume's specific conception of the mechanism of sympathy, the nature of passions and that of ideas need to be clarified. The very first sentence of the *Treatise* elucidates that "all the perceptions of the human mind"[34] separate into two distinct types: impressions and ideas. Hume observes that everyone can distinguish the two without hesitation and "readily perceive the difference betwixt *feeling* and *thinking*."[35] Although Hume refers to feeling and thinking when explaining how laypeople differentiate between impressions and ideas, his own science of mind does not separate the two on an emotional vs. mental basis. The distinguishing feature in the Humean system between impressions and ideas does not even lie in their disparate nature, but in their different "degrees of force and liveliness with which they strike upon the mind, and make their way into our thought or consciousness."[36] By maintaining "force and violence"[37] to be the most prominent differentiating characteristics between impressions and ideas, Hume brings thinking and reasoning to passions and emotions as close as possible, leaving no room for a clear-cut functional, ontological or epistemological separation between our cognitive and emotional perceptions in the consciousness. Thus, regardless of the difference in their intensity, all sensations, affections, passions, external and internal impressions "are originally on the same footing."[38] Concerning force, impressions are substantially more violent than ideas. Hume points out that "we cannot form to ourselves a just idea of the taste of a pine-apple, without having actually tasted it,"[39] and thus he emphasises that "our impressions are the causes of our ideas, not our ideas of our impressions."[40] The principle of the priority of impressions to ideas, or more precisely the fact that simple[41] impressions are the causes of simple ideas, entails a copy

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[34] Ibid., 1.1.1.1.

[35] Ibid., italics added by the author.

[36] Ibid.

[37] Ibid.

[38] Ibid.,1.4.2.7; some scholars draw attention to the presence of a *qualitative* difference between ideas and impressions by arguing that their quantitative difference is a mere first approximation. For further details see John P. Wright, *Hume's Treatise 'A Treatise of Human Nature.' An Introduction* (Cambridge: Cambridge University Press, 2009), and Tamás Demeter, *David Hume and the Culture of Scottish Newtonianism. Methodology and Ideology in Enlightenment Inquiry* (Boston: Brill, 2016).

[39] Hume, *Treatise*, 1.1.1.9.

[40] Ibid., 1.1.1.8.

[41] For Hume, simple perception, as the opposite of complex perception, denotes the notion

principle: our ideas are copied images or representations of our impressions.[42] That is, ideas are merely faint images or reflections of our feelings derived from sensations. In Hume's theory of passions, impressions are categorized as either of sensation or of reflection. The first type, impressions of sensations, the feelings we get from the five senses, such as the perception of pleasure or pain, is of no real interest to Hume, as they "arise in the soul originally and from unknown causes"[43] and "their ultimate cause is perfectly inexplicable by human reason."[44] Since determining their ultimate cause is impossible by the use of the experimental method, Hume claims the discussion of the impressions of sensations to belong to the topics of anatomists rather than to those of moral philosophers. Based on Hume's observations, an original impression of sensation is copied by the mind and becomes a less vivid perception, an idea, which does not cease when the sensation itself terminates. The copy principle applies further on and the idea of pleasure or pain and produces a secondary impression, a "new impression of desire and aversion, hope and fear, which may properly be call'd impressions of reflection because deriv'd from it."[45] What ordinary language calls passions, desires and emotions are these secondary impressions, which "arise mostly from ideas" in a reflective manner.[46] In Hume's system of the passions, secondary impressions are further copied to become ideas by two faculties of the mind: the memory and the imagination. These ideas then can give rise to other impressions (as long as they become forceful enough) or to other ideas. Collier warns that the distinction between ideas and impressions completely collapses once ideas are sufficiently enlivened to become impressions.[47]

The Humean principle of sympathy, which converts an individual emotion into a social feeling, involves the interplay of violent passions and less vivid ideas. The first step in the mechanism is when we perceive others' affections through the effects of their passions, e.g. in their voice and gestures.[48] Then, these external signs "convey an idea"[49] to us, that is, our "mind immediately

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that these impressions and ideas "admit of no distinction nor separation" (see Hume, *Treatise*, 1.1.1.2).

[42] Hume, *Treatise*, 1.1.1.11-12.

[43] Ibid., 1.1.2.1.

[44] Ibid., 1.3.5.2.

[45] Ibid., 1.1.2.1.

[46] Ibid.

[47] Mark Collier, "Hume's Theory of Moral Imagination," *History of Philosophy Quarterly* 27, no. 3 (2010): 255-273.

[48] Hume, *Treatise*, 2.1.11; 3.3.1.7.

[49] Ibid., 2.1.11.3.

passes from these effects to their causes."[50] The passions of others appear in our mind as ideas, which we first conceive to belong to another person. In a short time, however, these ideas appear as if they were completely ours, as if they originally sprung in our mind. Finally, the idea of the passion gets enlivened and reaches such a degree of vivacity that it is transformed into an impression, or in other words, it is "presently converted into the passion itself."[51] The ideas are converted into the very impressions they represent and "produce an equal emotion as any original affection" in us.[52]

In the Humean account one cannot directly and instantaneously feel the passions of other people. After recognizing the external signs of the other person's sentiments, the first move in Hume's description of the process of forming sympathetic feelings is the passing from these effects to their causes. According to Hume's definition, a cause and effect relation relies on experience, which "informs us that such particular objects in all past instances have been constantly conjoined with each other"[53] and "found inseparable."[54] Based on his observations, Hume stresses that "from the constant conjunction the objects acquire a union in the imagination."[55] In the account of the sympathetic process, Hume clarifies that "no passion of another discovers itself immediately to the mind. We are only sensible of its cause and effects. From *these* we infer the passion."[56] That is, sympathy is grounded in inference rather than in mechanic mirroring. In more general terms, the Humean conception of sympathy is primarily a mental, not an emotional principle. Waldow also stresses that the Humean sympathetic process starts by forming an idea of the other person's mental state and not by spontaneously sharing emotions.[57] The importance of the precedence of ideas to emotions in the formation of sympathetic feelings is the entailment that feeling others' emotions requires our ability to conceive an idea of the passion which is sympathetically transmitted. Since passions are causes of behavioural expressions in the Humean sense in so far as they are perceived in constant conjunction with the behavioural effects, one also needs to possess the ability to link the two spheres of emotions (cause) and actions (effect). Furthermore, since others' emotions are imperceptible, the ability of self-observation is also necessary

[50] Ibid., 3.3.1.7.

[51] Ibid.

[52] Ibid., 2.1.11.

[53] Ibid., 1.3.6.7.

[54] Ibid., 1.3.6.15.

[55] Ibid.

[56] Ibid., 3.3.1.7.

[57] Waldow, 542; Baier and Waldow, 62.

for the sympathetic process to commence; without proprioperception, one would not be able to infer causal relations between passions and their behavioural expressions. The process of transmitting sympathetic feelings presupposes the activity of self-observation with respect to reflecting on one's own emotions, whose range and degree is definitely not mechanic. To initiate the possibility of passing from the behavioural effects to their emotional causes, these mental abilities are all required for the commencement of the sympathetic process.

The second move in Hume's account, the transfer of the idea of someone else's passion, the interpersonal step in the sympathetic transmission is possible on grounds of the principle of resemblance. The perception of ourselves, which never fails to be with us, is linked with the other person in the smoothest manner through the associative principle of resemblance. Hume notes in general that "nature has preserv'd a great resemblance among all human creatures,"[58] which law of human nature holds true in particular cases, thus "we never remark any passion or principle in others, of which, in some degree or other, we may not find a parallel in ourselves."[59] The minds of all human beings are alike with regard to their impressions (or in less technical term, their feelings) and also their operational mechanisms.[60] Due to these similarities, no one can be "actuated by any affection, of which all others are not, in some degree, susceptible."[61] It is worth noting that Hume's principal aim with his endeavour in the *Treatise* is to introduce the experimental method into the scientific discovery of human nature, thus he does not embark on emphasizing the infinite range of differences in our experiences, which could potentially explicate the varying degrees with which we are able to sympathize with the diversity of others' sentiments. Instead, what Hume finds essential is to establish the general laws of human nature. This is why the Humean claim, which would be a radical overstatement in a different context, can assuredly be stated: "*all* the affections readily pass from one person to another, and beget correspondent movement in every human creature."[62] Besides the common resemblance of all human beings, Hume also points out that the resemblance in character, the similarity of tempers and dispositions additionally facilitate the transition of sentiments.[63] The principle of universal resemblance among human beings creates such a strong association that nothing can have a

[58] Hume, *Treatise*, 2.1.11.5.

[59] Ibid.

[60] Ibid., 3.3.1.7.

[61] Ibid.

[62] Ibid. (italics added by the author).

[63] Ibid., 2.2.4.6.

greater effect on our mind than the sentiments of others.[64] Hume contrasts it with objects or riches such as wine, music or gardens, which cannot excite ideas in our minds at the same level of vivacity. The resemblance between the other person and ourselves creates a strong tie of association, which interpersonally transmits the vivacity of the conception initially attributed to the other person.[65] Hume explains this principle of human nature by a simile taken from natural sciences showing the mechanic laws of hydraulics. The vivacity of a sympathetic idea is the same as that of the original idea just as the level of water in a pipe cannot exceed the volume of water produced at the waterhead: "If I diminish the vivacity of the first conception, I diminish that of the related ideas; as pipes can convey no more water than what arises at the fountain."[66] The simile depicts the transfer of sentiments among people as if the force of the related ideas could flow interpersonally without any obstacles preventing its movement. The simile of the water pipe also reveals that the Humean account of the communication of sentiments requires no specific channel through which the vivacity of the conception could travel; passions simply flood and permeate the perception of human beings. The relation of the sheer resemblance of the two individuals renders the association of ideas, thus their transfer, possible. The greater resemblance we have with the person affected by the original sentiment, the greater vivacity is transmitted to us, consequently the more likely it is for our ideas to be enlivened into passions. As resemblance moves on a scale, rather than being present or absent in a polar manner, the strength of the association depends on the level of similarity, which, however, is not automatically given outside in the world but it is identified by the individual mind. Through the activity of reflecting on the similarities between the person affected by a passion and myself, the strength of the associations can be increased thus the transmitted impression becomes more enlivened.

Besides transferring the recognised degree of vivacity, sympathy also conveys the quality of the affection: the same sensation arises in us as in the person with whom we sympathize.[67] Hume does not explain or justify the reason why the same sympathetic feeling arises in us when we perceive others' affections. However, on this reading, the first step in the Humean account of the transmission of emotions, when our mind passes from the external signs of others' passions to their causes, presupposes that the observable effects of a passion stem from one single cause. This is to say, a specific gesture or

[64] Ibid., 2.2.5.4.

[65] Ibid., 2.1.11.

[66] Ibid., 2.2.9.14.

[67] Ibid., 2.2.9.9.

the change of the tone of one's voice indubitably indicates the emotional cause that triggered it. When stating that the same quality of affection arises in the observer as in the person observed, Hume fails to question whether the same gesture might have originated from various different emotional states. Thus Hume rules out the possibility that one can explain others' observed behaviour with diverse emotional triggers. Such a simplified position on the constant conjunction of cause and effect is rather surprising in view of Hume's careful general observation of the fact that a "necessary connection depends on the inference, instead of the inference's depending on the necessary connection."[68]

The source of the last step in the sympathetic mechanism, the turning of an idea into an impression, rests on the notion that the idea and impression of ourselves are in close intimacy with us at all times, which is an undeniable fact for Hume.[69] We have an ever-present perception of ourselves: the idea of ourselves derives from the consciousness with such a great vivacity that we cannot help believing the existence of our own selves.[70] The impression of the intimate omnipresence of ourselves is crucial in the communication of sentiments as the great strength of this persistent impression provides the basis of sympathetically feeling the actual passion rather than merely possessing a faint idea of it. Mounce pinpoints the fact that, similarly to sympathetic feelings, indirect emotions[71] in Hume's system require a level of thought, which involves "the concepts of a language," since one needs to possess not only the impression of oneself, but should be able to focus on the differences between himself and the other selves in thought.[72] Hume seems to remain cryptic in his works about the importance of possessing a language at this phase in the process of the formation of sympathetic feelings. It is certain, however, that Hume treats the vigorous impression of our own selves as the source of infusing the idea of a sentiment with the vivacity needed to convert it into an impression of the passion. Due to the great liveliness and vivacity with which the perception of ourselves is intimately present to us, the idea of someone

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[68] Hume, *Treatise*, 1.3.6.3.

[69] Ibid., 2.1.11.4.

[70] Ibid.

[71] Based on his observations, Hume classifies the passions as *direct* and *indirect* depending on source which raises them. Direct passions arise "immediately from good or evil, from pain or pleasure," while indirect ones involve "other qualities" (see Hume, *Treatise*, 2.1.1.4). Hume's examples for the direct passions include desire, aversion, grief, joy, hope, fear, despair and security, while pride, humility, ambition, vanity, love, hatred, envy, pity, malice, generosity are named as indirect ones. Indirect emotions are parallel to sympathetic feelings regarding the fact that both take an object, the self (see Hume, *Treatise*, 2.1.2.2), in contrast to impressions of sensation, which are "about nothing" (see Mounce, 63).

[72] Mounce, 64.

else's passion gains additional liveliness and reaches such a high degree of vivacity that it is transformed into an impression. In other words, the vivacity of the impression of ourselves has the power to invigorate an idea and turn it into a passion. In the Humean account of the sympathetic mechanism, the self behaves as an amplifier by enlivening the force of an idea to such an extent that it becomes an impression. It needs to be noted, however, that the self, according to Hume, does not change the quality of the perceptions, whose content remains the same.[73]

The four steps of the formation of sympathetic feelings clearly reveal that in the process of sympathy both passions and ideas operate. Hume emphasises that a "mere idea [...] wou'd never alone be able to affect us,"[74] nor is "one relation sufficient to produce"[75] the transition of sentiments. These are the grounds on which Hume accentuates the intertwined nature of sympathy, and stresses that passions in the mechanism arise from the double relation of impressions and ideas.[76]

For the sympathetic mechanism to work, its object needs to be related to us. In the *Treatise*, Hume observers that our ideas are not "entirely loose and unconnected,"[77] and the apparent connections between them are not by chance; on the contrary, our ideas are related to each other in a systematic manner. The systematicity lies in the "associating quality, by which one idea naturally introduces another."[78] The facility of transition from one idea to the other makes the association appear to be created without effort. Hume notes that we are hardly aware of the connecting activity of the mind since the mind moves from one impression to a related object with such an ease that it is "scarce sensible of it."[79] Based on his empirical observations, Hume categorizes the relations of ideas along three qualities from which associations arise: resemblance, causation and contiguity. The principles of association between ideas work in the Humean description as original endowments of our human

[73] Adam Smith, Hume's close friend, puts his account of the transmission of sympathetic feelings on a different footing in his *Theory of Moral Sentiments*, ed. Knud Haakonssen (New York: Cambridge University Press, 2009). The self in the Smithian system of sympathetic passions is more than a mere amplifier. Smith (see *Theory of Moral Sentiments*, 1.1.2) argues that with the help of the faculty of the imagination we place ourselves in the other's situation and experience the impressions of our own senses. Smith warns that it is impossible to gain immediate experience of what the others feel as we "can form no idea of the manner in which they are affected, but by conceiving what we ourselves should feel in the like situation."

[74] Hume, *Treatise*, 3.3.2.3.

[75] Ibid., 2.2.9.2.

[76] Ibid., 2.1.5.5.

[77] Ibid., 1.1.4.1.

[78] Ibid.

[79] Ibid., 1.3.8.2.

nature, and thus Hume treats them as unexplainable natural principles.[80] He does not attempt to give an explanation for the reasons why the association of ideas works the way he describes it since such a trial would go beyond the range of experimental science and consequently it would result in "obscure and uncertain speculations."[81] At the same time, Hume acknowledges that it is difficult to prove that his classification of the principles of association of ideas resulted in a complete and exhaustive list.[82] Nevertheless, his observations lead Hume to conclude that the mechanism of sympathy is one of the "many operations of the human mind [which] depend[s] on the connexion or association of ideas."[83] Namely, the associative principles are responsible for the transmission of particular emotions as "we observe that the affections, excited by one object, pass easily to another object connected with it; but transfuse themselves with difficulty, or not at all, along different objects, which have no manner of connexion together."[84] The first relation in his system, the associative principle of resemblance, allows us to enter smoothly into the feelings of those who share close similarity with us, e.g. the same language, manners, professions etc.[85] The second, the principle of cause and effect, amplifies the emotions of our family and friends livelier than those of strangers[86] as "all the relations of blood depend upon cause and effect."[87] Hume treats the relation of cause and effect to be the most powerful among the three, the one which creates the strongest connection between ideas.[88] Further, it is the only relation which goes "beyond the senses,"[89] "which can lead us beyond the immediate impressions of our memory and senses,"[90] and it is the only type of association which connects our present and past experiences, and also our expectations about the future.[91] While the principle of contiguity, that is of neighbouring objects both in space and time, dramatically influences our affective perception of our own property: "The breaking of a mirror gives us more concern when at home, than the burning of a

[80] Ibid., 1.1.4.6.

[81] Ibid.

[82] Hume, *Enquiry Concerning Human Understanding*, 3.3.

[83] Ibid., 3.18.

[84] Ibid.

[85] Hume, *Treatise*, 2.1.11.5.

[86] Ibid., 2.1.11.6.

[87] Ibid., 1.1.4.3.

[88] Ibid.,1.1.4.2.

[89] Ibid., 1.3.2.3.

[90] Ibid., 1.3.6.7.

[91] Hume, *Enquiry Concerning Human Understanding*, 4.1.4.

house, when abroad."[92] Contiguity is responsible for our livelier experiences of sympathy "with our acquaintances, than with strangers, with our countrymen than with foreigners."[93] The three principles of association between ideas strengthen each other, and when all three relations are combined, we conceive others' sentiments in the strongest and most lively manner.[94] The joint presence of the three relations of ideas infuse the others' passions in our souls the most violently and the minds of men become "mirrors to one another"[95] in so far as they reflect each other's emotions.[96]

While the mechanism of sympathy operates as long as the object is related to us, its degree, the strength with which we feel another person's passion, depends on the closeness of "relation of the object to our self."[97] If the first sensation is small in itself, or if it is not closely related to us, it does not have the power to engage our imagination,[98] and the mechanism of sympathy does not operate. In the *Treatise*, Hume attempts to introduce principles in the science of human nature which are similar to the ones in natural sciences. Accordingly, a remote object is observed to induce the sympathetic effect in a proportionally weaker manner than an object which is in our vicinity. This is a principle similar to what we notice in the perception of external bodies, namely, "all objects seem to diminish by their distance."[99] Contrary to this effect, if the relation is strengthened between us and the object, the imagination makes the transition with greater ease and conveys "to the related idea the vivacity of conception, with which we always form the idea of our own

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[92] Hume, *Treatise*, 2.3.7.3.

[93] Ibid., 3.3.1.14.

[94] Ibid., 2.1.11.5-6.

[95] Hume, *Treatise*, 2.2.6.21; relying on the metaphor of the mirror, Pitson argues that the Humean sympathetic model is not a cognitive process (see Pitson, 262).

[96] Rizzolatti et al. found a group of neurons in the brain of primates that "fire when the individual sees someone else perform the same act. Because this newly discovered subset of cells seemed to directly reflect acts performed by another in the observer's brain, we named them *mirror* neurons;" see Giacomo Rizzolatti, Leonardo Fogassi, and Gallese Vittorio, "Mirrors in the Mind," *Scientific American* 295 (2006): 56-61. Similarly, Collier emphasises that social neuroscientists have discovered the existence of affective mirror systems in the brain which fulfil the function of making us capable of feeling the pain of others; see Collier, op. cit.; also Tania Singer, Ben Seymour, John O' Doherty, Holger Kaube, Raymond J. Dolan, and Chris D. Frith, "Empathy for Pain Involves the Affective but Not Sensory Components of Pain," *Science* 303 (2004): 1157-1162. Emotional communication is tapped in the brain not only among loved ones but among strangers as well. These studies support the mirroring associative hypotheses: the same neural circuits fire when we feel pain as when we observe pain in others.

[97] Hume, *Treatise*, 2.1.11.8.

[98] Ibid., 2.2.9.

[99] Ibid., 3.3.32.

person."[100] For this reason, the fortune of people who are close to us can never leave us indifferent. Due to the force of sympathy, we enter into their sentiments as if they were originally our own: "we rejoice in their pleasures and grieve for their sorrows."[101] As our sympathetic engagement depends on the proximity in the relation of the object to the self, Waldow raises the problem of being too self-preoccupied.[102] In the case of an overly concerned state with oneself, sympathy is expected to be blocked since the self is unable to connect to the object. Waldow calls attention to another problem stemming from the fact that it is the idea of the self which is related to the object is one's belief about oneself.[103] Hume does not address this issue; however, his account of the nature of the sympathetic process implies the proximity of a related object to oneself also depends on what kind of belief one forms about oneself. My belief who I am influences how far I place an object on the relation continuum. The concept of the self, which is formed by the individual person, affects the degree of liveliness of the idea the self naturally transmits to the object. That is, how much I am engaged sympathetically is affected by the notion how I define myself, which idea is not mechanically produced.

The experimental method allows Hume to describe how the principle of sympathy works in several diverse situations. The main rules and even the explanations of the seeming or real exceptions to these rules all strongly suggest that the sympathetic process operates in a passively mechanical way. In the explication of the mechanism of the double relation of impressions and ideas, Hume considers the interconnectedness of the imagination and the passions, the role of memory, and even the different tempers of people, which all amount to certain universal rules of natural causation.[104] Hume's examples tend to suggest that sympathetic passions come upon us purely by natural means in a passive manner, without the active use of any of our capacities or faculties. Based on these principles, Darwall draws attention to the mechanistic character of the Humean sympathetic process.[105] Along the same lines, Rick emphasizes the automatic, "starkly mechanistic" nature of the Humean description of sympathy, which is evaluated as completely void of any reflective process or imaginative projection.[106] Boros also

[100] Ibid., 2.1.11.5.

[101] Ibid., 2.2.9.20.

[102] Baier and Waldow, 69.

[103] Ibid., 82.

[104] Hume, *Treatise*, 2.3.6.

[105] Stephen Darwall, "Empathy, Sympathy, Care," *Philosophical Studies* 89, no. 2 (1998): 261-282; Stephen Darwall, "Sympathetic Liberalism: Recent Work on Adam Smith," *Philosophy and Public Affairs* 28, no. 2 (1999): 139-164.

[106] Jon Rick, "Hume and Smith's Partial Sympathies and Impartial Stances," *The Journal of Scottish Philosophy* 5, no. 2 (2007): 135-158, 138.

declares conclusively that Hume's mechanism of sympathy is almost analogous with the working of the necessary laws of nature due to the similarity in their efficiency, which interpretation excludes the possibility of any form of non-mechanic alteration in the mechanism.[107] Within Hume's sympathy-based account of morality, where moral approbation and the esteem we feel for artificial and other virtues is grounded in sympathy, the entirely automatic nature of the formation of sympathetic passions would touch upon the problem of one's responsibility in moral matters in an embarrassing way. This is the reason why Alanen raises serious questions about Hume's mechanistically understood psychology.[108] It is dubious for her whether the human mind (more specifically, reason) in the Humean associationist framework is capable of contributing anything in the formation of judgements or it is a "passive recipient of impressions."[109] In opposition to the standard mechanic interpretation of the Humean sympathetic process, Waldow emphatically clarifies that the sympathetic mechanism does not directly stimulate "unmediated emotions,"[110] and calls attention to Hume's blurring "the line between inference-based and experience-caused interpretations of other minds." Vitz also recognizes that "sympathy is a cognitive mechanism" in the *Treatise*.[111]

Despite the fact that 'the Newton of moral sciences' undeniably arrives at universally working principles, his account of the mechanism of the communication of the passions is far from being completely mechanic.[112] In the following, I will identify at which points the otherwise mechanically and passively operating process of sympathetic feelings is open to be modified in the Humean framework by actively influencing certain skeletal points of the mechanism.

V. The non-mechanic nature of sympathy

Several examples of the Humean accounts of sympathy show the possibility of the active use of our faculties in the modification of the sympathetic process. The examples through which I will show the non-mechanic traits in the

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[107] Gábor Boros, "On Hume's Theory of Passions," *The History of Philosophy and Social Thought* 57 (2012): 17-30.

[108] Lilli Alanen, "The Powers and Mechanism of the Passions," in *The Blackwell Guide to Hume's Treatise*, ed. Saul Traiger (Malden, MA: Blackwell Publishing, 2006), 179.

[109] For a broader discussion of responsibility in Hume's moral philosophy see Paul Russell, *Freedom and Moral Sentiment. Hume's Way of Naturalizing Responsibility* (Oxford: Oxford University Press, 1995).

[110] In Waldow's terminology a mediated emotion is preceded by thoughts while an unmediated emotion spontaneously emerges without the presence of a thought (see Waldow, 541).

[111] Vitz, 263.

[112] William Edward Morris, and Charlotte R. Brown, "David Hume," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, 2019.

mechanism include the generation of the sympathetic feelings of a) beauty, b) shame, c) anticipated emotions, d) the respect for the rich, and e) the use of eloquence.

i. The sympathetic feeling of beauty

The Humean explanation why we sympathetically feel the beauty of the property of another person shows that the principle of sympathy fails to operate completely mechanically, even if it works systematically. According to Hume, we are affected by the beauty of another person's house because we sympathize with the owner, we "enter into his interest by the *force* of imagination, and feel the same satisfaction, that the objects naturally occasion in him."[113] To find an object beautiful, we need to be aware of the fact that it has "a tendency to produce pleasure in its possessor,"[114] or that it brings some advantages to its owner. If the principle of sympathy was totally mechanic, the beauty of the appearance of the house on its own could automatically induce sympathetic pleasure. However, the Humean account renders the imagination also essential in raising the sympathetic feeling of beauty, which is not confined to follow one single direction at all. Our imagination is not restricted to turning to the interest of the owner, it might as well take an utterly different path. However, without deliberating the advantages the beautiful house provides for its owner, we are not affected by the beauty of another person's possession. The pure observation of a beautiful object does not spontaneously excite sympathetic emotions; particular thoughts need to be considered in our imagination, which is not completely mechanic even in the Humean framework.

The imagination for Hume is a faculty by which we repeat vivid impressions in our mind and at the same time transform them into less forceful ideas.[115] Hume applies the term imagination in two different senses, which lends it some degree of indistinctness or even ambiguity.[116] In the narrower sense, Hume opposes the faculty of the imagination to that of reasoning, in which case demonstrative and probable reasonings are excluded.[117] Not referring to the faculty of the imagination as a whole, Hume separates a reasoning-based belief formation

[113] Hume, *Treatise*, 2.2.5.16.

[114] Ibid., 3.3.1.8.

[115] Ibid., 1.1.3.1.

[116] Kenneth R. Merrill, *Historical Dictionary of Hume's Philosophy* (Lanham, Maryland: The Scarecrow Press, 2008).

[117] Hume, *Treatise*, 1.3.9.19.

and a sphere outside of it.[118] In the broad sense, however, the imagination is described as an extremely agile, magical faculty[119] in the soul capable of collecting any ideas[120] in the blink of an eye irrespective of the topic in question.[121] Hume describes the faculty of the imagination with "a very irregular motion in running along its objects," where the thought "may leap from the heavens to the earth, from one end of the creation to the other, without any certain method or order."[122] Thus, Hume's explanation of the manner how we form ideas that could neither possibly originate from the senses nor from reason resorts to the imagination. Considering the nature of the faculty of the imagination, Hume distinguishes it from the faculty of memory by claiming that the imagination is responsible for the production of non-mnemonic ideas as it has the *liberty* to "transpose and change its ideas."[123] Along with liberty, the ideas of the imagination are "fainter and more obscure"[124] than those of the memory. Although their difference lies in the different degree of vigour, "an idea of the imagination may acquire such a force and vivacity, as to pass for an idea of memory,"[125] as long as custom and habit strengthens it. The imagination is not constrained by the way the actual world operates, and consequently it has the freedom of exploring "the full range of unrealised possibilities."[126] With regard to the focus of the imagination, Hume also emphasizes our freedom by claiming that in the imagination I can "fix my attention on any part of it [the universe] I please."[127] That is, Hume is convinced that we are endowed to choose which ideas to reflect on in the imagination; such a choice is not mechanically determined in his philosophy of mind. Furthermore, since the strength of a passion also depends on the repetition of the idea,[128] the active animation of an idea is possible through thinking often of it, which is not mechanically automated, but depends on the choice of the individual.

Despite its distinguishing feature of liberty, the faculty of the imagination cannot be described as completely capricious. The imagination is not

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[118] Fabian Dorsch, "Hume on the Imagination," in *The Routledge Handbook of Philosophy of Imagination*, ed. Amy Kind (New York: Routledge, 2016), 40-54.

[119] Hume, *Treatise*, 1.1.7.15.

[120] Hume, *Enquiry Concerning Human Understanding*, 5.2.

[121] Hume, *Treatise*, 1.1.7.15.

[122] Ibid., 1.3.6.13.

[123] Ibid., 1.1.3.4.

[124] Ibid., 1.3.5.3.

[125] Ibid., 1.3.5.6.

[126] Dorsch, 42.

[127] Hume, *Treatise*, 1.3.9.4.

[128] Ibid., 2.1.11.7.

absolutely free from rules, it follows certain systematic principles. Hume states that "nothing wou'd be more unaccountable than the operations of that faculty, were it not guided by some universal principles, which render it, in some measure, uniform with itself in all times and places."[129] One of these principles, as Hume describes it in a maritime simile, is the imagination's tendency of not being able to discontinue its line of thinking abruptly: "the imagination, when set into any train of thinking, is apt to continue, even when its object fails it, and like a galley put in motion by the oars, carries on its course without any new impulse."[130] Due to this tendency of extended continuation, Biro finds Hume's concept of the imagination excessively automatic.[131] Additionally, Hume also declares that the imagination follows the three associative principles of ideas according to the three species of relation (resemblance, causation and contiguity),[132] which systematic constraint seems to limit the freedom of the faculty of the imagination. Also, from the point of view of its generative power, Merrill assesses the freedom and creative power of the imagination delusive on grounds that it "operates within the narrow limits of the outer and inner senses"[133] and cannot create its own basic building materials, the impressions and ideas. Furthermore, there is regularity in the different levels of strength and vigour with which the imagination enlivens particular ideas. The principles of experience and habit both "operate upon the imagination, make me form certain ideas in a more intense and lively manner, than others, which are not attended with the same advantages."[134] The different levels of vivacity of ideas leads Hume to differentiate between ideas which are assented to and thus believed, from ideas which are completely fictitious and not believed. When explaining belief itself, Hume finds himself "at a loss for terms,"[135] and stresses that belief "does nothing but vary the manner, in which we conceive an object, it can only bestow on our ideas an additional force and vivacity."[136] From Hume's position that "the belief super-adds nothing to the idea, but changes our manner of conceiving it, and renders it more strong and lively,"[137] one might conclude

[129] Ibid., 1.1.4.1.

[130] Ibid., 1.4.2.2.

[131] John Biro, "Hume's New Science of the Mind," in *The Cambridge Companion to Hume*, ed. David Fate Norton, and Jacqueline Taylor (Cambridge: Cambridge University Press, 2011), 50.

[132] Hume, *Treatise*, 1.3.6.13; 1.3.9.2.

[133] Merrill, 148.

[134] Hume, *Treatise*, 1.4.7.3.

[135] Ibid., 1.3.7.7.

[136] Ibid., 1.3.7.5.

[137] Ibid., 1.3.8.

that fictitious ideas often repeated in the fancy can become so vivid that their strength makes them indistinguishable from the ideas of the memory; that is, ideas of the fancy will be believed as real rather than fictitious. Hume expresses clear opposition to this assumption by warning that the too lively activity of the imagination generates madness: people who give their assent to vivid ideas of the fancy without the support of experience lack sanity.[138] With regard to force and vivacity, it needs to be remarked that an idea of the imagination that is not believed, one that is not enlivened enough by habit and custom, is most probably not forceful enough to bring the process of sympathy to completion either.[139] Hume's position on the importance of belief in the generation of passions is not the least tentative; he declares that "belief is almost absolutely requisite to the exciting our passions."[140] Pitson also emphasises that "the absence of belief will normally prevent an idea"[141] from being transformed into the impression it represents. The natural force of the belief is what ensures that passing ideas of the fancy to which no assent is given do not raise sympathetic feelings in the sane person.

Although the faculty of the imagination follows systematic regularities which definitely impose certain limitations, it is far from being mechanically constrained. First of all, it needs to be mentioned that one of the three relations, the principle of resemblance, "hardly counts as a mechanic principle."[142] Demeter also considers resemblance to be a non-mechanic relation, one which "implies the active contribution of the mind."[143] In general, he emphasizes how the principles of association are dissimilar from Newtonian gravity as they have no uniform effects on all ideas but depend on the ideas' particular properties, especially on their representational content. To go even further, the imagination enjoys complete freedom in some sense. The vast variety of the modifications in the connections of ideas is unlimited since the imagination can change the position of ideas "as it pleases."[144] Hume explicates how natural it is for the imagination to be unbounded to take any particular path by arguing that "all our ideas are copy'd from our impressions, and that there are not any two impressions which are perfectly inseparable."[145] It takes little challenge for Hume to explain why there is such a diversity in the

[138] Ibid., 1.3.10.9.

[139] Ibid., 2.3.6.7.

[140] Ibid., 1.3.10.4.

[141] Pitson, 262.

[142] Alanen, 184.

[143] Demeter, 162.

[144] Hume, *Treatise*, 1.3.5.3.

[145] Ibid., 1.1.3.4.

connections of ideas through the activity of the imagination by pointing out that it is natural for this faculty to move ideas apart and exchange them.[146] Once a compound idea is separated, the imagination is free to create new connections among them, "we may mingle, and unite, and separate, and confound and vary our ideas in a hundred different ways,"[147] the imagination "can join, and mix, and vary them [ideas] in all the ways possible."[148] Owing to this capacity of the imagination, we can consider even contrary propositions in matters of fact with equal ease, as "the imagination is free to conceive both sides of the question."[149] To conclude, the imagination has the propensity to enjoy liberty in its creative power, even if there are certain systematic tendencies it typically follows.

With this in mind, let us now return to the emergence of the sympathetic feeling of beauty. Since a particular idea, the one that the object produces pleasure or advantages to its owner, is indispensable in the generation of this sympathetic feeling, its transmission is not the least mechanically carried out. The sympathetic feeling of beauty is excited only if the creative power of the imagination, which is able to form a wide array of possible connections of ideas instead of running on one single, mechanically determined track, connects this very idea with the beautiful object.

Besides applying the power of the imagination, Hume's account of the sympathetic pleasure derived from the beauty of another person's property includes another prerequisite. His argument for the reason why we feel a sympathetic pleasure when seeing someone else's beautiful house asserts that the sense of beauty is intimately connected to utility. The proposition is supported by the example of the image of two hillsides, one of which is covered in beautifully blossoming furze and broom, while the other in vines and olive-trees.[150] To the person who is not familiar with the value of each, both hillsides in bloom might appear equally beautiful. Yet, he who knows the value of wine and that of olive oil cannot feel the mere flowery bushes to be as beautiful as the lavish vines and olive-trees. Accordingly, he cannot admire the owner of a hillside covered in furze and broom as much as the owner of vine and olive-trees. Apparently, the mechanism of sympathy is not automatic at this point: what appears to the senses does not simply initiate the process of sympathizing. One needs to be well-acquainted with the worth and utility

[146] Ibid.

[147] Ibid.

[148] Ibid., 1.3.7.7.

[149] Ibid., 1.3.7.3.

[150] Ibid., 2.2.5.18.

of the otherwise beautiful object in order to appraise its real value. Without the appropriate knowledge of assessment, the sense of beauty is not excited to its full potential. To generate the sympathetic feeling of beauty, one needs to gain proper knowledge about the object, or ample experience about the object's relevant constant conjunctions. Besides knowledge or familiarity with the object, the assistance of the imagination is also needed at this point in the process of sympathy, since it is the imagination which attaches particular thoughts to the sensually perceived beauties of the object. Hume declares that the foundation of beauty is in the imagination, not in the senses.[151] In case one knew about the practical value and utility of a beautiful object, but failed to connect it with the impression produced by the senses, the feeling of sympathetic pleasure would not be excited with great intensity and the sympathetic process would not unfold. On these grounds, sympathetic feelings of beauty cannot be regarded as completely mechanic either.

ii. The sympathetic feeling of shame

The mechanic nature of the process of sympathy is also dubious in the case of those sympathetic emotions which are the transitions of non-existing affections. Hume claims it to be possible that "we blush for the conduct of those, who behave themselves foolishly before us; and that tho' they shew no sense of shame, nor seem in the least conscious of their folly."[152] The example of the sympathetic feeling of shame clearly demonstrates that, contrary to Hume's universal principles drawn on observations,[153] not all sympathetic feelings are the exact copies of an original emotion. Even if the person observed feels no shame, the mechanism of sympathy can excite shame in us, an emotion which has clearly no equivalent in the other person. Due to the activity of the imagination, the process of sympathy can produce a completely different emotion in us. That is, the imagination is more than a mere amplifier for Hume: it is the faculty which makes the generation of the sympathetic feeling possible, which is otherwise not present in the other person. In the case of transmitting originally non-existing feelings, e.g. that of shame, the mechanism of sympathy is not limited to passive automatisms. Similarly, to the pervious example of exciting the sympathetic feeling of beauty, the active use of the imagination plays an important part in the communication of the passions in this example too, which is obviously non-mechanic. Waldow also points out that "Humean sympathy unfolds even in cases where other people

[151] Ibid.

[152] Hume, *Treatise*, 2.2.7.

[153] Ibid., 2.2.9.9.

lack the relevant emotion."[154] It is worth mentioning that not all observers would blush in the same situation as the path along which our imagination runs is not determined mechanically. This is why Demeter emphasizes that sympathy is "active in selecting the relevant ideas"[155] to be transformed into corresponding impressions.

iii. The sympathetic feeling of anticipated emotions

The time-extension aspect of the process of sympathy also reveals how far this principle is from being completely automatic. Hume declares that sympathetic feelings can be raised not only in relation to the present, but with regard to the future as well. "It is certain that sympathy is not always limited to the present moment, but that we often feel by communication the pains and pleasure of others, which are not in being, and which we only anticipate by the force of imagination."[156] The use of the imagination forms no obstacle in imbuing our ideas with such a vivacity that they become violent impressions; that is, the mechanism of sympathy runs to its completion even if the affection of the other person is not yet present. The time gap does not alienate us from feeling a sympathetic emotion, "considering the future possible or probable condition of any person, we may enter into it with so vivid a conception as to make it our own concern."[157] Again, the principle of sympathy is effective as long as our imagination deliberates about the possible outcomes of a situation in the other person's life. That is, sympathetic feelings with a future reference cannot be excited without carrying out reflections in the imagination, thus completely mechanic means do not raise them.

iv. The sympathetic feeling of respect for the rich

Our sympathetic feeling of respect for the rich arises in a less than spontaneous manner, too. Giving esteem to the rich is not a mechanic infusion of emotions; in order for it to take place we need to turn our attention to certain thoughts, according to Hume. The principle of sympathy communicates the admiration of the rich if "we consider him [the rich] as a person capable of contributing to the happiness or enjoyment of his fellow-creatures, whose sentiments, with regard to him, we naturally embrace."[158] In this case, the

[154] Waldow, 543.

[155] Demeter, 153.

[156] Hume, *Treatise*, 2.2.9.

[157] Ibid.

[158] Ibid., 3.3.5.

communication of the sympathetic passions depends on our imagination. The idea of another's feeling is transformed into the corresponding feeling in us as long as our imagination turns to the capacity of the rich to enhance the pleasures of the people around him. Without this specific thought, the mechanism of sympathy does not work to its fullest capacity. The sheer sight of the wealth of the rich cannot mechanically excite sympathetic feelings in us; our deliberation is indispensable in the process.

All the accounts of the above Humean examples of the generation of sympathetic feelings show that the sympathetic process is not completely mechanic as it greatly depends on the activity of the imagination, on deliberation and on the association of ideas. In favour of a mechanistic reading of Hume's account of the sympathetic process, one might argue that the activity of the mind in connecting ideas works mechanically in the Humean system. To a first approximation, the statement holds true as the association of ideas appears to be mechanic for various reasons. The mechanistic nature of the associative principles might be explained by the fact that the transition of ideas from an impression to a related object seems to proceed without effort,[159] and also because it happens in such a quick manner that the imagination "interposes not a moment's delay."[160] Yet, the association of ideas is not without reflective mental activity. Hume claims it is custom which "renders us, in a great measure insensible" of the fact that "we accompany our ideas with a kind of reflection."[161] In less technical terms, the association of ideas is so much well-practiced that we do not even recognize its working. That is, reflection is not completely excluded from the Humean system of the transmission of the passions: it is merely not emphasized in the explication of the process, but kept in the background since we tend to connect ideas on a customary basis. Additionally, the association of ideas gives the appearance of working mechanically since one can easily read Hume's associative principles as if they were of the same nature as the laws of physics. Indeed, Hume sets out in the *Treatise* to introduce the scientific experimental method into the exploration of human nature. Yet, there is a crucial difference between the nature of his three principles of association of ideas and that of Newton's three laws of motion. For example, the acceleration of a body of a given mass can be precisely predicted if the vector sum of the forces on the body is known by applying Newton's second law. Hume's explanatory principles, however, cannot anticipate the outcome of our associations. It is impossible to foresee which relation of the three will be associated in a given

[159] Ibid., 1.3.8.2.

[160] Ibid., 1.3.6.14.

[161] Hume, *Treatise*, 1.1.7.18; Pitson notices that though custom may operate independently of reflection, "Hume points out that in the case of more unusual associations reflection may assist custom;" see Pitson, 266.

situation, and even the very principles themselves can result in a multitude of different associations of ideas. Hume's associative principles explain the connections of ideas one has already made, but they cannot predict which ideas in the imagination are going to be connected next. The connection of the impressions would be foreseeable if the human mind was operating completely mechanically. However, experience and habit, reflection and deliberation all change the course of the connection of ideas and prevent it from running on a mechanically determined path.

v. Sympathetic feelings excited by eloquence

Finally, in the account of the process of communicating sympathetic feelings, Hume argues that the art of verbal representation has the power to modify our sympathetic engagement. Even if the initiation of the mechanism of sympathy can be described as automatic to some extent, in some cases our ideas of other's passions are not violent enough to turn immediately into vivid impression, and thus we are left sympathetically unaffected. However, in such cases the process of sympathy can be brought to a culmination by the persuasive power of words. Hume points out that "nothing is more capable of infusing any passion into the mind, than eloquence, by which objects are represented in their strongest and most lively colours. We may of ourselves acknowledge, that such an object is valuable, and such another is odious; but 'till an orator excites the imagination, and gives *force* to these ideas, they may have but a feeble influence either on the will or the affections."[162] That is, the degree of liveliness of our ideas does not always allow for a spontaneous communication of the passions on its own without the presence of some aid external to the mechanism. If sympathy was a mere passive automatism, the relation of impressions and ideas might fail to take place; however, sympathetic communication can be brought to a completion by an eloquent speaker actively amplifying the vivacity of our ideas. In Hume's account, eloquence is as powerful in animating ideas and creating emotional involvement as close proximity of the object: "Virtue, placed at such a distance [old history], is like a fixed star, which, though to the eye of reason, it may appear as luminous as the sun in his meridian, is so infinitely removed, as to affect the senses, neither with light nor heat. Bring this virtue nearer, by our acquaintance or connexion with the person, or even by an eloquent recital of the case; our hearts are immediately caught, our sympathy enlivened, and our cool approbation converted into the warmest sentiments of friendship and regard."[163]

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[162] Hume, *Treatise*, 2.3.6.7.

[163] Hume, *Enquiry Concerning the Principles of Morals*, 5.43.

The use of eloquence in actively generating sympathetic feelings differs from the previous examples. All the other examples demonstrate that the person whose sympathetic feelings are excited can himself amplify or even generate the sympathetic process through the active use of the faculty of the imagination, through self-observation, deliberation or reflection and through gaining knowledge about the object of sympathy. The account of the importance of the appropriate verbal phrasing in generating sympathetic feelings, however, illustrates that the person observed or a third party can also be responsible for the non-mechanic alteration of the sympathetic process. Thus, the Humean sympathy is an interpersonal mechanism which can be modified by the participants involved and even by an observer narrating the emotional transfer.

VI. Conclusion

The aim of the present paper, to further our understanding of the operation of the sharing of emotions in human life, was carried out by fathoming Hume's schema of the communication of the passions. In Hume's works, it is the sympathetic mechanism through which we are capable of partaking in the emotional life of others: the principle of sympathy enables us to participate in others' pleasures and pains. The operation of sympathy as a principle of communication among human beings allows us to share ways of thinking and sentiments, and to be directly moved by the passions of others. With regard to the way how emotions are mediated and transformed, Hume's ostensibly mechanic and automatic model of the communication of the passions can definitely be characterized as systematically aiming at universal principles; however, the mechanistic model does not exhaust Hume's account of sympathy. The Humean examples of the process of sharing our feelings show clear signs of the lack of a completely self-regulatory mechanism. The Humean framework allows for a touch of a quality of voluntariness. Summing up the implications of the above Humean examples of transmitting feelings, it is grounded to claim that the communication of the passions through the sympathetic mechanism is capable to be modified. The alterations can be initiated by the person who receives the sympathetic feelings and also by the person whose passions are transmitted, or even by a third party narrating the original affections. In the first case it is the activity of the imagination; one's power of deliberation and reflection; the choice of the focus of one's attention; one's concept about one's self; the range and degree of self-observation; and also one's knowledge, experience and familiarity with the object which can change the formation of sympathetic feelings; while in the second case the sympathetic process is free to be changed by the eloquent use of words. That

is, even in a seemingly mechanic model, there is room for altering or at least amplifying one's sympathetic feelings. When sympathizing with others' affections we are not mere passive recipients, our "passions arise in conformity to the images we *form* of them."[164]

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[164] Hume, *Treatise*, 2.1.11.

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Ch. Efthimiou • *Conatus* 4, no. 1 (2019): 61-78
DOI: http://dx.doi.org/10.12681/cjp.18863

The Concept of Political Difference in Oliver Marchart and its Relationship with the Heideggerian Concept of Ontological Difference

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Abstract

The concept of political difference addresses the distinction between politics and the political. The political refers to the ontological making possible of the various domains of society, including the domain of politics in a narrow sense. Political difference was introduced as a reaction to the theoretical controversy between foundationalism and anti-foundationalism. This reaction took the form of post-foundationalism. According to Marchart, post-foundationalism does not entirely deny the possibility of grounding. It only denies the possibility of an ultimate transcendent foundation insofar as this ontological impossibility makes possible the historical and contingent grounds in plural. The Heideggerian concept of ontological difference also undermines the possibility of an ultimate ontic ground, which establishes the presence of all other beings. If one wants to think beyond the concept of ground, one should obtain a clear understanding of Being as Being, namely one should grasp the difference between Being and beings. All the same, Heidegger tends to replace the ontic grounds of metaphysics with Being itself as a new kind of ultimate ontological foundation. Moreover, in many points of Heideggerian argumentation one can detect traces of a second alternative understanding of ontological difference, which does not belong in Heidegger's intentions and undermines the primordiality of Being. This alternative understanding establishes a reciprocity between Being and beings. In our view, political difference not only is based in this second way of understanding but, at the same time, develops more decisively the mutual interdependence between Being and beings. In political difference the grounding part, namely the political, possesses both a grounding as well as a derivative character. Politics and political ground and dislocate each other in an incessant and oscillating historical procedure, which undermines any form of completion of the social.

Key-words: *political difference; Marchart; ontological difference; Heidegger; quasi-transcendental contingency; post-foundationalism*

I. Introduction

The concept of the *political* stands at the forefront of modern thought. The *political* is not identical to *politics*. On the contrary, it is the ontological source which makes possible the different domains of society, including the domain of *politics* in a narrow sense. There is a tension, a distinction, between *politics* and *political*. This distinction, which came to the fore for the first time by Carl Schmitt,[1] is known in modern political thought as *political difference*. Schmitt maintained that the *political* is constituted by the *distinction between the enemy and the friend.* This special distinction is contrasted with all other social distinctions and domains, including political institutions; this means that the *political* penetrates all social areas but it does not coincide with any of them.[2] At the same time, the *political* is both different and identical with the social as a whole. In this sense, the political is sharply distinguished from all other social domains (politics, economy, morals, religion, art etc.), but it is also considered as the basis of the social.[3]

We will examine *political difference* with the aid of Oliver Marchart's analysis[4] and we will compare it with the Heideggerian concept of *ontological difference*.[5] Our thesis is that the concept of political difference signifies an attempt of modern political thought to develop and transform ontological difference. Political difference is not a simple implementation of ontological difference in the field of political philosophy. On the contrary, it possesses both political and ontological character. Political difference signifies the completion of a tendency of philosophy of modernity, which questions the possibility of any kind of *ontic*, *transcendental* or *ontological* absolute grounding of the real. In our opinion, political difference reveals the necessary impossibility of any form of final and extra-historical grounding of the social. Even political difference itself is not excluded from this impossibility.

In Marchart's view the notion of political difference was introduced as a reaction to the theoretical conflict between foundationalism and anti-foundationalism.[6] This reaction took the form of post-foundationalism. Regarding political theory, foundationalism advocates that social and political institu-

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[1] Carl Schmitt, *The Concept of the Political,* trans. George Schwab (Chicago: The University of Chicago Press, 1996), 26, 38.

[2] Ibid., 38.

[3] Ibid., 38.

[4] Oliver Marchart, *Post-Foundational Political Thought*: *Political Difference in Nancy, Lefort, Badiou and Laclau* (Edinburgh: Edinburgh University Press, 2007), 41-42.

[5] Martin Heidegger, *Die Grundprobleme der Phänomenologie* (Frankfurt: Vittorio Klostermann, 1975), 102.

[6] Marchart, 5.

tions are grounded upon fixed and indisputable principles, which are external to politics and society.[7] Anti-foundationalism absolutely rejects the possibility of such principles.[8]

Post-foundationalism advocates that since it is impossible for thinking to entirely surpass metaphysics, the non-foundational discourse is obliged to a certain extend to work inside the field of foundationalism.[9] In other words, one should undermine metaphysical discourse on ultimate grounds without inverting it. Thus, post-foundationalism does not entirely deny the possibility of grounding. It only denies the possibility of an ultimate transcendent foundation, as far as this impossibility makes possible the historical and contingent grounds in plural.[10] In other words, the ontological absence of an absolute foundation is a sufficient condition for the possibility of many, relative or empirical ontic grounds.[11] The absence of an ultimate ground does not entail the cessation of the process of grounding. On the contrary, the ground remains functional as a ground only on the basis of its absence.

II. The Heideggerian concepts of ontological difference and Ereignis as precursors of post-foundationalism and political difference

The Heideggerian concept of ontological difference undermines the idea of an ultimate ontic ground, which establishes the presence of all other beings. Metaphysics, according to Heidegger, searches for the foundation of the presence of beings due to the oblivion of the fact that what is given first of all is not any ontic ground but the Being itself as Being, namely the presencing of beings. Thus, the first and foremost we have to think is not any allegedly ontic ground of the Being of beings or in other words, *Being* misconstrued as the highest and the most universal being, but Being itself in its difference from beings.[12] Every time a metaphysical theory establishes a so called ultimate ground, it forgets that this ground, which supposedly produces the Being of beings, before its grounding activity has already been given as present, namely it is already in its *Being*. Thus, *Being* as *Being* is given ontologically before every type of ontic ground, which metaphysics construes as primal. So, in order to think beyond the concept of ground one should clearly understand Being in its difference from beings. The under-

[7] Ibid., 11-12.

[8] Ibid., 12.

[9] Ibid., 13.

[10] Ibid., 14-8.

[11] Ibid., 15-7.

[12] Martin Heidegger, *Identität und Differenz* (Frankfurt: Vittorio Klostermann, 2006), 51-80.

standing of ontological difference is a precondition for surpassing metaphysics.

All the same, whereas Heidegger turns against foundationalism, which constitutes the very essence of metaphysics, he understands the concept of ground in a very narrow sense, as ontic foundation. He does not realize that *Being* itself – namely ontological difference itself – in its self-concealment becomes a peculiar, ontological this time, ground both of beings and their metaphysically misinterpreted Being.[13]

Heidegger introduced *ontological difference* for the first time in the lecture course *Die Grundprobleme der Phänomenologie*,[14] where he raised the question about the distinction between *disclosedness* (*Erschlossenheit)* of *Being* and *uncoveredness* (*Entdeckt-sein* or *Entdecktheit*) of beings. This distinction is the ontological basis of the difference between Being and beings. In the somewhat earlier text *Sein und Zeit* Heidegger does not refer explicitly to the concept of *ontological difference* although he makes the distinction between the *disclosedness* both of *world* and *Dasein* on one hand and the *uncovering* (*Entdeckend-sein* or *Entdeckung)* and *uncoveredness* (*Entdeckt-sein* or *Entdecktheit*) of beings on the other.[15]

Heidegger in the aforementioned texts of the early stage of his thought deems the *understanding* (*Verständnis)* and *disclosedness* of *Being* to be the conditions of possibility for the *uncoveredness* of beings. Furthermore, both *disclosedness* and *uncoveredness*, as a united ontological and *noematic* whole, make possible the empirical manifestation of beings. Thus, inside ontological difference *Being* appears as the ground of the manifestation of beings.

In the same vein, in some passages of the Heideggerian texts one can trace hints of a second alternative understanding of ontological difference, which is not the intention of the German philosopher and undermines the priority of *Being* over beings. According to this divergent understanding Being and beings are in a state of mutual interdependence. This primary mutuality wards off the danger of transformation of *Being* into another, ontological this time, ultimate ground.[16]

As an example, in paragraph 44 of *Sein und Zeit* Heidegger refers to the concept of *disclosedness*, both of *world* and of *Dasein*'s *Being*. In this paragraph, *disclosedness* has an ambiguous relationship with the phenomena of

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[13] Martin Heidegger, *Wegmarken* (Frankfurt: Vittorio Klostermann, 1976), 131/28 & 135/31; Martin Heidegger, *Sein und Zeit* (Frankfurt: Vittorio Klostermann, 1977), 290/219; and Heidegger, *Die Grundprobleme,* 101.

[14] Heidegger, *Die Grundprobleme*, 102.

[15] Heidegger, *Sein und Zeit*, 220-21 & 344-45.

[16] Ibid., 292-3/221; Heidegger, *Die Grundprobleme,* 466.

uncovering and *uncoveredness* of beings.[17] In some passages, uncovering and uncoverdness of beings are grounded on the disclosedness of the world or, in other words, on the existential structure of *Being-in-the-world*.[18] Nonetheless, gradually Heidegger moderates the aforementioned hierarchical grounding relationship. He stresses that the existential structure of care involves the disclosedness of *Dasein* and that with it and through it uncoveredness of beings takes place. Right after Heidegger becomes more explicit when he states that uncoveredness of *within-the-world* beings is *equiprimordial* with the Being of *Dasein* and its disclosedness.[19] Besides, in *Die Grundprobleme der Phänomenologie* Heidegger states that

> There exists no comportment to beings that would not understand Being. No understanding of Being is possible that would not root in a comportment toward beings.[20]

The two interdependent phenomena in this passage are based on the temporality of *Dasein*. Here, Heidegger maintains that the understanding of Being is not possible without *Dasein's* specific ontic comportments, which make beings manifest. He juxtaposes directly the *ontic* with the *ontological* and he states that both are interdependent. Heidegger's invocation of *Dasein's temporality* does not overturn this primordial interdependence because *Dasein's* temporality, which constitutes *Dasein's* Being, in our view, is also based upon *Dasein's* pre-understanding of Being. Thus, temporality, understanding of Being and *Dasein's* specific comportments seem to be *equiprimordial*.

In the aforementioned passages, an instance of *undecidability* arises between two alternative understandings. According to the first, *disclosedness* of Being grounds the ontological phenomena of *uncovering* and *uncovereness* of beings. Furthermore, disclosedness and uncoveredness, as a noematic whole, ground the specific empirical manifestations of beings. According to the second alternative understanding, *disclosedness*, *uncovering/uncoveredness* and empirical revealing are *equiprimordial* phenomena,

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[17] In very broad terms we would say that *uncovering* concerns the ontological structure of Dasein's revealing comportment, the intentional comporting to or the directing itself toward something [Martin Heidegger, *Prolegomena zur Geschichte des Zeitbegriffs* (Frankfurt: Vittorio Klostermann, 1979), 48], whereas *uncoveredness* refers to the intentional-ontological noema, the mode of *givenness*, of the uncovered beings themselves [Martin Heidegger, *Logik. Die Frage nach der Wahrheit* (Frankfurt: Vittorio Klostermann, 1976), 169].

[18] Heidegger, *Sein und Zeit*, 290/219.

[19] Ibid., 292-93/221.

[20] Martin Heidegger, *The Basic Problems of Phenomenology,* trans. Albert Hofstadter (Bloomington and Indianapolis: Indiana University Press, 1982), 327.

namely there is no hierarchical grounding relationship between them. Certain passages confirm the first alternative understanding, while others the second.

In our view, we could apply here Derrida's deconstructive method.[21] So we could assert that in the Heideggerian text itself on the one hand operates a dominant understanding, which complies with Heidegger's intentions and establishes a hierarchical grounding relationship between *disclosedness*, *uncoveredness* and empirical manifestation of beings, whereas, on the other hand, a secondary, alternative understanding conceals itself under the dominant one, which construes the three aforementioned phenomena as equivalent and interdependent. This second understanding operates beneath surface and in parallel to the dominant and in parts of the text it presents itself explicitly. Both alternatives are present in the text without ever being merged in a new single point of view.

As regards the relationship between *Being and beings*, the same state of *undecidability* characterizes Heidegger's later thought as well. In *Beiträge zur Philosophie* Heidegger maintains that thinking should overstep the concept of ontological difference.[22] According to Heidegger, ontological difference failed to lead to an authentic understanding of Being as Being insofar, since it tacitly begins from present-at-hand beings and consequently it attempts to grasp Being itself through beings. Inevitably, the involvement of beings leads once again to the metaphysical understanding of Being as presence-at-hand and as beingness. Heidegger claims that non metaphysical thinking should leap over ontological difference in order to pose directly the question about *Being* not as Being (*Sein*) anymore but as *Beyng* (*Seyn*) *and as Event of appropriation* (*Ereignis*).[23]

Beyng refers to the authentic origin and unity of difference. *Ereignis* as the peculiar *essence* (*essential swaying*) (*Wesung*) of *Beyng* appropriates itself in the manner of a continuous and a priori non presence, namely by means of a permanent withdrawal which is necessary for the *presencing* (*coming to presence*) of beings. *Ereignis* grounds beings through its continuous absence, namely through its peculiar state of not being a being. Ereignis grounds in the manner of *being* only a non-present ontological dispensing of *presencing* of beings. *Ereignis* is not the activity of a fundamental being which produces

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[21] Jacques Derrida, *Of Grammatology*, trans. Gayatri Chakravorty Spivak (Baltimore and London: The Johns Hopkins University Press, 1974), 229; Gerasimos Kakolyris, *An Impossible Project: Derrida's Deconstructive Reading As Double Reading: The Case of Grammatology* (PhD dissertation, University of Essex, 2001), 216-217.

[22] Martin Heidegger, *Beiträge zur Philosophie (Vom Ereignis)* (Frankfurt: Vittorio Klostermann, 1989), 250-51.

[23] Heidegger, *Beiträge,* 250-51.

Beyng; it is the *givenness* of *Beyng* out of its own constantly withdrawn *essential swaying*.[24]

In Heidegger's view the absence of ground belongs to the nature of *abyss*, namely to the nature of a groundless ground. Despite the collapse of ground itself, the function of grounding does not totally vanishes.[25] However, this happens only on the basis of the impossibility of ground, namely on the basis of *abyss* (*Ab-Grund*), which is the peculiar *essence* of *Ereignis,* that is to say the *essence* of the *ontological ground*, *the ground grounds as abyss*.[26] To the extent that ground is necessarily abyssal, abyss is present inside the ground as its *essential swaying*. The space of the absent ground is not empty in the ordinary sense of the word. Marchart explains that according to Heidegger the space of ground remains empty in the sense of not completely full, namely not able to be completed.[27] *Ereignis* dwells in the space of a presence that is not able to be fulfilled. The character of this peculiar emptiness or, as Derrida would say, the incessant delay of completion of *Ereignis* allows for and provides the *openness*, the *clearing* (*Lichtung*)[28] of *Beyng*. Marchart highlights that one should not grasp *abyss* in contradistinction to the notion of ground to the extent that the meaning of abyss includes an essential feature of ground, grounding itself.[29]

In our view the effort of Heidegger to disconnect *Ereignis* from *ontological difference* leads once again to a state of *undecidability*. On the one hand, *Ereignis* can be conceived as a version of the necessary impossibility of an ultimate ontical ground. In this case, the notion of Ereignis leads to the post-foundational stance. On the other hand, one can claim that the total dissociation of *Beyng* and *Ereignis* from beings and *beingness* compels indeed the thought to tacitly hypostasize *Ereignis*, namely to conceive it as a mysterious substance, as a transcendent hyper-being, as a hyper-ground of beings.[30] In our view, Marchart overlooks this inherent ambiguity of Heidegger's thought. He tacitly interprets Heidegger's arguments in a *non-foundationalist* way and consequently conceives Heidegger in a univocal manner as a precursor of post-foundationalism. In this

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[24] Martin Heidegger, *Zur Sache des Denkens* (Frankfurt: Vittorio Klosterman, 2007), 8-9, 28; Martin Heidegger, *Holzwege* (Frankfurt: Vittorio Klosterman, 1977), 337/311-339/313.

[25] Marchart, 18.

[26] Heidegger, *Beiträge,* 29.

[27] Marchart, 18; Heidegger, *Beiträge,* 379.

[28] Heidegger, *Zur Sache*, 80-90.

[29] Marchart, 19.

[30] Thomas Sheehan, "A Paradigm Shift in Heidegger Research," *Continental Philosophy Review* 34, no. 2 (2001):189.

way, Marchart – as examined in the following chapters – fails to recognize a hidden foundationalist tendency in his own way of thought as well.

It is our opinion that ontological difference is indispensable. If one oversteps it, as Heidegger proposes in *Beiträge zur Philosophie*, then unavoidably one will tend to understand *Beyng* not as authentically different from any concept of *beingness* but as a transcendent hyper-being, a being *beyond the essence* (*epekeina tes ousias*) like Plato's *agathon*, because one's thought will be obliged to *provide Beyng*, in the manner of negative theology, with a mysterious transcendent *essence*, superior to any other being and thus with a non-understandable *ontic* character. Therefore, we maintain that Heidegger tacitly oscillates between the two aforementioned ways of understanding. Whereas Heidegger is indeed a precursor of post-foundationalism, he does not belong knowingly to it.

III. Political difference and contingency as the necessary impossibility of an ultimate grounding

Our thesis is that the notion of *political difference* expresses in a very effective manner and, at the same time, brings to a completion the second alternative understanding of *ontological difference* we have proposed above, which maintains that *Being* and *beings* are interdependent and equiprimordial. The origin and essential sway of Heideggerian *ontological difference* stands in a realm before politics to the extent that, according to late Heidegger's argumentation, what gives the difference, Ereignis, is nothing more than an ontological impossibility of presence, which stands before history,[31] before any kind of *beingness* and therefore before political action. In Heidegger's thought *the ontological* grounds *the political*.

According to Marchart, Heidegger's theoretical stance can be characterized as *quasi-transcendental*. Heidegger's ontological analysis involves transcendental elements because it searches for – not any more in Kant's manner the epistemological conditions of understanding but – the ontological conditions of the truth of *Being*.[32]

The above mentioned argumentation stresses the significance of *contingency* not only in Heidegger's thought but in post-foundationalism in general.[33] *Contingency* refers to the necessary impossibility of an ultimate foundation. This form of contingency is at the same time necessary because the impossibili-

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[31] Heidegger, *Zur Sache*, 49-50.

[32] John Sallis, "Grounders of the Abyss," in *Companion to Heidegger's Contribution to Philosophy*, ed. Charles E. Scott, Susan Schoenbohm, Daniela Vallega-Neu, and Alejandro Vallega (Bloomington and Indianapolis: Indiana University Press, 2001), 185.

[33] Marchart, 25-9.

ty of an ultimate ground is an indispensable condition for the possibility of the many, empirical grounds. Nevertheless, if contingency, namely the absence of a final ground, which totally guarantees the process of grounding, is necessary for the constitution of any form of identity, then this contingency, as quasi-transcendental, resides in a realm before and out of history.

Furthermore, the experience of this necessary contingency, as the awareness of the crisis of the grounding reasons, can always be traced inside history. Marchart maintains that the notion of the *moment of the political*[34] is grounded precisely on the idea of the appearance inside history and on specific social and political conditions of this quasi-transcendental contingency, which itself resides in a realm of history.[35] Thus, post-foundationalism reaches a peculiar circle. The quasi-transcendental contingency is the condition of possibility of the appearance of the *moment* inside history and in this manner grounds history; yet the historical conditions make possible the emergence of the *moment* and thus the experience of the extra-historical and necessary contingency.

Consequently, *political difference* describes precisely this tension between, on the one hand, the specific social and political constitutions and, on the other hand, their inability to be completed and their impossible ontological (and by extension political) ground. Political difference is a trace of the necessary contingency, namely of the absence of ultimate political grounds. Thus, it refers to the ontological play of the *moment of the political*, which as experience emerges inside history and inside political constitutions and social systems in the form of various terms, such as *event*, *freedom*, *competition*, whereas, as quasi-transcendental contingency, which constitutes every possible identity, resides out of history. Marchart claims that modernity as a historical era is characterized precisely by the generalization of the moment of the political as the moment of the impossibility of an ultimate grounding.[36]

IV. The problems of the concept of extra-historical contingency

In our view, the idea of a revealment inside history of an already hidden extra-historical absence of an ultimate grounding leads Marchart back to foundationalism. The absence of an ultimate ground turns into an absolute truth and thus into a peculiar, ultimate, ontological ground of history as a whole, which in effect is not different from the traditional metaphysical grounds. The impossibility of grounding tacitly loses its political character, becomes

[34] John Greville Agard Pocock, *The Machiavellian Moment. Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, New Jersey: Princeton University Press, 1975), VIII.

[35] Marchart, 30-31.

[36] Marchart, 33.

extra-political (like the Heideggerian concepts of *Ereignis* and *Seyn*), and returns to the traditional pattern which characterizes all types of metaphysical grounding.

We argue that the impossibility of grounding should not be characterized as a peculiar extra-historical foundation, not only because it depends on history, namely on the succession of the ontic grounds, in order to be what it is, an impossibility, but in effect it is identical to this succession. The impossibility of an ultimate grounding is history itself. To say that contingency is extra-historical is to say that history itself is extra-historical.[37] In this manner, a peculiar hierarchy inside the moment of the political comes to the fore between the grounding of extra-historical contingency on the one hand and the appearance of the moment inside history on the other hand.

In the way Marchart puts the matter, the empirical appearance of contingency inside history does not affect the peculiar *ontological status* of this contingency. The empirical, the social and the historical do not influence reversely the peculiar extra-historical *essence* (or *non-essence*) of the ontological impossibility of grounding. Thus, the hierarchical relationship between the ground and the grounded still operates. The empirical revealment of contingency and the historical conditions, which make this revealment possible, are considered simply as the *ratio cognoscendi* of the impossibility of grounding. They simply reveal contingency. They do not determine or produce it. The ontic and social elements do not indispensably permeate the ontological one. As such, the concept of political difference itself is canceled. There is not any particular reason to replace ontological difference with political difference or the traditional universal ontology as *prima philosophia* with the thought on the political as a regional ontology.[38] Consequently, we insist that the impossibility of an ultimate grounding is not extra-historical, since this would mean that it is extra-political as well.

What the concept of political difference could add to the Heideggerian analysis on ontological difference and *Ereignis* is a peculiar interdependence between ontological and ontic. Political difference reinforces the tendency of modern thought to go beyond foundationalism, because it manifests that even this grounding impossibility of an ultimate ground depends essentially on the ontic elements which grounds, namely it depends essentially on the changing historical and political conditions as well as social institutions through which contingency comes to the fore.

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[37] Of course, history itself is neither something historical nor something extra-historical, for example like nature. It is the essence of every historical event; but this essence does not stand in a privileged place which exists independently and prior to any specific historical event.

[38] Marchart, 165-68.

In other words, necessary contingency depends on the particular political actions in a given historical situation. As a matter of fact, historical conditions and political actions are not simply the ratio cognoscendi of ontological contingency, as Marchart implies. They do not simply manifest contingency as something that pre-exists independently of its appearance in history. Historical conditions and particular political actions stand in an essential unity with contingency, or, in other words, they are to a certain degree identical with contingency. Political difference leads the distinction between grounded and ground or between ontic and ontological to a partial collapse. The ontic part of difference permeates in such a way the ontological one that any effort to totally distinguish one from the other is impossible. The *ontic part* and the *ontological part* are still able to operate as distinct notions only inside a primary and essential belonging together, in which the peculiarly grounding impossibility of an absolute ground and the historical succession of transitory grounds constitute two sides of the same coin.

V. The ontic-ontological character of political difference

Nevertheless, why one should opt for political difference instead of ontological difference? A possible answer could be that in order for the tendency of modern thought –that leads to the collapse of the permanent and extra-historical grounds– to be fulfilled, the ontological impossibility itself of such grounds, which replaces and at the same time partially plays the role of these ultimate foundations, should take a specific, intra-historical, intra-political and quasi-ontical form.

The name and essence of this ontological impossibility should involve contingency in beings and at the same time should separate contingency from beings. Thus, the term "*political difference*" gives contingency an undecidable ontic-ontological character, which is not able to be completed. One should cope with Heidegger's tendency that totally dissociates Being from beings, because this tendency leads to a retrogression to what modern thought endeavours to leave behind, namely the ultimate ground of the social. Ontological difference as such belongs to a pure and universal, ontological level, strictly distinguished from the level of beings, from politics, technology and society. Thus, the concept of ontological difference creates the conditions for the transformation of the ontological impossibility of ground into a crypto-substantialized ultimate ground.

On the contrary, in the theoretical framework of political difference what precedes, the *political*, has at the same time both an ontological-grounding as well as an ontic-derivative character. Furthermore, what *comes next*, the sphere of politics, the society, the appearance of beings inside social space,

has simultaneously both derivative as well as grounding character. The political and the politics ground and at the same time dislocate each other in an incessant and unstable historical process, which allows no type of fulfilment of the social and thus no type of eternal and immutable ground of history.

VI. Political difference and the impossibility of completion of the social

As we have already maintained, specific human political action inside modern social institutions does not simply reveal a pre-existing and extra-historical contingency. On the contrary, political action inside specific historical conditions constitutes the very possibility of this contingency. Only inside the social and political struggles this contingency is possible. The human political acting itself is contingent, namely it is free. In its core, it is not bound to any ultimate principles or grounds. Acting itself inside specific historical conditions establishes its own relative and temporary criteria, which in their turn bound it. Thus, contingency should not be understood as an impossibility which resides somewhere out of history, or, in other words, somewhere out of human acting.

Marchart maintains that even though all political regimes in all historical eras are characterized by an ultimate groundlessness, only in democracy this contingency is neither negated nor repressed but, on the contrary, promoted as the ground of democratic political order.[39] All political regimes, in one way or another, have to cope with the necessary contingency of the social. Democracy differs from all other regimes only in the way it relates to this radical groundlessness. Democracy transforms the impossibility of an ultimate grounding to a peculiar *ground*, which simultaneously constitutes and dislocates itself.[40]

Marchart characterizes as ethical and non-political the tendency of democratic regimes to accept ultimate groundlessness as necessary.[41] In his view, this acceptance interrupts the logic of grounding and impedes political action. As long as we act, we are all foundationalists. We try to establish new grounding criteria and we do not doubt about them. To accept contingency means to question the ground and legitimacy of our actions. Thus, democratic institutions in fact are *un-political*.

Marchart's reasoning takes for granted the assumption that political action is necessarily based on temporary grounds, namely on relative and ques-

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[39] Oliver Marchart, "Democracy and Minimal Politics: The Political Difference and its Consequences," *The South Atlantic Quarterly* 110, no. 4, (2001): 967.

[40] Martin Saar, "What is Political Ontology," *Krisis. Journal for Contemporary Philosophy* 12, no. 1 (2012): 82.

[41] Marchart, "Democracy," 968.

tionable *truths* or evaluative criteria, and that one is obliged to accept these truths in order to be able to act. At this point a crucial question arises: Do these provisional truths, namely these temporary criteria, come to the fore due to and during the acting procedure or do they precede political action? The thesis that temporary grounding truths precede action and determine it is clearly foundationalist. In our opinion, Marchart inconspicuously accepts as true the second part of the aforementioned question.

At this point, we should take into account Hanna Arendt's view that political action (*praxis*) is distinct from *poiesis* (*fabrication*)[42] exactly because it is groundless. Political acting inside public sphere is not based on any extra-political *truths*. Even though an actor takes into consideration causes, motives, targets or outcomes, a true action is not determined by these elements.[43] The goal of praxis is praxis itself. Praxis emerges in history only when a free public sphere of *words* and *acts* comes to the fore. On the contrary, fabrication is grounded on pre-existing principles and patterns and its outcome resides in a sphere out of fabrication itself. The work of *poiesis* emerges when fabricating procedure comes to its end.

Moreover, free actions stimulate other free actions in an incessant political play inside public sphere. *Praxis* is contingent to the extent that it is groundless. In our opinion, Arendt's view is that this impossibility of grounding does not reside in an extra-historical and extra-political region and, at the same time, it neither renders action possible through temporary ontic grounds. In Arendt's thought, groundlessness is political action itself. Ontological contingency is not distinct from political action. Besides, in Arendt's view, every new entrant citizen is integrated in public sphere by acting and talking in public. In this manner, it becomes gradually apparent *who he is,* a knowledge that even the new entrant himself is not in the position to possess in advance.[44] Man is born *ex nihilo* and after his birth, he himself is his own beginning. Consequently, through words and actions every newcomer becomes part of the human world. This is a second birth,[45] through which the new citizen undertakes the simple fact of his initial, natural birth. Man, as a new beginning, is able to start something new that nobody can predict based on the knowledge of his previous acts or of the conditions that we believe that affected him.

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[42] Jacques Taminiaux, *The Thracian Maid and the Professional Thinker. Arendt and Heidegger*, trans. Michael Gendre (Albany: State University of New York Press, 1997), 1-3, 92-94; Hannah Arendt, *The Human Condition* (Chicago and London: The University of Chicago Press, 1998), 156-57, 188, 192, 196.

[43] Arendt, 221-230, 232-239.

[44] Ibid., 178, 181-190.

[45] Ibid., 176-177, 246-247.

Marchart, on the contrary, tends to understand political *praxis* as a peculiar *poiein* (*fabrication*); he accepts the necessity of temporary and ungrounded grounds, which precede *praxis* and play the role of the pattern of action. The provisional and temporary character of these grounds does not affect their fabricating function. Marchart introduces the concept of *minimal politics*,[46] which describes the minimal necessary preconditions of political action, namely *collectivity, strategy, conflictuality*, *organization*. Two of these requirements, strategy and organization, although they are necessary for the effectiveness of action, are intimately related to fabrication.

Generally speaking, the notion of extra-historical contingency in Marchart's thought, which precedes social institutions and specific political actions takes the place of traditional absolute grounds of the social. In this case, the social acquires a new immovable ground and a permanent identity. Besides, praxis is inconspicuously understood as a peculiar fabrication of the social.

Furthermore, Marchart (and Heidegger mutatis mutandis) could be characterized as a thinker, who underestimates or neglects the specific political and social problems in favor of an abstract notion of the political. Lois McNay maintains that every form of political ontology or theory of radical democracy leads to the problem of "*social weightlessness.*" According to McNay, all versions of political ontology introduce a theoretical hierarchy between the ontological/political, which is placed at the top and the ontic/social, which is placed at the bottom.[47] In this manner, the particular political acts are understood as insignificant examples of abstract and contingent ontological possibilities, so that questions about the ways or the causes of these actions in the specific historical situation become unnecessary.[48]

Additionally, McNay maintains that political ontology understands the *political* as a substantial and ahistorical concept which exceeds social reality.[49] In our view, the two aforementioned problems of political ontology concern Marchart's presentation of political difference as well. The tacit *hierarchicalization* and *substantialization* of political difference lead to a hidden foundationalism and to the depreciation of political action. In Marchart's analysis, political action does not constitute political difference every time it is acted. On the contrary, it is political difference as an extra-historical and preceding possibility that constitutes political action.

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[46] Marchart, "Democracy," 971.

[47] Lois McNay, *The Misguided Search for the Political: Social Weightlessness in Radical Democratic Theory* (Cambridge: Polity Press, 2014), 69; Tom N. Henderson, "Post-foundational Ontology and the Charge of Social Weightlessness in Radical Democratic Theory: A Response to Lois McNay's: The Misguided Search for the Political," *Brief Encounters* 1, no. 1 (2017): 3.

[48] McNay, 15; Henderson, 3.

[49] McNay, 70; Henderson, 6.

Tom Henderson in his article "Post-foundational Ontology and the Charge of Social Weightlessness in Radical Democratic Theory" supports the view that Marchart's presentation of political difference heals the contradictions of political ontology by introducing the mutual interdependence between the political and the social.[50] Our opinion is that although this interdependence is indeed Marchart's intention, the introduction of the concept of extra-historical and quasi-trancendental contingency undermines his initial aim. The extra-historical character of the *political* renders it a purely ontological possibility without any social or, in the final analysis, political traces. Generally speaking, we should recognize the fact that, both in Heidegger's and Marchart's thought, two alternative understandings operate, namely a foundationalist and a post-foundationalist.

In the matter of democracy we would maintain the view that the introduction (not the emergence) of the concept of the absent ground of the social in modernity produces the possibility (not the certainty) of the establishment of democratic institutions.[51] All the same, the tacit substantialization of the supposedly extra-historical groundlessness by Marchart could lead under certain circumstances to the totalitarian aim of an authentic interpretation of the *political* in a manner similar to Heidegger's political aim, expressed in the notorious *Rectorial Address* of 1933, for an affirmation by the German *Volk* of its own historical mission and destiny, which was nothing more than the authentic understanding of the history of *Being* through the heroic guidance of Volk's leaders, who can bravely face the abyss (groundlessness) of *Being*.[52]

VII. Conclusion

To sum up, we would say that the difference between our view and Marchart's argumentation concerns four crucial points: 1. In Heidegger's work operate two non-reconcilable ways of understanding at the same time, a foundationalist and a post-foundationalist one. Marchart gives prominence to the post-foundationalist way as the only appropriate for an authentic understanding of Heidegger's thought. 2. The peculiar ontological foundation we described as *the impossibility of an absolute grounding* is also determined by the relative grounds it makes possible. Only on the basis of the incessant succession of the temporary historical grounds the constitution of something

[50] Henderson, 8.

[51] Claude Lefort, *Democracy and Political Theory*, trans. David Macey (Minneapolis: University of Minnesota Press, 1988), 17-20; Marchart, *Post-Foundational Political Thought,* 93, 95-96, and Marchart, "Democracy," 67-8.

[52] Martin Heidegger, "The Self-Assertion of the German University," in *Philosophical and Political Writings*, ed. Manfred Stassen, trans. Karsten Harries (New York-London: Continuum, 2003), 2-11.

like an *impossibility of an ultimate grounding* as the *ground* of this succession is possible. In Marchart's thought this interdependence becomes blurred. The relative historical grounds and the social institutions of modernity play simply the role of the *ratio cognoscendi* of the necessary and prevalent extra-historical contingency. 3. The term "*quasi-transcendental contingency*" is misleading. It refers to a ground which is partly transcendental and partly empirical and ontic. In fact, contingency is determined as regards all its "*parts*," through and through, by the *empirical* and *the ontological* as well. Besides, contingency is not extra-historical because that would mean that it is extra-political too. Despite its inferred permanence and inter-temporality, to the extent that it is not only comprehensible but also possible on the basis of the historical succession of the relative grounds, contingency is determined from the very beginning by history, or, in other words, it is history itself. 4. Political difference does not precede political action. There is a mutual relationship of interdependence between political difference and specific political action.

In our opinion the Arendtian analysis of the distinction between *praxis* and *poesis* could be used as a basis for the reconciliation of the abstract concept of the *political* with the specific empirical and social conditions, problems and institutions, or, in other words, for the reconciliation of the ontological freedom of the action with the limitations and restraints of the specific social and historical conditions. A free political *praxis,* on the one hand, is groundless and independent of any absolute truth or specific cause and motivation but, on the other hand, it is held necessarily inside public sphere and always copes with specific social and political problems.

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K. Papageorgiou • *Conatus* 4, no. 1 (2019): 79-98
DOI: http://dx.doi.org/10.12681/cjp.18611

The Analytic Model of Consent and the Square of Opposition

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Abstract

Modeling consent is a process prior to any discussion about it, be it theoretical or practical. Here, after examining consent, I shall attempt to present a "logical generator" that produces all different cases of consent (and/or of non-consent), so that afterwards we may articulate a two-dimensional model which will enable us to coherently demonstrate all possible types of consent. The resulting model will be combined with Aristotle's square of opposition, offering us even greater insight. I shall claim that full(y) informed consent is an archetype, not realized in most cases; it is just one case out of hundreds more. I shall conclude with an educational model for consent, the principle of specificity, arguing that if we wish to both understand consent and become more adept in exercising it, we need a targeted educational system – not just "better education" in general.

Key-words: *consent; epistemology; square of opposition; special-needs education; sociology of science*

Consent is one of the most important tools of Bioethics – or Applied Ethics in general. It is tightly connected with notions and ideas such as *rights*, *autonomy* and *respect*. It is not surprising how much philosophers have delved into the matter trying to identify its conditions, its limits and its applicability.

In a sort of Wittgensteinian way, if philosophy is about making terms used in other fields *clearer*, then, it is quite arguable that this has not happened in the case of consent. The relevant terminology remains somewhat obscure and vague – especially if we deviate from the "popular" terms of "informed consent," or even "implied-," "hypothetical-," and "proxy-" consent. Exactly this task is undertaken in this paper. The tools used are logical analysis and synthesis, as well as Aristotle's *square of opposition*. Our approach here, also shows why and how a different and more targeted educational model is needed.

I. Archetypical consent...

... or consent in theory. In this section, I shall attempt to present the parameters of the ideal type of "full(y) informed consent" (fully informed full consent), its logical analysis, that is, the intersection of basic epistemology and ethics, and also to (re)define the notion of consent within this epistemological context.

Why would anyone mix ethics and epistemology in the first place? Well, epistemology is all about knowledge. In specific, "epistemology" (in Greek: *επιστημολογία*) is a compound, formed from the words *epistēmē* and *logos*. The first term, *επιστήμη*, refers to what is falsely known to the west as "science" – when it is its exact opposite; the second term, *λόγος*, is one of the most versatile words in Greek language, meaning anything from speech and reason to logic.[1] Whereas *epistēmē* is related to science (even if this relationship is more of an *antithesis*), a more relevant term would be *gnoseology*, *γνωσεολογία*, since in this compound, *gnosis* (*γνῶσις*) may accurately be translated as *knowledge*. However, in the English language, gnosis has theological connotations; its historical usage is related to *Gnosticism*.

So, how is epistemology meant here? Whereas epistemology, as gnoseology, is closely related to the very foundations of ethics – i.e.: where do we fish our ethical rules from? or is it merely our psychological condition that dictates our ethical canons? (cf. psychologism), I am addressing its original meaning. Epistemology is the study of *epistēmē* and, as such, it may primarily be reduced to mathematics; *mathēmata philosophias* (*μαθήματα φιλοσοφίας* – philosophy lessons). As such, epistemology will help us create a logical analysis of consent.

Whereas the very idea of consent has been a very popular subject in ethical philosophy, some of its major logical counterparts, i.e. uninformed consent and unintentional consent, have not been so thoroughly studied. Here, I shall attempt to approach both positive and negative versions of consent in a unified way – the task is all too easy, since logic does not allow us to make any affirmative deductive inferences based on negative premises; in such mixed circumstances, it only accepts *reductio ad absurdum*, that is, examining its affirmative conjugate by simply asking the question: "unintentional consent... what if it were intentional?" Thus, we shall have to examine consent first, in order to proceed to its other versions.

The very first step we would be obliged to follow is to define consent. Literature is somewhat problematic in that respect. For instance, whereas

[1] Konstantinos G. Papageorgiou, and Dimitris Lekkas, "Επιστήμη Και (vs) Scientia," in *Φιλοσοφία, Φυσικές Επιστήμες, Βιοηθική*, ed. K. Kalahanis, accessed May 25, 2019, http://deeaef.gr/wp-content/uploads/2016/04/Papageorgiou-Lekkas-full-text.pdf.

Unesco's "Informed Consent" guide does inform us about what being informed *implies*, it says nothing about consent itself – apart from a vague statement that "No consent will be valid which does not depend on willingness."[2] Elsewhere, we read that: "Psychologically, consent can *designate* 'a state of mind of acquiescence,' and 'an act of will – a subjective mental state [...].'"[3] Alternatively, if we looked up the term in a dictionary, we would see that consent is defined as "compliance in or approval of what is done or proposed by another: *acquiescence*."[4] What is proposed here is that "consent is the deliberate act of acceptance of an external situation or an action directed towards the individual."[5] Informed consent – and any other kind thereof – is defined accordingly, based on the aforementioned basic affirmative definition. One problem of this definition seems to be that it takes for granted that one can easily discriminate between self-regarding and other-regarding acts – a problem Jovan Babić has discussed in more detail.[6] Again, the definition does not presuppose that it is 100% or easily applicable; it is we who should decide its scope.

Another problem could be its requirement for *deliberance*. But what about the absolutely negative lexical terms implying lack of deliberance? What about unintentional consent, uninformed consent, not unintentional consent, tacit consent, hypothetical consent and so on and so forth? Those can only be defined as the absence of their affirmative counterparts, e.g. "unintentional consent" being the "absence of intention or of intentionality" in the consent; the affirmative opposite, as in "intentional consent," is the only thing that has already been effectively well-defined. Hypothetical consent – or other similar kinds thereof – is not consent *per se*; this is why they have different names. However, they are closely connected with the idea of consent (as defined here), and it is up to us to decide when and how they are acceptable. By all means, as we shall discuss again and again, consent – or, to make matters worse, full(y) informed consent – is not, and cannot be,

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[2] Amnon Carmi, *Informed Consent*, ed. Amnon Carmi (Haifa: Israel National Commission for Unesco, 2003), 6; cf. Oviedo, 1997.

[3] Italics not in the original; Nir Eyal, "Informed Consent," *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zelta, 2011. Cf. Eyals's citations: Peter Westen, *The Logic of Consent: The Diversity and Deceptiveness of Consent as a Defense to Criminal Conduct* (Aldershot: Ashgate, 2003), 5; Heidi M. Hurd, "The Moral Magic of Consent," *Legal Theory* 2 (1996): 121.

[4] "Consent," Merriam-Webster, http://www.merriam-webster.com/dictionary/consent.

[5] Konstantinos G. Papageorgiou, *Ηθική και Επιστημολογία: Το Αναλυτικό Μοντέλο Συναίνεσης στην Εφαρμοσμένη Φιλοσοφία: Τρόφιμα, Εκπαίδευση, Πολιτισμός, Βιοπληροφορική* (Αθήνα: Εθνικό και Καποδιστριακό Πανεπιστήμιο Αθηνών, 2017).

[6] Jovan Babić, "Self-Regarding / Other-Regarding Acts: Some Remarks," *Prolegomena* 5, no. 2 (2006): 193-207.

the sole criterion towards qualifying an external act as permissible: it is just one, quite improbable, case among hundreds.

Lexically negative (in Greek: *apophatic*) types of consent, therefore, can only be defined via their affirmative counterpart. This logical inversion qualifies as a kind of *reductio ad absurdum*, where we are sort of asking the question "Unintentional consent? Hmmm, let us see; what if it were intentional?" as the only means of studying it. Is that the only approach one can take?

There are additional tools one may utilize as an aid in the study of consent. Logical analysis creates a network – an ecosystem – in which inter-relations between terms clarify the meanings of them *all*, both well-defined and un- or ill-defined ones. This is a pure (or hardcore / mainstream) epistemological approach, treating terms as *void symbols* trying to explore all and every possible combination. Multi-poles are thus created. Only afterwards, i.e. after such multi-poles have been constructed, should we begin the process of *interpretation*, i.e. the process of affording void abstract terminology and symbols (words or phrases in our case) *with meanings*. Let us examine one such case by creating the minimum *quadri-pole* of "informed consent."

1. Informed consent.
2. Not informed consent.
3. Informed non-consent.
4. Not informed non-consent.

This might seem trivial; however, its consequences are far-reaching. For one, it is quite a realization itself to understand that in every case of contrariety, or simple opposition, or contrast, or juxtaposition (in Greek: *antithesis, antiparathesis*) as opposed to cases of contradiction (in Greek: *antiphasis*), the minimum cases are not two, but *at least four* – the *minimum logical quadric-pole*. Another implication is that, if "informed consent" is shorthand for informed, voluntary, and decisionally-capacitated consent, then, as soon as we try out some variations of "informed" and "consent," it will become immediately apparent how powerful a tool we have acquired:

5. Voluntary consent.
6. Not voluntary consent.
7. Voluntary non-consent.
8. Not voluntary non-consent.

Many more poles are produced when we use extra predicates in more specific contexts:

9. Informed voluntary consent.
10. Not informed voluntary consent.
11. Informed not voluntary consent.
12. Informed voluntary non-consent.
13. Not informed not voluntary consent.
14. Not informed voluntary non-consent.
15. Informed not voluntary non-consent.

The same applies to negative forms of consent...

16. Uninformed consent.
17. Not uninformed consent.
18. Uninformed non-consent.
19. Not uninformed non-consent.

But also...

20. Disinformed consent.
21. Not disinformed consent.
22. Disinformed non-consent.
23. Not disinformed non-consent (instead of disinformed one may as well try misinformed, not necessarily informed etc.).
24. Refusal of informed consent.
25. Not refusal of informed consent.
26. Informed refusal of consent.
27. Informed not refusal of consent.
28. Not informed refusal of consent.
29. Refusal of informed non-consent.

Or...

30. Informed participation.
31. Not informed participation.
32. Informed non-participation.
33. Not informed non-participation.

... and so on and so forth, creating lists, or cladistic trees, or even mental maps of hundreds of cases that will be more or less inter-connected. Afterwards, we may want to attribute meaning to all those terms – or at least to the ones that matter the most, or to the ones that actually make sense to us (some may not seem interpretable – at least for our current state of

mind or knowledge). I have already pointed out in what way it is important for philosophers to be able to discriminate among these *subtle colourings of consent*, be it for legal or other use, or simply because it is what we do in our line of work.[7] One could indeed be baffled by what No. 29 means (refusal of informed non-consent) in the real world. However, one might just need to know what No. 3 means (informed non-consent): it might refer to cases where someone is informed, but does not consent. No. 29 is the refusal of that. Who refuses it? Is it the (not) consenting agent or the other side? It depends on the interpretation. There is no one-to-one correspondence. As much as one is able to construct all possible combinations (and they would count in the thousands), interpreting each term is a whole different process, with one-to-many correspondences, depending, for instance, on the selected point of reference, experiences, expectations etc. What is certain, as we have seen in this example by connecting cases 3 and 29, is that, as we explore this eco-system of consent, terms will keep becoming more and more transparent. And, in addition to all this, let us in no way walk past clear or debatable or debated legal sides of interpretation, issues, views, different for different societies, periods, attorneys and judges and courts of law, and their sometimes compulsory nature...

One thing has become pretty clear until now: the so-called "full(y) informed consent" is just one case in thousands. It may be more realistic – or fruitful – to view it as an archetype: as a perfect and ideal condition, which we *usually* hope to achieve through various processes. The reason I used the adverb "usually" is because there are cases where such an ideal type of consent is not... *all that* ideal. For example, both the *reasonable person standard* and the *individual standard* pose limits as to the quality and the quantity of knowledge that a non-expert person needs in order to make a sound choice; too much information here is considered "too much of a good thing;" sometimes, full(y) informed consent, simply put, does not work.[8] Moreover, it seems that the autonomy-surplus afforded to us by full(y) informed consent may turn against us in the ever-going battle between *autonomy* and *utility*. Consider, for example, embarrassing mistakes, or social pressure to make certain choices:[9] less autonomy, less worries!

However, our worry here is to make clear what an archetypical full(y) informed consent consists of. Such an endeavour is *not* directly affected by

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[7] Konstantinos G. Papageorgiou, "The Subtle Colourings of (Informed) Consent in Performance Enhancement: Implications for Expertise," *Philosophy Study* 7, no. 4 (2017): 197-203.

[8] Tom L. Beauchamp, and James F. Childress, *Principles of Biomedical Ethics*, 6th ed. (Oxford: Oxford University Press, 2008).

[9] Gerald Dworkin, *The Theory and Practice of Autonomy* (Cambridge: Cambridge University Press, 1988).

the existence of exceptions – or just other cases. It would be irrational if we expected such a condition to always apply, as long as there are so many cases where it is obviously out of the question (unconscious patients, babies, Alzheimer's patients etc.). The archetype is merely a *reference point* that may never be realized – and for good reason. But if it were to become a reality, or if we simply wanted to grasp its theoretical meaning, we should turn our gaze towards the most important and relevant process, which is none other than education. Therefore, the educational parameter of consent is going to attract our locus of focus, but only later, after we further examine the ramifications of our approach.

II. The Constituents of consent / Modeling consent

As our examination of consent progresses, it would seem invaluable to present a universal model of consent. Such a model would account for all types of consent, as well as expose their inter-relations. It would be based on what we shall identify as the two basic components of consent, i.e. *intentionality* and *directionality*. Autonomy, that would strike as the third candidate, is more of a prerequisite rather than a dimension of consent. Afterwards, a further logical analysis of the model will allow us to relate it with Aristotle's iconic *square of opposition* from his *Περὶ Ἑρμηνείας* (*De interpretatione*).

So, consent is defined as the deliberate act of acceptance of an external situation or an action directed towards the individual. What stands out in this definition is the requisite of *deliberance*. Indeed, that is a very important notion and a core constituent of major traditions, such as *Theosophy*.[10] Under such interpretations, we are deterministic machines not capable of deliberate acts, and only after years of extensive efforts do we acquire, if only gradually, the capacity to *act* deliberately (vs. to merely *react*). Such interpretations show us that notions such as "full(y) informed" consent are true archetypes, i.e. ideal situations that may never materialize (as is the case with an-archetypical triangle: no *real* triangle has – or will ever have – e.g. sides with zero thickness, unlike the ideal triangle).

It is quite easy to identify why intentionality is a major component of consent. Intentionality is a capacity for conscious actions, and consent should – by default – be conscious, *if* it is to be named "consent" in the first place. On the other hand, such an intention is coloured by its direction.[11] For example, it is said (and for this example it is not

[10] P. D. Ouspensky, *The Fourth Way* (New York: Alfred A. Knopf, 1957).

[11] Cf. consciousness as object-directedness, Kristjan Laasik, "Consciousness and Intentionality: The Face of the Phenomena," *Prolegomena* 15, no. 1 (2016): 5-19.

imperative to know if it is true) that humans develop sexual drive (*libido*) even as infants. However, until one develops a representation for what one would like to do with one's sexual drive, it remains just a vague feeling; only later will it have any real – or, for that matter, practical – significance, when the person will be able to channel this primordial energy towards specific acts, that one has meanwhile "learned" to be an effective way to express one's sexuality. The creation, therefore, of specific representations is conditional for "using" that sort of capacity. The more accurate the representation, the more directed would the utilization of the said capacity be, or of the capacity of consent. In saying that, then, we do recognize an important informational (and thus educational?) parameter in *direction*: the more information I gather, be it sensory, or verbal, the more I increase my capacity to assess the situation at hand and to direct my intentional will, e.g. in order to "choose wisely."

To this end, before one even attempts to sketch what such an educational system would look like, one should develop a viable system: one that represents the vast amount of possible cases that revolve around consent. At least in part, this multi-faceted nature of consent is acknowledged by several contemporary writers, who e.g. discriminate between "thin informed consent" and "fuller informed consent," but also between "hypothetical consent" and "implied consent," and so on.[12] Such a model is presented in figure 1.

If intentionality and directionality are treated as the two axes of an orthogonal coordinate system, then all the cases may nicely fit in the resulting figure. Here, we have attempted i. to express consent in terms of these two dimensions, and ii. to show how we think that a selection of eight basic variations of consent should be represented. Two additional cases have been added in the form of vectors ("misinformed consent" and "participation"), as an example of how still other cases would fit into this model. Where the two axes intercept is taken to be the neutral case of "not informed non-consent." By no means is this the only possible arrangement – different patterns are possible. What is attempted here is merely to show in what way such a model would successfully represent all kinds of consent; arguably then, one could construct a similar figure containing tens or even hundreds of cases of consent placed wherever on the coordinate system it seems fit.

[12] Beauchamp and Childress, *Principles of Biomedical Ethics*; Eyal, "Informed Consent."

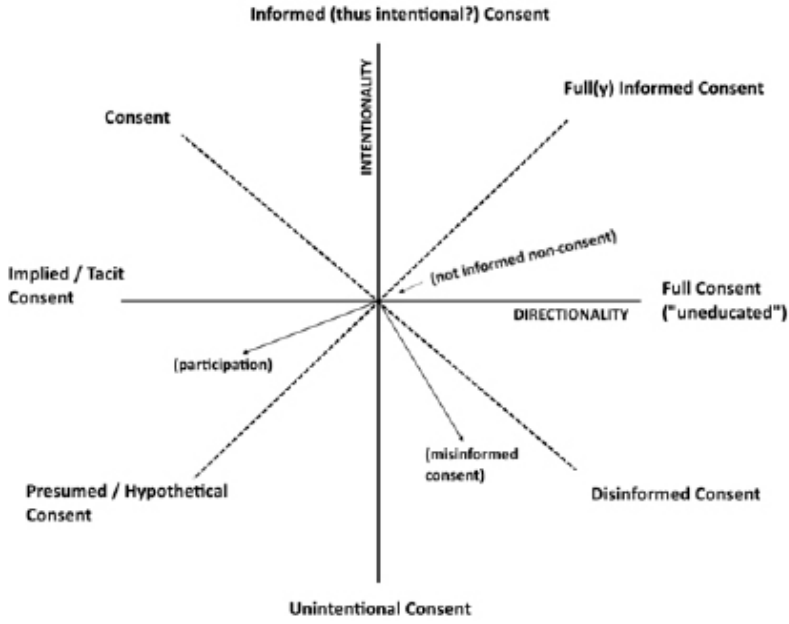

Figure 1. The two-dimensional model of consent

Many assumptions have been made in order to come up with this visual representation of consent. The most significant one is the exact order of the various cases of figure 1. I shall attempt to explain the rationale followed here. "Full(y) informed consent" is the resultant vector of maximized intentionality (IN) and directionality (DI). On the other extreme, when IN and DI are minimum, the result is "hypothetical consent" – the case of consent where we merely hypothesize that the individual would consent were he capable of reacting at all (e.g. unconscious patients). "Consent" is thought of as a more general category where IN is high, but DI is low, indicating a more passive mood. "Full [but, apparently, not informed] consent" is related to an excess drive for what is offered (thus, high DI), but without much informational backup. Now, in order to explain why "disinformed consent" (i.e. deliberately false information) is related to a low level of IN, we should assume that information is related to IN, at least under some interpretation, where knowledge is connected to both information availability and consciousness (*ergo* intention). Finally, "implied consent" is the most non-directed form of consent: the patient who indifferently and pathetically accepts an injection from a nurse – given that he is otherwise capable of reacting. Compare this with the case of a child that is offered a bar of chocolate. How positively would they react in the question "do you want some candies?" by giving their full, but alas, not informed ("uneducated") consent?

Some other, less important, assumptions include the numbering of the axes, that is, there are no negative values as we progress to lower and lower values of intentionality and directionality. Point (0,0) is not the same as in analytic geometry; it is merely a reference point for the relations between different cases of consent. Additionally, the distance from the centre does not indicate intensity – however, in other models it might serve this function as well.

As one observes this figure, it becomes increasingly tempting to compare it to the Aristotelian *square of opposition*. Would that make any sense? Would it increase our understanding of the inter-relations among different types of consent? I am going to support this idea in what comes next.

Firstly, in figure 2(I), the original square of opposition is presented. In order to fit our model, presented in figure 1, the order of the four different cases of the square of opposition is transformed, *salva veritate*, to that of figure 2(II).

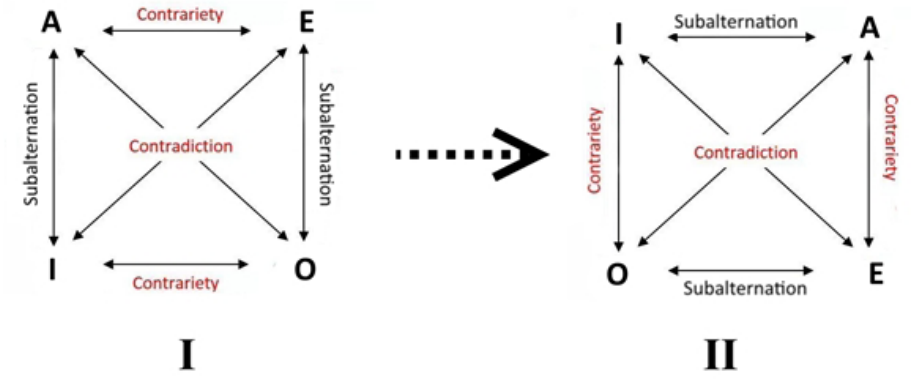

Figure 2. (I) shows the classic square of logical opposition, while (II) is the transformation (*salva veritate*) used here to fit our model presented in figure 1. Explanation of letters: A: Universal Affirmative; E: Universal Negative; I: Particular Affirmative; O: Particular Negative

Finally, based on figure 2(II), we create *our* square of opposition, as presented in figure 3; it is only just of many possible ones. What remains for us to see is whether our terms do right by the original square of opposition. Let us examine, first of all, contradicting pairs, i.e. "Consent" vs. "Disinformed Consent," and "Full(y) Informed Consent" vs. "Hypothetical Consent."

Indeed, it is almost trivial to ascertain that these pairs are incompatible: the existence of either prohibits the existence of the other one being (also) its denial. Contrarieties, i.e. "Consent" vs. "Hypothetical Consent" and "Full(y) informed Consent" vs. "Disinformed Consent" are opposite pairs as well. The question in contrariety is whether these two cases can be false simultaneously. Indeed, they can; consent, for example, may be neither full(y) informed, nor disinformed. It also seems that the two remaining pairs, i.e. "Consent" and "Full(y) Informed Consent," as well as "Hypothetical Consent" and "Disinformed Consent," all behave as sub-alternates – especially in the former case. A proposition is a subaltern of another if and only if it must be true if its superaltern is true, and the superaltern must be false if the subaltern is false.[13]

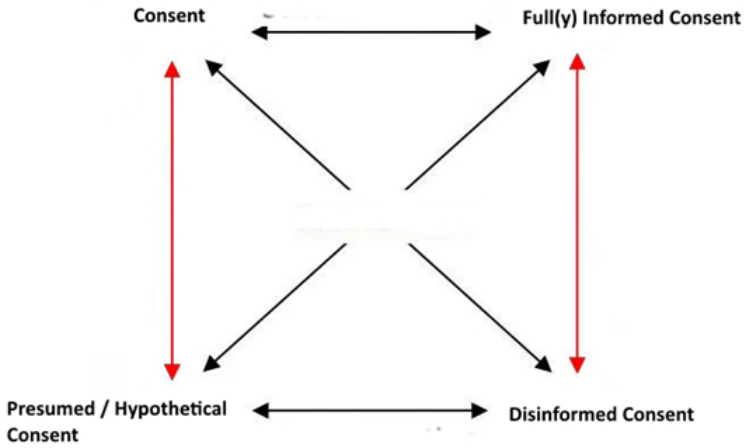

Figure 3. Square of logical opposition applied in consent – see also figure 2 (II)

All in all, we have demonstrated that a viable interpretation of the traditional square of opposition in the case of consent is possible. The reader should, however, keep track of the fact that what Aristotle had in mind when developing and laying out his logic (as expressed in his four writings nowadays known as *Organon*) was *geometry* and most of his examples were alluding there. Examples from mathematics claim the extra property of infinite accuracy *in abstracto*. Here, given the real-life concreteness of reference, levels of systemic accuracy are inevitably lost; it may not always

[13] Terence Parsons, "The Traditional Square of Opposition," *The Stanford Encyclopedia of Philosophy* (Summer 2017 Edition), ed. Edward N. Zalta, 2019.

be absolutely clear, for example, when and which cases are contrarieties and not pure contradictions, and *vice versa*. However, the general idea is well implemented in our examination of consent. We hope that we have contributed another important tool in our toolbox for examining consent.

III. Consent in practice

Indeed. All these cases of consent, that we have attempted to categorize, to modelize, and to (re)present in a universal manner, have and *should* have *actual* implications for *actual* situations. Now, it is quite usual to examine consent within the framework of Medical Ethics. Here, I shall attempt to amplify the notion of consent in two other irrelevant fields: special-needs education, and sociology of science. I shall deal with specific instances, in order to demonstrate the wider applicability of this "multi-polar" approach.

By successfully applying any model in many cases / situations / disciplines, it is possible to enhance its generalizability, as well as to demonstrate its *anti-fragility*, i.e. its capacity to adapt despite perturbations.[14] Here, the common denominator between these two examples is, of course, the consenting individual. In the first case, i.e. special needs education, full(y) informed consent is impossible. I shall try to identify what kind of consent is possible, to begin with, and what this kind of consent means. In the case of science, I shall argue that the public *will not* be able to provide full(y) informed consent (e.g. about how research money from their taxes is spent), if only, because the *myth* is constantly revived: science is about knowledge, and not about authority and power. I shall try to identify the implications of such a situation.

The scope of special needs education is wide. Based on my personal experience as a special needs educator for the past four years, I would say that it includes, e.g., *both* children that seem (and are) within the normal range of IQ or other measures *and* children that are not capable of performing even the simplest tasks for their own survival – let alone have communicational skills etc.[15] Here, I shall focus on the characteristic population of autistic individuals with concomitant intellectual developmental disorder, in particular, with level 2 and level 3 severity levels for autism spectrum

[14] Nassim Nicholas Taleb, *Antifragile: Things That Gain from Disorder* (New York: Random House, 2012).

[15] See also Victoria E. A. Brunsdon, et al., "Exploring the Cognitive Features in Children with Autism Spectrum Disorder, Their Co-Twins, and Typically Developing Children within a Population-Based Sample," *Journal of Child Psychology and Psychiatry* 56, no. 8 (2014): 893-902.

disorder.[16] In such cases: "Severe deficits in verbal and nonverbal social communication skills cause severe impairments in functioning, very limited initiation of social interactions, and minimal response to social overtures from others."[17]

Classic approaches to the problem of consent of such individuals, such as *proxy* consent or *implied* consent, rely on the premises of the *right to an open future*, *substituted judgment*, and the *best interest standard*.[18] However, as Graber concludes,[19] such premises may not sufficiently justify external interventions aiming at replacing the individual's consent, when, as we have seen, the individual is not capable of providing consent in the first place. Have we ended up with a vicious circle?

Elsewhere, I have posed the question whether talent, or equally, autism (with or without concomitant intellectual developmental disorder), are external agents.[20] It is important not to identify the individual with the diagnosed condition. These external agents, however, distort the ability of the individual to consent. This leaves us with two options. We may choose to decide *directly*, based on the positive notions of *protection* and *participation*, or *indirectly*, via the various apophatic terms related to *unintentional* consent, which is *not* consent, as we have already argued. We might even consider combining these two approaches.

Deciding in terms of protecting the individual from possible harm, or in terms of increasing their participation in various activities, one must not violate the person's consenting sphere due to the absence of past or future ability for intentionality. Granted, the person still has one of the two constituents of consent, i.e. directionality: the individual still *wants* things. But as is shown in figure 1, this only leaves room for misinformed consent, unintentional consent and all other types of consent (or non-consent) that apply – cases where intentionality is below average, i.e. below the reference point which would correspond to point (0,0), and directionality is above average, i.e. above the said threshold. By doing this, we have at least limited our options to a more localized area within our model. This area is shown in figure 4 (grey area). That is where we should look for relevant terms before we make our decisions.

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[16] American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders: Dsm-5* (Washington: American Psychiatric Publications, 2013).

[17] Ibid.

[18] Abraham Graber, "Autism, Intellectual Disability, and a Challenge to Our Understanding of Proxy Consent," *Medicine, Health Care and Philosophy* 20, no. 2 (2017): 229-236.

[19] Ibid.

[20] Konstantinos G. Papageorgiou, "Talent as an Unintentional Agent," *BIO-HΘIKA* 1, no. 2 (2015): 38-54.

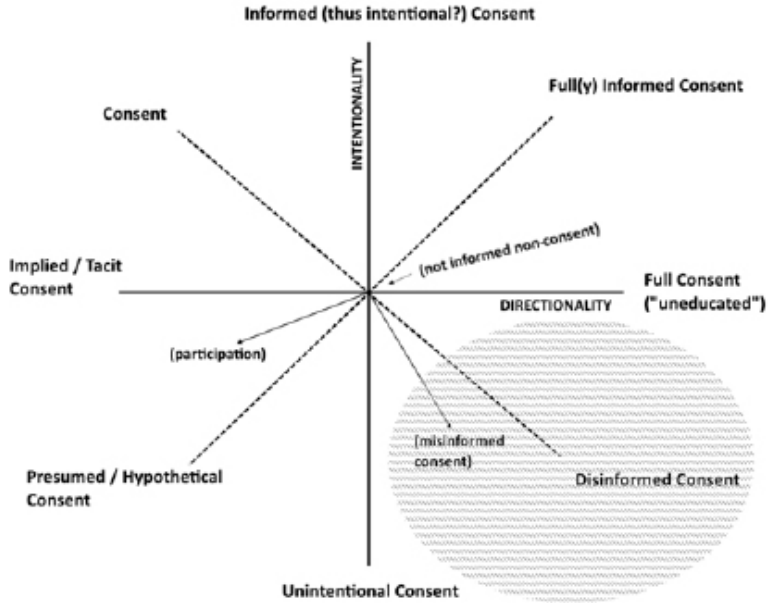

Figure 4. Types of consent expected from special needs individuals (autistic, with or without concomitant intellectual developmental disorder)

In the broader field of philosophy and (techno-) sociology of science there exists the dual discipline of STS – Studies in Technology and Science / Science Technology and Society.[21] Within the general public, what is taken for granted (i.e. science is about *knowledge*) is put by STS under scrutiny. Is science really about knowledge? If not, about what else? If yes, is the meaning of what we call "knowledge" (or even "research") *fixed* and *unaltered*? Many classical readings show that the answer to these questions is not positive, but may even be negative.[22] Latour and Woolgar, in specific, demonstrated already from the 80's how deceitful it may be to acknowledge scientific research as driven by *hard facts*, when personal empathies, ambitions and hearsay, all have a major impact to the final output of scientific research. Our own research has also indicated that there exists a chaotic difference between systems of knowledge that are still believed to be identical, such as science, Wissenschaft, *epistēmē* (*επιστήμη*) etc.[23]

[21] See, for example, Harry Collins and Robert Evans, *Rethinking Expertise* (Chicago: University of Chicago Press, 2007).

[22] H. M. Collins, and Robert Evans, "The Third Wave of Science Studies: Studies of Expertise and Experience," *Social Studies of Science* 32, no. 2 (2002): 235-296; Bruno Latour, and Steve Woolgar, *Laboratory Life: The Construction of Scientific Facts* (New Jersey: Princeton University Press, 1986).

[23] Papageorgiou and Lekkas, "Επιστήμη Και (vs) Scientia."

But the general public trusts "science" (assuming it is a single entity), and consents to financing it with astronomical amounts of money; they eagerly send their children to study "science," and they expect positive outcomes from "science." Society eagerly provides plenty of resources to science – let alone that there are groups arguing that we should support scientific research even *more* generously. One could discriminate between two subsets of people who eagerly support science: individuals who are misinformed (or disinformed) about the true colours of science, and the majority of people who prefer not to get too far in the specifics of science, but, nevertheless, maintain a vague positive idea about the usefulness of science, *ergo* a kind of general duty to support it. So, I shall have to argue here that at least in the biggest part, people just provide their undriven – therefore, low in the *direction* scale –, deliberate – therefore high in the *intentionality* scale – consent to their involvement in the holy task of supporting science via e.g. taxation, or by paying tuition fees to universities. This is represented in figure 5 as the grey area in the second quartile. The grey area would include types of consent, such as: "not informed consent," "not unintentional consent," and "voluntary uninformed consent."

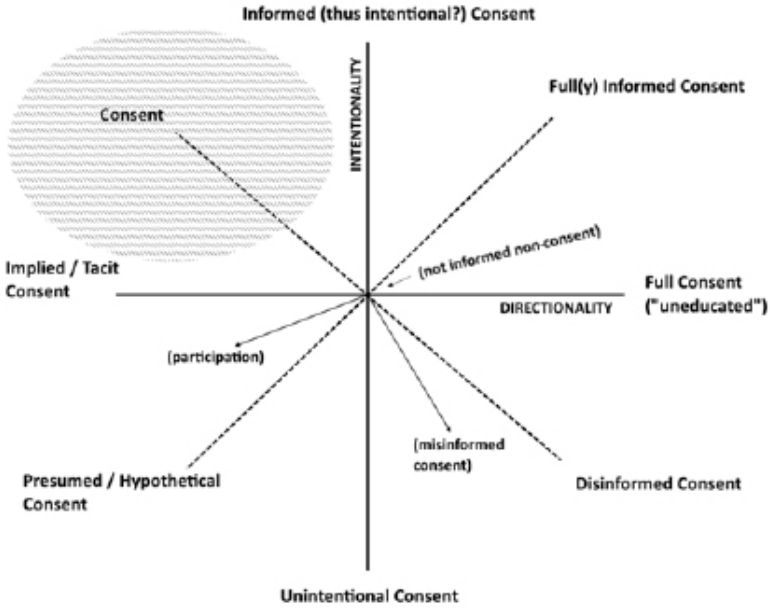

Figure 5. Types of consent expected from the general public in relation to science

Based on the outcomes of the previous section, further on I will attempt to examine "consent training," based on this elaborate model of consent, as well as of the problems it addresses.

IV. Principle of Specificity

Here, I shall focus on the educational aspect of consent and its basic tenets. We have already presented a host of tools that may be used to foster the understanding of consent. In part, then, the educational aspect of consent has already been covered. However, here I am going to focus on the specificity of consent: we cannot expect people to understand consent without special training, simply because they have become more educated *in general*. What do I mean by that?

In regard to the generalizability of "mental functions," Thorndike and Woodworth already since 1901 in a classic paper refuted the idea, popular back then, that students may readily generalize their competence from one subject to others and, for instance, learn Latin to become "generally more intelligent" (unfortunately, a still-enduring idea). As Thorndike and Woodworth concluded, "The functions of judging nearly equal magnitudes are, sometimes at least, largely separate and independent. A high degree of ability in one sometimes coexists with a low degree of ability in the others."[24] The research about *specificity* continued during the decades that followed Thorndike and Woodworth's research, most notably with Franklin Henry, who extended the findings to motor skills.[25] Feltovich et al. argue that "there is little transfer from high-level proficiency in one domain to proficiency in other domains – even when the domains seem, intuitively, very similar."[26] This phenomenon is observed not only in the sciences,[27] but in sports as well, or even in variations of the same game, or in the same game and with the same rules, but played by different numbers of people, or in different environments, or at different periods of time.

We should adopt a Principle of Specificity: being just "better" educated is not going to result in a greater capacity for informed consent – contrary

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[24] L. E. Thorndike, and S. R. Woodworth, "The Influence of Improvement in One Mental Function upon the Efficiency of Other Functions," *Psychological Review* 8, no.3 (1901): 247-261, 260.

[25] Steven Bain, and Carl McGown, "Motor Learning Principles and the Superiority of Whole Training in Volleyball," *Coaching Volleyball* 28, no. 1 (2011): 3-4.

[26] Paul J. Feltovich, Michael J. Prietula, and K. Anders Ericsson, "Studies of Expertise from Psychological Perspectives," in *The Cambridge Handbook of Expertise and Expert Performance*, ed. K.A. Ericsson et al. (New York: Cambridge University Press, 2006), 47.

[27] Such as medicine, where the same physicians showed great variety in assessment skills depending on specific experience with different kinds of cases; Feltovich et al., 47.

to what many tend to believe. Specific and orientated training is needed from the early beginning of the educational process. Consent should be taught in a very specific manner, both theoretically and practically, starting from models such as the one presented here, and proceeding through analysing case-studies and discussing philosophical experiments. Becoming good at mathematics, at history, or, even, at philosophy in general, does not guarantee that individuals will be able to make sound choices as far as consent is concerned, in an era that puts ever-increasing demands on our everyday life: it is quite common nowadays to have to accept "Terms & Conditions" on a daily basis – or even many times during a single day – when in the past people had to go through such a process very few times in months, or even years. I would also add that individuals should also learn how to answer the following crucial questions each time:

1. What exactly do I want? (directionality).
2. How much do I need it? (intentionality).
3. What exactly is being offered to me? (sufficient information).
4. How relevant is what I want to what is being offered?
5. What are the consequences of my consent?

V. Conclusion

The epistemological approach of consent not only does shed light on the concept of consent itself, but it also paves the ground towards becoming more consent-conscious citizens. The model presented here is a first step towards interpreting its theoretical premises in even more ways, and applying it in other practical situations as well.

We need to ask ourselves what we really need consent for, if we are merely deterministic beings. After this brief discussion, the answer would seem to be that, on one hand, there are plenty of variations to choose from and, on the other hand, that philosophical thinking may come up with plenty of ideas that are not realizable; they are archetypes. The existence of these ideal situations is another means of realization for us. The same applies to mathematics: while there are no perfect shapes in reality, their conceptual archetypes help us understand better whatever exists in our world, and provide us with theoretical objects serving as models, algorithms and trends of description and analysis – even if this only means that they provide just a better way of categorizing things.

I would expect that we ought to examine and expand our understanding of consent through a different paradigm, in parallel with the current one.

It is not an entirely new paradigm though; it is merely the application of epistemological principles to philosophical questions. It resembles analytic philosophy, but also differs from it, as it relies on broader aspects of classical epistemology, way beyond what has come to be known as *philosophical logic*.

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O. K. Shevchenko • *Conatus* 4, no. 1 (2019): 99-108
DOI: http://dx.doi.org/10.12681/cjp.18585

Question about the Ethics of Yalta Agreements in 1945. Archaeology of Power in Historiographical Discourses

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Abstract

The Crimea (Yalta) Conference is by all means an extremely complex historical event. Any attempt to estimate its role and significance without analyzing its ethical components would unavoidably result in unduly simplifying the historical reality of the time, as well as in forming erroneous assumptions that would necessarily be used in the analysis of the causes of Cold War. A thorough examination will show that as far as the 'ethical' issues are concerned, there are significant developments with regard to general methodology, as well as its application to the sources. Generations of historians who have addressed the issue of Yalta Conference, although they have not been able to form a scientific, distinct 'ethical' tradition so far, have developed all the necessary prerequisites for its establishment. This is evident in the possibility of segmenting the issue in two parts on the one hand, and on the other in the availability of sufficient sources, structured databases, and selected outstanding works. Still, there are no studies about the Yalta Conference so far that address exclusively ethical issues concerning 'good' and 'evil,' 'morality,' 'duty,' and 'honor.' Although historiographical approaches are to a large extent dependent upon ethical viewpoints, in the case of Yalta agreements so far there have been no techniques available, so as to connect historical accounts with ideology, and historical facts with their philosophical background. In a sense, the situation is quite the same as it is with the study of prehistory: although there is an abundance of data and facts that can be primarily processed, there are no methodological guidelines, nor any devices to classify and explain them. This is also typical for any question raised about the ethics of the Yalta agreements in February 1945.

Key-words: *ethics; historical events; etiquette; archaeology of knowledge; the Yalta conference*

I. Introduction

The relevance: The Yalta Conference, where the heads of the three powers met, is a complex system of events, one that had a huge effect on some among the deepest layers of the human condition

henceforth, at least in several areas: politically, militarily and economically. The overwhelming systemic events of February 1945 that took place in the southern coast of Crimea produced historians,[1] political scientists,[2] and diplomats.[3] It is obvious that such a complicated socio-anthropological phenomenon would necessarily carry a powerful charge of ideological impetus. It could be no different than this, and it seems very difficult to clearly identify the various 'charges,' and produce a detailed account of all their parameters. Anyway, professional historians (to a large degree the creators of our knowledge concerning the Yalta Conference related events) often ignore philosophical questions as such, or neglect them as falling under the domain of political science. But how can they be considered as such? Presumably, the philosophical questions historians are often faced with are comfortably hidden under the veil of war ethics, or even etiquette. Nevertheless, the lack of works that address directly the ethical issues that emerge from the Yalta Conference does not mean that these issues have not been studied contextually from various other aspects. It is crucial to identify and highlight these nuances, and this is mainly due to the fact that without any thorough factor analysis that goes deeply into the ethics that underlie historical events, it is absolutely impossible to re-create an objective picture of the development of modern historiography concerning the Crimea (Yalta) Conference in 1945.

The object of research: The historiography on the Yalta Conference, especially the way historians have dealt with the ethical issues related to it.

The purpose: To suggest a structure for a possible historiography of the ethical issues connected to the Yalta Conference.

Objectives: To identify the range of operational issues related to the stated problem; to classify data according to the objectives and the purpose of this article; to identify the main strengths and weaknesses of modern historiography when it comes to ethical issues related with the Yalta Conference in 1945; to suggest measures on purpose of eliminating any shortcomings, as well as to strengthen any virtues.

The contribution of the predecessors: So far there have been no essential targeted attempts undertaken by historians to study the ethics (either in terms of morality, or of ethics) of the Yalta agreements. Consequently, historiography has been kept away of this field due to lack of sources. However,

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[1] Felix J. Harbutt, *Yalta 1945: Europe and America at the Crossroads* (New York: Publisher Cambridge University Press, 2014); Serhii M. Plokhy, *Yalta: The Price of Peace* (New York: Penguin, 2010).

[2] Сергей В.Юрченко, *Ялтинская Конференция 1945 Года: Хроника Создания Нового Мира* (Симферополь: Крым, 2005).

[3] Edvard Stettinius, *Roosevelt and the Russians: The Yalta Conference* (Garden City, New York: Doubleday, 1949).

from time to time, several researchers have attempted to determine the scope of the questions related to the ethics of the Yalta agreements. They did it rather in terms of populistic approaches, or by means of combining historical and historiographical problems. Some among the studies that belong to this field are those by historians and researchers such as: N. Tolstoy, G. Hajdarova, V. Pechatnov, A. Isakov, S. I. Losev, and Y. Yurchenko.[4] Some general methodological suggestions have also been recommended by the author of this article.

The main content: It seems that the issue that regards the examination of the ethics of Yalta agreements has at least two segments. Although these segments are thematically linked, they are still strictly distinct as far as methodology is concerned.

II. Segments

The first segment concerns etiquette, as well as diplomatic ethics. In other words it deals with the historical reality that is related to the behavior, the conversations, the remarks, the emotions, the letters, etc. of the participants in Yalta summit in 1945. There are questions that regard their relationship to each other (within their delegations), and between the negotiating partners from other countries. This set of issues is related to their behavior during the official negotiations and formal banquets, meetings and informal 'carousing.' This segment is complex and by no means unequivocal. It covers issues such as the nature of the protocol and the ethical views of individuals. For example, it examines the order of the signatures that were put on the documents that were signed in Yalta. Which exactly should the order be? A fair suggestion would be that they should appear in alphabetical order. But according to which language, English or Russian? It seems that there are more questions than answers, which is a typical situation in cases as such, when a certain issue de facto exists, its importance has been made manifest, but there is no standard way of dealing with it, while at the same time it doesn't belong to a single field. In other words, there is a massive amount of facts, but only a scarce amount of terms; an abundance of events, but scarcity of reflection.

The second segment is associated with assessing the Yalta agreements as an aggregate, as a kind of a solid historical co-emergence. How ethically justified was it to decide the fate of Poland, Yugoslavia, France, etc., despite

[4] Олег К. Шевченко, "Ялтинская Конференция 1945 г.: В Гносеологическом Поле Философии," *Культура Народов Причерноморья* 259 (2013): 197; Олег К. Шевченко, "Этические Вопросы Крымской Конференции 1945 г. с Точки Зрения Философии Истории," *Культура Народов Причерноморья* 274 (2014): 95-97.

the fact that no representatives of these countries were invited to the negotiations? Is it that the heads of the three powers, the USSR, the USA, and the UK, had the moral right to determine the future of the world just because their countries were those who made the most decisive contributions to the Great Victory? Even assuming that they did, however, does this also give them the moral right to violate the etiquette? The question is not as simple as it seems. Any answer to this seemingly banal theoretical question may instantaneously result in a hail of stones by the champions of national pride from various directions. For example, if the answer is 'yes,' one should also have to accept that the decision regarding the partition of Poland was equally fair. In case the answer is 'no,' one would be justified in questioning the relevance of the Great Victory, stressing the ethical inconsistency of arrangements as such, and even challenging the justification of the fight against Germany. Such a view, however, would obviously be unappealing to those who are attached or sympathetic to the Soviet era. Another cluster of related questions regard the degree to which the solutions suggested by Roosevelt, who was seriously ill at the time, or by Churchill, who admittedly was in the habit of consuming large quantities of alcohol daily, should be considered legitimate, at least from the point of view of common sense and ethics. If the answer to this is 'no,' then the whole reality of Yalta in 1945 begins to acquire the nightmarish caricature features of a tragicomic farce, and one may even reach the conclusion that the Yalta meeting was just a relapse of universal evil, this time substantiated in the face of Stalin.[5]

These segments cover most of the issues associated with the questions on 'ethical Yalta 1945.' It is obvious that all of them are offspring born to the same mother; historical facts need to remain long in the womb of philosophy until they have reached a state of maturity. When they emerge out of it, however, they immediately become subject to the most tyrannical nurse, ideology. Ideology becomes the source of various ethical and scientific problems by forging powerful weapons to be used in the 'information war,' and is usually connected with scientific populism. And this is typical for both sides of the Atlantic. Let's try to trace the structure of historical knowledge concerning the stated issues by starting with the sources.

III. The sources

The sources of the first segment are threefold. The first source consists in the extant official conference documents, mostly two well-known collections

[5] "Ronald Reagan, Statement on the 40th Anniversary of the Yalta Conference, February 5, 1985," online by Gerhard Peters and John T. Woolley, The American Presidency Project, accessed May 29, 2018, http://www.presidency.ucsb.edu/ws/?pid=37947.

published in the USSR[6] and the USA. Of the greatest interest is the collection that was published in the USA,[7] since the Soviet one mostly includes white papers, technical documents and edited official texts that record the meeting, and therefore from an ethical viewpoint it has little to inform us on. On the contrary, the American collection abounds with alternative recordings of the same meetings, and is much more outspoken in pursuing 'author profanity:' it contains more scrupulous notes concerning the emotions of the negotiating parties by mentioning instances of applause, attempts to leave the table, and other physical activities. But the American account is not that consistent, and this is mostly due to the fact that it wasn't faxed or otherwise duplicated. In that respect, the Soviet texts are much more reliable, since they were precisely duplicated, which resulted in the quality publication consisting of facsimile copies of the five texts of Yalta from 'Stalin's folder.' The comparative analysis of these sources reveals with the highest possible accuracy the emotions expressed around the table of the negotiations, and monitors the cynical vocabulary that was used to refer to the major political leaders of the time in Europe, as well as to address prevailing political problems.

The second significant source consists in the memoirs kept by various participants. At present there are available more than two dozen volumes of recollections compiled by political and senior military officials, as well as about forty memoires by junior attendants that make extensive mentions to the Yalta Conference. To a large extent these memoires address various ethical issues related to the way the members of the three delegations communicated with each other: a memoir by Admiral Leahy, the official British Cadogan, another by the Soviet Ambassador in the United States Gromyko, one by a female soldier named Zazvonova, another one by a waitress called Shulgina, and many others.[8] However, it is still difficult to establish any methodological filter, by means of which the actual facts that took place in 1945 in Yalta would be exfoliated from the authors' personal commitments, especially since some of these were published as late as in 1972. And even if such a filter, one that would eliminate ideological issues owed

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[6] Андрей А. Громыко (ред.), *Советский Союз на Международных Конференциях Периода Великой Отечественной Войны 1941-1945 гг. Крымская Конференция Руководителей Трех Союзных Держав – СССР, США и Великобритании (4-11 февр. 1945 г.): Сборник Документов* (Москва: Политиздат, 1979).

[7] Foreign Relations of the United States, *Diplomatic Papers: The Conferences at Malta and Yalta 1945* (Washington: United States Government Printing Office, 1955).

[8] Елена Н. Дорошенко, Олег А. Шамрин, Сергей В. Юрченко (ред.), *Крымская Конференция 1945 Года в Воспоминаниях и Документах* (Симферополь: Крым, 2006), 27-99; also 154-204.

to the Cold War ideological controversy could be agreed upon, still the perspectives adopted in personal memoires are far from objective.

The third source consists in photographic and video material, mostly chronicles. There is more than sufficient material of this kind that may serve as an additional source to the material of the first segment. Moreover, in the Russian media have appeared several photographs from Stalin's folder, material that somehow was not censored, although censorship has been typical during the Cold War for USSR and USA media.[9] There is interesting archival footage taken by an amateur from the Roosevelt museum, as well as a selection of documentary photographs from the collection of Sir Winston Churchill.

The sources of the second segment are three, and they are thematically distinct to each other. Of particular significance is especially an array of two-party diplomatic documents, that is, English and French, French and Soviet, American and French. There is also an array associated with the development of the French problem. At present there is no general material that could serve as guidance for historians on Yalta-related sources. Concerning this there have been some individual attempts consisting in a series of articles by Gibianskogo (focusing on South-Eastern Europe),[10] and some monographs produced by Koshkin and Slavinskogo (on the Japanese issue).[11] But this is just the background of the body of these sources. There are no comparative tables (moral values, moral obligations) for the largest diplomatic fora of 30-40s (from Munich to Paris Conference), which would facilitate moral judgements on grounds of 'fairness,' 'honor,' etc. concerning the decisions made in Yalta. Concerning this I stress that the problem is not the lack of methodology, and in the absence of qualitative and structured database.

The ethical and ethical-historiographical nuances of Yalta 1945, as I already claimed, have by and large been neglected so far by scholars. There are only a few vivid mentions that, nonetheless, have not received extensive attention. Some historiographical 'nuggets' can be located in the work of Crimean researchers: as far as the Crimean School is concerned, the Yalta Conference in 1945 has never been merely a historical fact. On the contrary, to Crimean historians the ethical aspects of the issue have always been of great significance, as it is evident in Gurkovich's sketches, in the

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[9] Наталья А. Нарочницкая (ред.), *Ялта-45. Начертания Нового Мира* (Москва: Вече, 2010), 41-210.

[10] Леонид Я. Гибианский, "Вопрос о Болгарии, Румынии и Венгрии на Крымской Конференции," *Советское Славяноведение* 2 (1982): 9-22.

[11] Борис Н. Славинский, *Ялтинская Конференция и Проблема "Северных Территорий"* (Москва: Новина, 1996).

insightful psychological account of the Yalta events provided by Yurchenko,[12] or in the original cultural accounts by Shamrin.[13] In the mainland of Ukraine of major interest – instead of historical events – usually appear to be issues related to personal factors, as well as an 'eternal' metaphysical question, as it is evident in utterances such as "Yalta: Triumph of good or evil?," "Yalta became Ukraine's funeral home," that are indicative of the depth of the issues addressed. And if the first segment stands for the most important aspect for Crimean scholars, Ukrainian historians undoubtedly are much more interested in the second one.[14]

The situation becomes even more complicated when it comes to Russian historiography. Scholars from Russia pose no questions about the ethics of Yalta; they only seem to be bringing forward unambiguous and quite positive views. The emphasis is usually put on a set of clear answers, leaving aside any ideological issues and considering unnecessary any research concerning the ethics of the agreements.[15]

The examination of the ethics of the Yalta agreements usually leads to two distinct approaches, the 'humiliation and insult' one, and the 'it was what was it' respectively. The first approach is more or less endorsed by Polish, Lithuanian and French scholars, who are inclined to discuss Yalta in terms of 'treason,' 'conspiracy,' etc. American and British scholars, on the other hand, often make extensive use of terms such as 'surrender interests,' 'moral loss,' 'strong-willed failure' of the US-British delegation as a consequence of the loss of Self-Profiting after the war.[16]

The proponents of the 'it was what it was' view concerning Yalta just consider it as a typical instance of diplomatic struggle, a 'pure' historical event, one that cannot be a proper subject of neither moral nor ethical reflection, the outcome of rational calculation in cold blood, exactly like a game of chess or poker.[17]

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[12] Сергей В. Юрченко, *Ялтинская Конференция 1945 Года: Хроника Создания Нового Мира*, 95-154; also 312-315.

[13] Олег А. Шамрин, "Арденнская Операция и ее Влияние на Позиции Союзников на Крымской Конференции," *Историческое Наследие Крыма* 9 (2005): 9-11.

[14] Oleg K. Shevchenko, "Yalta-45: Ukrainian Science Historiographic Realia in Globalization and Universalism Era," *Science and Education, a New Dimension. Humanities and Social Science* 1, no. 2 (2013): 39-42.

[15] Oleg K. Shevchenko, "Source Study of the Crimean Conference 1945: Scientific Ethics Issue," *Вісник Львівського Університету Серія Міжнародні Відносини* 35 (2014): 44-50.

[16] Felix Wittmer, *The Yalta Betrayal. Data on the Decline and Fall of Franklin Delano Roosevelt* (Caldwell: The Caxton Printers, Ltd., 1961).

[17] Buhitte D. Russell, *Decisions at Yalta. An Appraisal of Summit Diplomacy* (Wilm-

IV. Conclusion

The Crimea (Yalta) Conference is by all means an extremely complex historical event. Any attempt to estimate its role and significance without analyzing its ethical components would unavoidably result in unduly simplifying the historical reality of the time, as well as in forming erroneous assumptions that would necessarily be used in the analysis of the causes of Cold War. A thorough examination will show that as far as the 'ethical' issues are concerned, there are significant developments with regard to general methodology, as well as its application to the sources. Generations of historians who have addressed the issue of Yalta Conference, although they have not been able to form a scientific, distinct 'ethical' tradition so far, have developed all the necessary prerequisites for its establishment. This is evident in the possibility of segmenting the issue in two parts on the one hand, and on the other in the availability of sufficient sources, structured databases, and selected outstanding works.

Still, there are no studies about the Yalta Conference so far that address exclusively ethical issues concerning 'good' and 'evil,' 'morality,' 'duty,' and 'honor.' Although historiographical approaches are to a large extent dependent upon ethical viewpoints, in the case of Yalta agreements so far there have been no techniques available, so as to connect historical accounts with ideology, and historical facts with their philosophical background. In a sense, the situation is quite the same as it is with the study of prehistory: although there is an abundance of data and facts that can be primarily processed, there are no methodological guidelines, nor any devices to classify and explain them. This is also typical for any question raised about the ethics of the Yalta agreements in February 1945.

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R. Solunchev • *Conatus* 4, no. 1 (2019): 109-122
DOI: http://dx.doi.org/ 10.12681/cjp.21717

Ontology of Time as a Deconstruction of Space: An Essay on the Philosophy of Byzantine Music

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Abstract

In this paper the author examines the ontology of Byzantine music in its self, its aesthetical ground, the philosophical and cultural principles of creation, its episteme, the epistemological field that produced its forms from the 12th till the 14th century, and why that musical ontology hasn't change through the centuries. The paper discusses in partucular Ernst Bloch's view that the only evolutionary expression of the Absolute spirit as far as music is concerned, is Western classical music. The author claims that the Western and the Byzantine music stand for two totally distinct and diverse ontologies of the musical being, something that Bloch seems to overlook; this, according to the author, is mostly due to the different systems of representation that have been used, and especially the representational ideas of the time-space relation. The author supports the view that while Western music is spatially-modeled, Byzantine music is time-modeled.

Key-words: *philosophy of music; time and space representation in music; aesthetics as ontology; Byzantine music; Koukouzelis; papadika*

Discussing the centuries-long history of Western music and comparing it with – in his words – *Greek music*, the famous Marxist philosopher and aesthetician Ernst Bloch, a member of the Frankfurt School, in his *Essays on Philosophy of Music* makes a quite strong axiological and metaphysical judgment. In the first essay of his book with the title *The Philosophy of Music* one could definitely consider historicity as the foundation of Bloch's claims. According to him, only Western music can be thought of as having a history considering the development of its musical forms; on the contrary, Greek music has kept its original forms intact, with no substantial changes, and this unique feature makes Greek music a completely unhistorical manifestation of the Absolute spirit. Even in later times Church music, as a continuation of the ancient Greek musical forms, "remained within the confines of monophony."[1]

[1] Ernst Bloch, *Essay on the Philosophy of Music*, trans. Peter Palmer (Cambridge: Cambridge

To anyone who is well versed in the Hegelian legacy that underlies any Marxist aesthetical approach, this statement by Bloch sounds quite reasonable, and is equally expectable. Some further clarification is still needed here, though. The kinds of music Bloch refers to are the ones we call *classical* or *cult* music. In the light of this, Bloch by the term 'Greek music' means exclusively Eastern Church music, while to him 'Western music' is Church music of the Latin West on the one hand, and on the other the individual art music that has been produced during the last five centuries, whose roots can be traced back to the Latin cultural and musical legacy.

Tagging along with Foucault and his concept of *episteme*, one could assume that the development of Western music is a consequence of the changes in the epistemological field that caused the emergence of a new cultural paradigm and new aesthetical ideals in music during the last century of the Middle Ages in the Latin West. Till the 11th century the principles of musical creation were quite similar with regard to both Western and Eastern Church. Historical developments, however, created a new musical episteme in the Latin West. In the face of this, the Eastern Byzantine church petrified its dominant principles of musical creation that were completely developed and established during the last seven centuries of the Eastern Roman Empire – or Byzantium, and its musical praxis would stay loyal to the same patterns of musical creation till present day; nor does the Eastern Church seem to be concerned about profound objections such as Bloch's that adopt historicity as their point of view.

Bloch is very clear about the ontology of the historical relevance of Western music. What is it that brings the Western music into historical relevance? According to him, it is the "contemporaneous experiments in polyphony (and they occurred only in European music)."[2] Polyphony was invented by the Western Church and, as Bloch puts it, "[...] learned monks discovered all kinds of things."[3] This way Greek and Byzantine musical creations remained monophonic, and this is the ontological reason why the Absolute spirit left their historical phenomenology as an overruled phase.

This paper is not intended to be a polemic against Bloch's views. Nonetheless, the issue that concerns monophonic and polyphonic music is a kind of 'musical *Schlagwort*' to me, exactly as it is with successful jazz improvisations: it allows me to focus on the purely philosophical – and by no means musicological – aim of this paper, which consists in *understanding the ontology of Byzantine music in itself, its aesthetical background, the philosophical and cultural principles that have led to its creation, its episteme,*

University Press, 1986), 2.

[2] Ibid.

[3] Ibid., 3.

that is, the epistemological field that produced its forms between the 12th and the 14th century, and the reasons why this musical ontology didn't change through the centuries that followed. I have good reasons to assume that Bloch wasn't very well versed into Byzantine music; as a matter of fact, I believe that he probably was completely unaware of its forms and rules, and there definitely have been practical reasons for this: until the first half of the 20th century there were no notational translations of Byzantine works available in the West, no concerts of Byzantine music performed, no experience of *liturgy*, no particular acquaintance with the works of the greatest Byzantine composers. Bloch makes no particular reference to any of the Greek Church fathers' views and works with regard to music (he finds their views too mystical, mere repetitions of the old theoretical musical books that were in use during the Byzantine era), nor he refers to any of the musical masterpieces of the Byzantine and post-Byzantine period. Nevertheless, some of his claims concerning the very foundations of Western music provide justification for the view that there actually are *two totally distinct ontologies of the musical being*, something that Bloch doesn't seem to be concerned about. The reason for the existence of these two *heterogenic musical ontologies* lies, in my view, in *the different systems of representation*, especially as far as *the representational ideas of time-space relation* are concerned. In my view the Western music is *spatially modeled*, while *the* Byzantine music is *time modeled*.

I.

The Byzantine music has produced several forms throughout its history, but its genuine ontology could be fully apprehended through the most profound style of Byzantine chant, the *papadiki*. During the 12th and 13th centuries there were various Byzantine musical forms for all kinds of occasions, both religious and secular. Until the 10th century the key principle in Byzantine music was that each syllable comes in one distinct tone; this practice was based on the theoretical concept that the lyrical text should have supremacy over the music. But from the 10th century and on music begun to acquire supremacy over the text, hence one syllable could be extended in such a way, as to be uttered by means of more notes.[4] Until the 14th century this method had already become dominant in Byzantine compositions. The new style was called *kalofonikon*, that is, 'hearing that is appealing to the ear.' This new form didn't affect at all the ontology of Byzantine music, that was based on the ontology of time as duration; what it did was simply to reveal the nature of duration and its representation in a much more precise manner. The main aspiration of this style was to establish the supremacy of music over the lyrical text, with the purpose to create musical

[4] See Jevgenij Hercman, *Vizantijska Nauka o Muzici* (Beograd: Clio, 2004), 185.

material that would affect the emotions without any reference to the text. This style was also called *papadiki art*, a term coined by composers and scholars in Constantinople; it originates from the adjective *papadical*, which comes from the noun *papas*, i.e. father. At the time this noun was not used only with regard to priests, but it also referred to other church servants, chanters included. The musical pieces that were produced according to the new style were introduced in the practice of the Church simply as *papadika*.

The most significant figure in the Byzantine music of the time, especially as far as this new method of composing was concerned, was *Ioannis Koukouzelis Papadopoulos*, who lived during the late 13th century; in this paper I will focus on the aesthetical foundations of his music in general. Koukouzelis' compositions are extremely extensive, a sign of particularly broad musical thinking that is typical for the *papadika* period: their duration ranges from twenty to forty minutes – some are even longer. They consist in lots of never ending melodic lines that exceed two octaves, complex transpositions and alliterations, vicious interplay of different modes in one piece and their basic tones, even a lot of tonal center gaps during several pieces; in a word, Koukouzelis' compositions make use of pre-existing, traditional musical patterns in a totally new way. This new style also features peculiar deconstructions of the text: single lyrical sentences were often extended in a forty minutes musical piece; to this purpose the words were exposed to *anagrammatismos*, a method that results in almost infinite repetitions of the same words and phrases, regrouping and replacing the poetic elements of the text, and surrealistically "chopping of the words with insertions between them and their syllables with other syllables without meaning like τε, ρε, κι, χι, νι, τι, χω, and χα."[5] The pieces also include sub-pieces in various tempos that are called *kratimas* (in Greek: *τά κρατήματα*) that, according to Byzantine composers, expand the form of the piece and in some way hold and keep its *μέλος*. The aim of kratimas is to extend the time and to keep the *logos* of the mode alive almost in infinite duration, with very ecstatic melodic lines on words without any meaning, like *ne ne na*, *terirem*, *te ne no*. The idea was to produce the effect that *the chanters chant God,* and *God is chanting through the chanters*. Within this ecstatic ontology of time as duration one transcends any semantic meaning, and enters God's ineffableness. During the last six centuries composers such as Xsenos Koronis, Germanos of New Patras, Valasios the Priest, Petros Bereketis, and others, followed Koukouzelis in his style of composing continuities.

II.

When it comes to Western religious music, there is no doubt that even from the 13th and in the 14th century it had already begun to use harmony and

[5] Ibid., 186.

counterpoint on purpose of creating the notion of the third, the key element of harmony; it is irrelevant whether this happened due to the influence of secular music or not. In the Byzantine East, folk music stayed monophonic until the 20th century, probably due to the fact that the musical forms and ways used by the Ottomans were very close to those of the Byzantines. In Bloch's words:

> The house of tonality has been built, and the actual truly 'musical' breadth, laws of perspective, transcendence of the sound-world, foreshadowed. The individual styles, melodic in the case of Italians, contrapuntal in the case of the Flemish composers, coalesced to provide the desired medium for an expression attained only with passion and deliberate subjectivity.[6]

Bloch in this passage assumes that the 15th – and the beginning of the 16th – century became the last instance of the academism of the monks and their tendency to consider the issues of polyphony and the counterpoint. Melodic elements were now stemming from the accord, and not from the melodic *logos* of the mode, nor from pure melodic flow. According to Bloch,

> It was not until the art of Flemish composers that the soul of mediaeval Christianity found its full resonance [...] Ancient Greeks and the people of the Middle Ages remained almost silent musically.[7]

This passage is indicative of profound eurocentrism, as well as of the inauguration of one system of representation as a meta-position. In this process from the 13th century onwards to Bach and beyond, Bloch finds

> [...] the mixing and the balancing of the lyrical and shaped element in a basically *architectonic, gothically-architectonic*, harmony and counterpoint which represents the special house of this lyricism, or what we might call its *spatially constitutive system.*[8]

It seems that creating polylinear systems opens up music for historical contingency as a form of almost infinitive possibilities for self-constitutive subjectivity.

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[6] Bloch, 4.

[7] Ibid., 8.

[8] Ibid., 23.

> Harmony operates as a *formula*; and entering fully into what is personally meaningful, the specific *rhythmicising*, their elegant, polyphonic, dramatic counterpoint, operates as a *work-form*, as a species, as a *signet-character* of the great composers.[9]

Great composers are simply great individuals. Bloch fully endorses Schopenhauer's view: understanding music is understanding philosophy. In that sense the Western music, as far as harmony is concerned, eventually passed into the sonant-contrapuntal space-substratum of the fugue or the collective symphony, while philosophically it moved towards the "lucid, qualitatively discontinuous historical space of a self-contained epoch or even the whole history of the world."[10] In other words, the evolution of Western classical music is the evolution of the very absolute.

But what about other musical forms, that set out to express the pure being of the cosmos and transcend the fragmentation of the object-relational subject? What about music as an icon of the *cosmos*, as reproduction of the cosmic condition? To Bloch any transcendence in which man does not appear as the result of historically conditioned subjectivity is just another form of mysticism. My thesis is that *the form of music stems directly from the relation to the ontical categories of time and space*, hence any variation in these representations results in different metaphysical significance with regard to musical heterogeneity, and therefore the difference in the musical form cannot be a category of ontologically stipulated evolutional causality, as Bloch implies.

III.

As far as Western music is concerned, the laws of perspective had a huge influence in the minds of artists during the Middle Ages and the Renaissance, which resulted in the introduction of *space* to the temporal ontology of music. The music maintained its temporal modality, but only on the epistemological level, that of experience, depending on the transcendental possibilities of subjectivity. The temporality of music is not a cosmic thing. The introduction of polyphonic music in the West just followed the establishment of the perspective in painting and architecture as a comprehensive ontological model of art. For Schelling, music points towards architecture; every piece of music is just unfinished architecture, while architecture is "music in space," or

[9] Ibid., 91-92.

[10] Ibid., 103.

"solidified music."[11] Polyphony, in that sense, simulates space and transforms musical pieces into space-time systems. Melody and rhythm, the basic dynamic elements[12] of time in Byzantine music (and also, in the traditional music throughout the Ottoman Empire – Arabian, Persian and Indian), to Western music are just parts of (and in total dependence to) the statically-layered-like system of harmony and counterpoint, that evolved historically with no reference to any cosmic transcendence, and this due to the fact that the concept of the processual absolute is being conceived within concrete subjectivity; musical compositions started incorporating architectonic forms. Now each distinct part of the composition functioned as a whole, but it still remained in circular dependence to the whole piece, while the whole depended on the combination of its parts, exactly as an architect, a painter, or a sculptor combines his materials within a space-time continuum. In other words, music entered history as a mediated mater within the phenomenology of the *Geist*, by creating a spatial model in it due to the development of polyphony and counterpoint, and became a history of phenomenological subjective consciousness. Now one was able to judge any piece of music according to the historical knowledge that reveals its underlying philosophy and meta-position, according to the symmetry that characterizes it as a spatial system, according to the wholeness of the piece determined by its periphery that is now considered to incorporate the exact geometrical coordinates of the piece.

Several theoretical or historical papers discuss the development of Western music by means of precise and convincing descriptions of musical forms that assume that music primarily is a spatial entity, or at least an element within a space-time system. The flow of music is a system, since the parts do not exist independently, and they have no function or meaning of their own, nor individual characteristics; every change on any single part causes changes to all others, that is, there is mutual causal connection between them. The representation of any musical piece can only be completely spatial, like crossings from part A to part B to part C, in the existent space of coordinates in the type of continuous relations. The musical form consists in relations of order and relations of dependence, the relations of the sub-structures to the whole structure. The models of description are various: A+A+A+A, or A+B+A+B, or A+B+A+C+A; Mozart's *Fantasy*, for example, consists of parts such as A theme, bridge, B theme, part of variations and development, B theme, bridge, A theme.

The pure experience of time even from the first notes of the composition is immediately represented by space. The real ontological duration of time

[11] Friedrich Wilhelm Joseph Schelling, *The Philosophy of Art*, trans. Douglas W. Stott (Minneapolis: University of Minnesota Press, 1989), 165.

[12] Χρύσανθος, *Θεωρητικόν Μέγα τῆς Μουσικῆς* (Τεργέστη: Michele Weis, 1832).

is let down through the constructed musical space of blocks that interrelate simultaneously and successively, and because of some kind of music score counting, time becomes derivative from music, that is, it is now *mediated* time. To Bergson this is spatialized time as a "composite object," *temps espace*, which is completely different from *temps durée*.[13] *Temps espace* is time already translated by the intellect according to space models, because of its geometrical tendency.[14] To the Western philosophical and mathematical intellect music is spatial-temporal; it is an abstraction of musical movement. The flow is two-dimensional – better, four-dimensional: next to the three dimensions of space there is also that of time, but only as a fourth dimension of space, as space-time. Music is a system of spatially-structured parts that are ordered in space in the form of composed music. Space is a whole that consists of the parts of this composition (theme, variations, variables, and different segments), and the relations among them being similar to ordinary space-relations. In a word, space is a significant property of the musical form.

All events happen in some space-time. In 1908 Herman Minkovski claimed: "No one ever perceives some place that wasn't in some time, and no one perceives some time that wasn't in some place."[15] From that perspective any difference between space and time becomes completely transparent. Bergson and the Byzantines would never accept such a view. To the space-representable model of music, ontology is completely irrelevant, regardless of whether one adheres to the Euclidian geometry, or to curved-space ones. Time is equalized to the directions of space. The space-time continuum is born within geometry, and during the 20th century geometry evolved from being static, to being dynamical. Space and time are dynamic properties that influence all things, but they are also in turn influenced by the things that are contained within them.

But why did Eastern classical and old secular music simply exclude the laws of perspective from all authentic musical forms? According to Schopenhauer, music is at the top of the hierarchy of art, while architecture is to be found several steps below. Architecture is dealing with mater and, hence, with the highest level of causality. Music, on the other hand, is free from all causality, since it deals with tones, and its ontology is temporal: the movement in music is an irrational infinite pursuit, which makes it a pure objectification of the metaphysical foundations of the world. Music is "a

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[13] Henri Bergson, *Essai sur les Données Immediate de la Conscience* (Paris: Presses Universitaires de France, 1988).

[14] Henri Bergson, *Creative Evolution*, trans. Arthur Mitchell (New York: Random House, 1944), 214.

[15] Gerald James Whitrow, *What is Time?* (London: Thames and Hudson, 1971), 106.

copy of the Will itself."[16] According to Bergson, life – and the essence of life itself – is duration (*durée*), and it should comprise intuition as well, and not only intelligence. Intelligence is just a direction that evolution has taken, a space-modeled element of life useful for practical reasons, for adapting to the world. Intelligence is a *mathematism*, not in a mystical sense, but more like a calculus. The ontology of the world is temporal, since the world exists in duration; the world constitutes a continuum that our intellect cuts into segments, just like the camera does with the frames, and by virtue of this process duration is being abolished.

When it comes to music, or to the *musical being*, the intellect also intervenes camera-like. Although the aesthetical subject is plunged into the pure temporal movement of music, through the spatial model it transcendentally over-constitutes the musical being, and masters it as if it were a merely limited object. Every musical piece becomes a system of monads of unity that give up their place to each other. Our mind perceives and comprehends those monads as moving blocks, as a system-object that becomes apprehensible as the intellect moves around it. The openness of musical pieces is not an inherent ontological property of theirs; it is rather a feature that emerges by virtue of historical hermeneutics and interpretation.

IV.

Any discussion about the philosophy of Byzantine music that would remain steadily fixed on Koukouzelis would necessarily be directed towards several facts concerning its outer phenomenology, facts that could be taken to be indicative of its essence; first and foremost, such a discussion should address the form of notation. Western notation consists in a five-line system, where signs are marked as denotations of concrete tones, something like a stenographic description of tones. This is quite telling about the space-representational model, and explains Karl Dahlhaus' claim about musical movement: "we need to have carrier of the movement," and "the higher tone which is following the deeper tone is rather 'other' tone than the 'same' tone on the other place."[17] Byzantine notation, on the other hand, is completely different; it doesn't mark concrete tones on stable positions, but voice movements instead, as well as intervals and jumps. Byzantine notation indicates the duration by a horizontal direction of the movement. Melody, not tones, is the carrier and the subject of the movement. Thus, music acquires a purely temporal model of representation. Within that spirit, some among the *kratimas* are for

[16] Arthur Schopenhauer, *The World as Will and Representation*, trans. E. F. J. Paine (New York: Dover Publications, 1969), 257.

[17] Berislav Popović, *Muzička Forma ili Smisao u Muzici* (Beograd: Clio, 1998), 62.

example: *potamis* (river-like), *aidonaton* (nightingale-like, a clear reference on the natural ecstasy of the bird), *monopnoi* (in one breath) and so one. Counterpoint makes sense only if we perceive melody as a string of spatially separate points of time τ1, τ2, τ3, and so on; if, however, time is seen as a continuous duration, only indivisible melodic flow is capable of giving it any meaningful content.

Second, in Byzantine music there is no vertical harmony, but only a kind of horizontal harmony, a drone, *ison*, which consists in singing the basic tone of the mode, and outlines the interval relation within the mode. The Byzantine music has an iconic structure, and there is absolutely no perspective in it. The *ison* is the musical equivalent of the golden background that is used in Byzantine iconography, being a symbol of the omnipresence of the Holy Spirit.

Third, the foundation of monophony is ecclesial as well as ontological. Monophony substantiates the *ecclesia*, the one Mind, and constitutes the line of demarcation between an accidental gathering of individuals, and a purposeful assembly of persons.

Fourth, the extensive *papadiki* pieces are of an open form; they function as unfinished pieces of pure duration with no system limitations imposed by the transcendental sphere of reason. Symmetry is completely deconstructed, or at least it is not possible to assume any concrete notion of it. This is due to long musical lines, which do not create parts that follow each other within a spatial system of succession – there are no A, B, C models, etc. The repetition of the paradigmatic melodic formulas that are linked to modes express only the objective nature of each mode; they create a sense of infinite play and volatility, rather than that of a stable, consistent structure.

Fifth, musical pieces from the 14th century, especially the *Mathimatas*, are often composed in one mode; quite often, however, during chanting they shift to several other modes without any transcendental reason. For example, the composition with the title *Τόν Δεσπότην* in *Varis* mode begins in lower ZO and stays in that mode only for a while; after that, it shifts to *inner First* mode till the end, concluding not on the basis of this mode, but on that of another dominant tone, leaving its form open and unfinished. Also, the work of Koukouzelis *Κύριε εν τω φωτί του προσώπου σου* in *Varis* mode uses the basic tone GA only as starting point, and the *melos* moves through the *First* mode to tone KE and its plagal mode the whole time, with some short intervals in the *Fourth* mode and its plagal mode, and ends with a short typical cadence of *Varis* mode on its basic tone GA.[18]

[18] Most of the classical papadiki compositions are collected in Ἰωάννης Λαμπαδάριος καὶ Στέφανος Δομέστικος. *Πανδέκτη της Ιεράς Εκκλησιαστικής Υμνωδίας του Όλου Ενιαυτού* (Κωνσταντινούπολη: Πατριαρχικόν Τυπογραφείον, 1851), in 4 volumes; also in Θεόδωρος Π.

Sixth, the aesthetical subject is drawn into the pure duration of the musical movement, and its transcendental solidity is governed by the transcendent being, and not vice versa. Pure musical flow creates the notion of unattainable cosmic *sublime*. In Schopenhauer's terms within Byzantine music the subject becomes an abstract subject of knowledge, and it derives trans-historical subjectivity as a beauty that bursts from the sublime, quite opposite to what Bloch assumes.

In the light of Rodin's analysis of the sculpture of St. John the Baptist, especially concerning the illusion of movement the structure conveys, one could assume that music and movement is a model for sculpture, and not the opposite. In reality time doesn't stop, and if the artist succeeds in conveying the impression of the gesture that lasts only for a few minutes, his work will be less conditioned than the scientific *eidos* in which time suddenly interrupts its flow. For Bergson and Schopenhauer, as well as for Byzantine composers also, the world and the universe have a *musical being*, because they simply last in time. Where is yesterday? Where is the world-space that was created just a minute ago? My voice vanishes within this infinite universe. This is pure duration as a real medium of world ontology. The Byzantine music stays fixed on the Platonic narrative concerning the creation of the world in *Timaeus*: the creator creates this world as a 'kinetic icon of the infinity.' Time is an icon in movement, "an infinite reflection of the infinity which moves according to the rules of numerology."[19] The ontology of the world is very close to the psychical being. Consciousness is of temporal being, and the world is of temporal flow. Music is the pure and accurate expression of that ontology, and this is why the Eastern musical tradition keeps this form. The works of Koukouzelis are pure duration, pure movement of the flow of time fulfilled within the musical content, it is time that has shaped its ontology as expression. The human voice is the carrier of the *logoi* of the modes as concrete *tropes* of the Glory of God. According to John Chrysostom, God forces melody to enter the world of humans (την μελωδίαν ταύτην κατένευσεν προς ημάς), exactly as he did himself. The musical *logoi* that exist in the world participate in the Logos of God as dynamical patterns of the constant creation of Christ. Christ is the *Pantocrator*; he recreates the world infinitely by means of the *spermatikoi logoi* he placed in the world at the very moment of creation. Koukouzelis creates dynamic pieces; they aspire to be forms of the duration of his internal time; there is no symmetry in them because they represent the movements of his soul, his personality as a continuous

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Παράσκου, *Ειρμολόγιον Καλοφωνικόν* (Κωνσταντινούπολη: Τυπογραφία Κάστρου, 1835). In addition to the above see also Γρηγόριος Στάθης, *Οἱ Ἀναγραμματισμοὶ καὶ τὰ Μαθήματα τῆς Βυζαντινῆς Μελοποιΐας* (Ἀθήνα: Ἵδρυμα Βυζαντινῆς Μουσικολογίας, 1979).

[19] Plato, *Timaeus,* 37c-38b.

relentless cry. Paradoxically, by giving the essence of time, of pure time, by using an ontology of time in his music, by seeing pure duration as a medium, he creates a notion of eternity. Unexpectedly, the being of time becomes a key to sublime eternity. Each one of Koukouzelis' pieces may last either for five or thirty minutes; it could start and end at random points, after different ending cadences, because there is no spatial representation within it.

V.

The Western music has its naturalistic foundation in the sensually-oriented epistemological field of Western mentality that evolved from late Middle Ages through the Renaissance till nowadays. Obviously, different forms of art emerge from the context of each culture, and depend on the way each culture feels the world. Maybe the naturalism of the Roman Church painting has its roots in the secularization of culture, or, again, it may be rooted deep in the *historical a priori*; this *episteme* probably has its analogous in music, as well; it is *a feeling*: the inner tendency to feel the *eidos* sensually, to imitate the thing in a sensual manner, or to feel the empirical fact as a symbol. This is the Byzantine experience. For Pavel Florensky, "the perspective is not perceptional fact, but a transcendental need."[20] It is just one among the more possible receptions of the symbolic expressionableness, and *it's not universal*. This is neither a Hegelian, nor a *Eurocentric* philosophical reflection. The Byzantine music and art in general do not spatialize what they set out to express, but its life instead, the *pleroma* of its temporal being. Temporality simply doesn't allow for a fixed expression of the world, and this negative dialectic creates forms that aspire to catch some synthetical *eidos* of the substance. In order to catch the temporal icon of infinity by creating music, one has to create music the way Koukouzelis did.

The musical *eidos* has a life in its self; it constantly changes, pulses, and opens itself up to deep spiritual insight from all aspects. The music created by Koukouzelis incorporates all the philosophical and theological tropes and maneuvers of the Orthodox philosophical and aesthetical thought. For instance, in the great melodies of Koukouzelis one can find the doctrine of *logoi* of Maximus the Confessor, and his insights into the creation as genesis – kinesis – stasis, and this is quite opposite to Neo-Platonism and Hegel. *Stasis* becomes reality, an eschatological eternal being that realizes itself only through the *kinesis* of the world that is being caused by the dynamic nature of the *logoi*. To the Byzantine aesthetical mind beauty is a Truth that enters history, but still remains an absolute idea; it has no history, but not

[20] Pavel Florensky, *Iconostasis*, trans. Donald Sheehnan and Olga Andrejev (New York: St. Vladimir's Seminary Press, 1996), 232.

because it is an abstract, unidentifiable idea: it is the divine *Logos*. Church music is an expression of Christ and its body, its ecclesia as a trans-territory.

It isn't possible to evaluate forms of art through meta-positions, and this due to the temporal perspective of being. To understand the foundations of the philosophy that underlies Byzantine music, one must keep in mind that this music simply refuses to assume anything accidental, contingent, subjective, capricious or arbitrarily. It is a choice that ignores the history of subjective musical expression; it is form with no naturalistic color created by instruments, without theoretical elaboration in Blochian sense. In the essence it is a matter of stylistic unity.

It is obvious that it is impossible to appreciate the Western music through the Byzantine system of representation, and vice versa. These two paths remained two distinct ontological formations of the same civilization, divergent forms of the same life. Is it possible that in the future the European spirit will create musical forms that will synthetize both these musical experiences? This prospect doesn't seem very likely: Byzantine music remained sacred, while Western music deliberately moved towards secular perspectives. What about twelve-tone serialism and Schoenberg's legacy? It refers to polyphony in a way that it binds the process of deconstruction with what is being deconstructed, but also, it reveals the same space models of contrapuntal combination of tones. Is it possibile that current global tendencies in music will pave the ground for some kind of synthesis in the future, for the creation of aesthetical "synchronic machines" that presuppose the Western perspective of subjectivity, but also render it susceptible to new notions of harmony derived from time ontology? What I have in mind is David Bowie's album *Blackstar*, which is metaphorically connected with time and the experience of dying. *Blackstar* in its essence constitutes a quite ascetic perspective: what happens to the space a human being occupies after this person dies? In the case of Koukouzelis, he just transubstantiated the space he occupied into musical time.

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interview

J. Savulescu & E. D. Protopapadakis/*Conatus* 4, no. 1 (2019): 125-133
DOI: http://dx.doi.org/10.12681/cjp.19712

"Ethical Minefields" and the Voice of Common Sense: A Discussion with Julian Savulescu

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Evangelos Protopapadakis: Professor Savulescu, thank you for accepting my invitation; having the chance to discuss with you is a pleasure and an honor. As a Professor of Practical Ethics, you probably often have to explain why there is a need to distinguish between theoretical and practical ethics. I sometimes think that ethics would either tend to be practical, or be pure metaphysics. Please tell me what you think.

comic art **by Achilleas Kleisouras**

Julian Savulescu: Theoretical ethics includes both metaethics (the meaning of moral terms) and normative ethics (ethical theories and principles). Practical ethics involves making decisions about every day real ethical problems, like decisions about euthanasia, what we should eat, climate change, treatment of animals, and how we should live. It utilizes ethical theories, like utilitarianism and Kantianism, and principles, but more broadly a process of reflective equilibrium and consistency to decide how to act and be.

Evangelos Protopapadakis: You have famously claimed that our species' moral progress is trivial when compared with scientific and technical advances,[1] and that this makes man unfit for the future. Your views have been severely criticized by ethicists who base their arguments on the dramatic improvements in the human condition, the dominance of human rights, increased respect for autonomy, personhood and individuality, etc.[2] How would you respond to the challenge?

Julian Savulescu: There has undoubtedly been progress. I have two responses. Firstly, the real progress has not been as great as proponents purport. There has been a veneer of progress. Inequality increases, vast tracts of the human population still live in poverty, people are increasingly exploited by capitalism, and nonhuman animals still live in appalling conditions that will be seen in the future as the slavery of our time. Animal rights is a great example: we espouse equality and better conditions for animals, but most domesticated animals under our control still live in grotesque factory farms. It is moral hypocrisy. The beacon of moral progress and advance, the US, is bursting at the seams with obesity, racism, inequality, exploitation, while waging expensive, illegal and immoral wars around the globe that compromise progress, security and fester terrorism. I don't see as much progress as the progressives.

Secondly, even if there were the grand achievements progressives purport, it still would not be enough. So extensive are our cognitive achievements that our technology is super powerful, for good and evil. Given the stakes, we need to be much more moral and wise in our use of it. To give just one example, human beings have now been gene edited. He Jiankui has edited at least three babies. But the arguments given by him, and even by some respected leaders of the science,[3] are superficial and at times child-like. I am a supporter of human enhancement, but it needs to be stepwise, informed by sound ethics. As I argued, the first in human trials should have been on catastrophic, lethal genetic conditions. Such humans have little to lose when the technology is still raw and could have serious side effects. Even this basic point about

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[1] Ingmar Persson and Julian Savulescu, *Unfit for the Future: The Need for Moral Enhancement* (Oxford: Oxford University Press, 2012), 1ff.

[2] See, for example, John Harris, "Moral Enhancement and Freedom," *Bioethics* 25, no. 2 (2011): 102-111; also Robert Sparrow, "Better Living Through Chemistry? A Reply to Savulescu and Persson on 'Moral Enhancement,'" *Journal of Applied Philosophy* 31, no. 1 (2014): 23-32, and J. Adam Carter and Emma C. Gordon, "On Cognitive and Moral Enhancement: A Reply to Savulescu and Persson," *Bioethics* 28, no. 1 (2014): 153-161.

[3] Julian Savulescu and Peter Singer, "An Ethical Pathway for Gene Editing," *Bioethics* 33, no. 2 (2019): 221-222; Julian Savulescu, "The Fundamental Ethical Flaw in Jiankui He's Alleged Gene Editing Experiment," Practical Ethics: Ethics in the News, published November 28, 2018, http://blog.practicalethics.ox.ac.uk/2018/11/the-fundamental-ethical-flaw-in-jiankui-hes-alleged-gene-editing-experiment/.

reasonable risk has not been grasped. We need better secular ethics education to be sure. But we also need to be prepared to act more ethically and that is a limited human capacity, like any of our capacities.

Evangelos Protopapadakis: You have advocated extreme measures in the pursuit of moral enhancement, including external control by a so-called "god machine."[4] Wouldn't such a development totally annihilate free will and autonomy, making thus morality totally redundant or obsolete?

Julian Savulescu: I didn't advocate the "god machine." It was a thought experiment that will unlikely ever become a reality. It was designed to help us think about the value and place of freedom amongst other values, like well-being and security. It is meant to show that freedom is just one value and some sacrifice of freedom can be justified for well-being. In the example, people lose one freedom; the freedom to desire to kill innocent people. That is a freedom that might, under certain circumstances, be worth giving up. The point is that freedom and autonomy are not trump values, or absolute values. They are very, very important. But it is manifestly true that they are just values that must be balanced against others. That is why we have laws against speeding and murder.

But I also argued that many moral bioenhancements of the kind we were considering (like increasing empathy or altruism) would not undermine freedom. Many would enhance autonomy. For example, I argued that Ritalin improves impulse control. It reduces spontaneous aggression in people with ADHD. But it also increases autonomy and well-being by allowing people to defer gratification and go for larger long term rewards. It is a moral bioenhancer, which is also a cognitive enhancer, which improves well-being and increases autonomy.

Evangelos Protopapadakis: Many philosophers consider certain situations in life, ones we tend to think of as untoward or unwanted – like injustice, suffering, struggle, envy etc. – either as opportunities for moving forward, or even as a blessing for the sufferer. Famously Nietzsche argues that the discipline of great suffering has produced all the elevations of human nature.[5] Would the kind of life you envision, one (in part or fully) devoid of man-inflicted evil, be an equally rich life for humans? Does this perception take into consideration the right to an open future?

Julian Savulescu: It is my view, not this view which takes into account the right to an open future. I think it should be up to people to decide how much

[4] Julian Savulescu and Ingmar Persson, "Moral Enhancement, Freedom and the God Machine," *Monist* 95, no. 3 (2012): 399-421.

[5] Friedrich Nietzsche, *Beyond Good and Evil: Prelude to a Philosophy of the Future*, ed. Rolf-Peter Horstmann, and Judith Norman, trans. Judith Norman (Cambridge: Cambridge University Press, 2002), § 225.

suffering they experience. If you choose to go on a grueling marathon full of pain and suffering, hats off to you. That is entirely different to being put on a treadmill and forced to run, or finding yourself on a treadmill causing enormous pain and suffering and not being able to get off if you want to.

Life will for the foreseeable future inevitably have suffering. We will die, have accidents and get some diseases. Eventually, our technology and bodies will have limits and they will pack it in. Suffering is unavoidable. Giving people some control over the kinds and extent of suffering is a good thing.

As I have argued in a paper with Hannah Maslenand Carin Hunt[6] on motivational enhancement, what really matters is not suffering, but commitment to worthwhile values. Suffering is a good proxy for commitment, as is the cost to a person (as Wittgenstein recognized), but we argue that what really matters is commitment to objectively worthwhile goals. Suffering can help you realize that, and it can be required to attain what is worthwhile, but in itself it is a bad thing. There is no extra value in playing top ping pong with one hand tied behind your back.

Evangelos Protopapadakis: You have argued in favor of procreative beneficence,[7] a principle you consider superior to competing ones, especially procreative autonomy. You discuss PB as a moral choice one is expected or justified to opt for, since doing so obviously is to the benefit of everybody. Could PB also stand for a perfect duty in the Kantian sense, a morally – and legally – binding one? Or this would be a form of moral coercion?

Julian Savulescu: I have argued that procreative beneficence (the moral obligation to select the child with the best prospect of the best life) is a superior moral principle to procreative autonomy. That is, people ought to select the embryo that will be happier and have an objectively better life rather than one which they happen to desire more, say because the embryo will have blond hair and blue eyes. But I also argued that in law, people ought to be free to select the embryos they wish, even if they are acting to choose less than the best. I have also argued that when the public interest is sufficiently at stake, freedom could be curtailed. Coercion in reproduction could be justified when the public interest consideration is sufficient. Say for example many people wished to select a trait which had significant costs to society: these could be through the social costs such as health care, or through those individuals

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[6] Hannah Maslen, Carin Hunt, and Julian Savulescu, '"No Pain, No Praise?': Praiseworthiness and Motivational Enhancement," *Australasian Journal of Philosophy*, (forthcoming).

[7] Julian Savulescu, "Procreative Beneficence: Why We Should Select the Best Children," *Bioethics* 15, nos. 5-6 (2001): 413-426; also Julian Savulescu, "In Defence of Procreative Beneficence," *Journal of Medical Ethics* 33, no. 5 (2007): 284-288, and Julian Savulescu and Guy Kahane, "Understanding Procreative Beneficence," in *The Oxford Handbook of Reproductive Ethics*, ed. Leslie Francis, 592-621 (New York: Oxford University Press, 2017).

causing direct harm to others. It might be legitimate to restrict freedom to some degree to protect society. This is what the Church did in Cyprus to deal with the massive public health problem of Thalassemia. It required couples to have carrier testing before getting married. It did not require prenatal testing, or termination of pregnancy, but this was enough to cause a massive reduction in the incidence of Thalassemia, which was bankrupting their health system. It was coercion, but justified.

Could coercion be justified for the sake of the well-being of the child selected? Sure. If parents wanted to select an embryo with a life which was not worth living (say a life with unrelievable pain and suffering), then this would be grounds for coercive intervention.

I don't think in terms of Kantian perfect duties. There are values: autonomy, well-being, public interest; these give rise to reasons which can conflict. The reasons need to weighed, like vectors in physics, to see what we have most reason to do.

Evangelos Protopapadakis: Autonomy-related concerns are all-pervasive in Bioethics and Medical Ethics. Do you believe that autonomy in general is a bit overestimated? Should it be a lesser concern whenever it conflicts with beneficence, at least as Bioethics and Medical Ethics are concerned?

Julian Savulescu: No, I think autonomy is more important than well-being generally. But I have a very high bar for what constitutes an autonomous decision; it should be rational (fully informed, logical and based on vivid imagination of all relevant alternatives) and based on reasons. People can and should die for causes, giving up all prospect of well-being. But it is important that those choices are fully autonomous, in a Kantian or Millian sense.[8]

Evangelos Protopapadakis: Perfectly healthy offspring is most of the times and to most parents preferable to handicapped or impaired ones. However, is it a good (or, better) thing to have a healthy child, while it is a bad (or, worse) thing to have one with not so good prospects in life?

Julian Savulescu: The reason that medicine is developed to prevent or treat impairments is that it is better not to have those things. The reason folate is put in cereals is prevent spina bifida in pregnancy because it is bad to be paralyzed and have cognitive impairment. If a child develops a condition that without treatment will leave her blind, deaf, paralyzed or intellectually disabled, we should treat that condition because those states are worse, just as my asthma is worse for me.

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[8] Julian Savulescu, "Autonomy, the Good Life, and Controversial Choices," in *The Blackwell Guide to Medical Ethics*, ed. R. Rhodes, L.P. Francis, and A. Silvers, 17-37 (Oxford: Blackwell Publishing, 2007).

Of course, when it comes to persons, rather than states of a person, like asthma or paralysis, everyone should have the best chance of the best life, or be treated equally, or given equal respect. People who are deaf (or have asthma, like me) should have equality of opportunity to participate in society and have their best chance to the best life for them. Saying a condition is bad is not the same as saying a person is bad, or has less moral value. We are not identical with the states of our bodies. We are persons with minds.

Evangelos Protopapadakis: Discussing moral decisions on a better-and-worse basis seems to presuppose selecting angles and views; nevertheless, doing so sometimes (or, always to some) is a bit arbitrary, and this is the most common criticism against utilitarianism: in whose point of view is the outcome of any moral choice preferable to the one of any other? Is there an answer to the riddle?

Julian Savulescu: Questions about value are difficult and unresolved. But I think the move to ethical relativism is not justified. Even if we can't cardinally rank all states from 1-100 does not mean that some states are not better than others. We have to give arguments, and I have introduced the welfarist concept of disability to try to argue for a new way of thinking about disabilities and their value or disvalue.[9]

If one subscribes to ethical relativism, there is nothing to be said about the Nazi's values: they just had different values to us. Ethical relativism is, for practical purposes, equivalent to ethical nihilism.

The great challenge today is to agree on what values we stand for, both as individuals and societies. Freedom, well-being, justice are all defensible values. Some conceptions of these will be justifiable, others not. We need reflective equilibrium to narrow down the candidates.

It is important not to confuse ethical relativism with supervenience, or the context dependency of moral judgements. I gave the example of Cyprus appropriately restricting reproductive freedom because Thalassemia was so common. That condition does not obtain in the UK and so that restriction of freedom is not appropriate. Moral judgements should be sensitive to the facts, but that does not mean there are not universal moral reasons. Reasons are like vectors in physics. They have a direction and strength. The strength varies according to facts, but they continue to point in the same direction. These vectors should be weighed.

Evangelos Protopapadakis: Talking about criticism against utilitarianism – and consequentialism in general – many thinkers, mostly those into the

[9] Guy Kahane and Julian Savulescu, "The Welfarist Account of Disability," in *Disability and Disadvantage*, ed. A. Cureton, and K. Brownlee, 14-53 (Oxford: Oxford University Press, 2009).

Kantian tradition in ethics, argue that utilitarianism is based on some instrumental conception of reason. Arendt, for example, claims that utilitarians fail to distinguish between "in order to" and "for the sake of."[10] Should we, eventually, face moral dilemmas on the basis of worth or value?

Julian Savulescu: I don't really understand that distinction. Utilitarians do base their judgements on worth or value: either people's happiness, or preferences (autonomy), or some objective conception of their well-being. And it treats every person equally by considering their well-being equal to anyone else's. One unit of your happiness is equal to one unit of mine. Your happiness does not matter more just because it is yours. Utilitarianism is radically impartial and egalitarian. I am not utilitarian – I don't believe I ought to give one of my kidney's to someone who needs one. But it is a theory based on reasons and value and a very credible moral theory. I think very often people give silly and superficial objections to it. It is essential prudence at an impartial global level.

Evangelos Protopapadakis: Being able to tell right from wrong, virtue from vice, utility from harm, doesn't seem to be a sufficient reason for selecting one over the other; most people, exactly like Euripides' Medea, seem eager to surrender to what they know to be evil. If the human nature is just like this, how effective may moral education be?

Julian Savulescu: That is why I believe we should consider, explore, research moral bioenhancement to increase moral motivation. Unless one is an internalist who believes knowing what is right involves being motivated to pursue it, we need to buttress moral motivation. I am externalist about moral reason.

Evangelos Protopapadakis: You have advocated organ-donation euthanasia with the purpose of making more organs available for transplant.[11] I am a strong advocate of organ- and body-donation myself; in my view all major traditions in ethics would either justify or even prescribe organ donation, especially when it comes to donation-after-circulatory-death donors, even if the diseased has left no advance directives. What do you think about this? Would implementing wide-range presumed consent organ donation regulations be a morally justifiable answer?

Julian Savulescu: Yes. One uncontroversial moral duty is a duty of easy rescue. If you can bring about great good (or prevent great harm) at little cost to yourself by some action, you should perform that action. Organ donation after death (or unconsciousness, or during dying) is a zero cost

[10] Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1998), 154.

[11] Dominic Wilkinson and Julian Savulescu, "Should We Allow Organ Donation Euthanasia? Alternatives for Maximizing the Number and Quality of Organs for Transplantation," *Bioethics* 26, no. 1 (2012): 32-48.

rescue. If morality requires anything, it requires that. We should: 1. adopt presumed consent, 2. deprioritize those who opt out, 3. remove family vetoes, 4. embrace donation after circulatory death (DCD) and organ donation euthanasia, and 5. allow organ retrieval from people who are permanently unconscious.

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book review

D. Kountaki/*Conatus* 4, no. 1 (2019): 137-140
DOI: http://dx.doi.org/10.12681/cjp.19577

Jessica Pierce. *Run, Spot, Run: The Ethics of Keeping Pets*. Chicago: University of Chicago Press, 2016.

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In her book *Run, Spot, Run: The Ethics of Keeping Pets*, bioethicist Jessica Pierce attempts to explore a narrower field of Animal Ethics, the ethics of keeping pets, as the title indicates. There has not been much research in this field, although contemporary literature has dealt with certain issues within its context, such as the issue of euthanasia (Pierce's previous book, *The Last Walk*, is dealing with this issue).[1] The author states that her main aim is to lead the reader, by the time he reaches the last page of the book, to no longer be sure if the very practice of keeping pets is moral.[2] Although the author proposes the use of a kinder language for discussing about pet keeping, she uses the accepted language throughout her book.

The book consists of forty-eight chapters of short length, divided in four basic sections, each of which covers a facet of the practice of pet keeping. The first section is introductory and its main scope is to show that this region is morally rich, as there is a growing trend for the practice of keeping pets. This trend is primarily the result of "propaganda" from the side of pet industry. Pierce characterizes this trend as a tidal wave in which people along with animals are being carried upon and this may have unintended destructive

[1] Jessica Pierce, *The Last Walk: Reflections on Our Pets at the End of Their Lives* (Chicago: University of Chicago Press, 2012).

[2] Jessica Pierce, *Run, Spot, Run: The Ethics of Keeping Pets* (Chicago: University of Chicago Press, 2016), 217.

consequences.[3] The second section consists of issues of everyday life with pets, like for example the sleeping habits of pets, zoonotic diseases, feeding issues and more. In this section Pierce adopts a loose style, even funny at times, which seems appropriate as most of these issues are trivial. However the author's discussion of these matters has some practical significance as she suggests ways of treatment that contribute to a harmonious coexistence of humans and pets within a household.

In the third section, the author moves on to more weighty issues which are mostly uncomfortable like for example the obscure role of shelters within the pet industry, the sexual abuse, the euthanasia, the commoditization of animals, the exotic animals being kept as pets, and more. In order to shed light on the darkest sides of human interaction with pets she engaged herself in a research from the inside. She made herself aware of the extent of bestiality, by becoming a member in a zoophile chat room. She even learned how to kill a pet by attending a two-day euthanasia-by-injection course for shelter workers. "If you thought that shelter euthanasia was always performed by a veterinarian, think again," she says.[4] All the data and all the details the author provides show that reality is elegantly concealed under the veil of an ostensible benevolence. This section, in my opinion, is the most important one, as the data presented is shocking.

The fourth part seems more conclusive and under the weight of all that has been said up to that point, Pierce tries to reach a conclusion about the morality of owing pets. We should not overlook the fact that we expect at this point to read a well-reasoned conclusion. However, while each chapter of the book effortlessly leads to the realization that pet keeping is primarily an immoral act in itself, the author strives to "save" this practice. The problem is that Pierce is an animal lover who is really attached to her pets. As she states: "My own best argument for pet keeping is right behind me in my office."[5] This statement used as an argument and enforced by her attachment to her pets makes her to turn her back to the logical conclusion of her own research. The consequence is a clear case of logical contradiction. Gary Francione calls this kind of contradiction a "moral schizophrenia:" "we may be said to suffer from a sort of 'moral schizophrenia' when it comes to our thinking about animals. We claim to regard animals as having morally significant interests, but we treat them in ways that belie our claims."[6] Elsewhere he concludes: "We must keep in mind that if we took animal interests seriously,

[3] Ibid., 5.

[4] Ibid., 137.

[5] Ibid., 218.

[6] Gary L. Francione, *Introduction to Animal Rights: Your Child or the Dog?* (Philadelphia: Temple University Press, 2000), 22.

we would not be domesticating animals as 'pets'..."[7] The above mentioned contradiction is admitted by Pierce and is pretty much concentrated in the following phrase of hers: "The most obvious solution, which I mention time and again, is to opt out of the system altogether and not have pets or support any facet of the pet industry. But this is not a solution that the animal lovers among us will want to hear."[8] This statement can be seen either as the biggest weakness of the book, provided that the book is of any academic use, or as being a part of the basic virtue of the book which is the author's proximity to the common feeling.

As a matter of fact though, the author's main argument is totally fallacious. The fallacy in her syllogism is that we cannot set as a major premise of the argument the human desire to associate with other animals[9] and conclude that this desire can adequately substantiate the practice of pet keeping, especially if pet keeping is such an immoral practice as the author constantly alludes throughout her book. Accepting such a syllogism as sufficient is the same as accepting the syllogism that the practice of rape is justified because it gives pleasure to the rapist and fulfills his needs. Under the weight of what Pierce reveals in her book, such an inference seems absolutely superficial. Moreover, pet keeping cannot be seen as the only way for humans to associate with other animals.

In addition, the author's proximity to the common feeling, no matter how meritorious, cannot make up for the considerable distance between what the reader expects by reading the title of the book and what she finally takes by reading the whole book. If the reader seeks for a sufficient philosophical argument she will get really disappointed. The book proves to be mostly a mix of exposure and the author's personal feelings. The author just relies on personal feelings of love toward her pets, and seeks solutions that animal lovers like her can easily welcome. She even provides a list of possible changes that would offer increased protections for the animals into the existing context of pet keeping. Indeed, these changes belong in the realm of possibility, as she says,[10] but cannot serve as an adequate solution for the ills that she herself highlights, especially in the third section of her book. The moral conundrum remains.

Nevertheless, according to the author's words her aim is just to make the reader review the morality of the practice of pet keeping.[11] We have to admit

[7] Ibid., 62.

[8] Pierce, *Run, Spot, Run*, 175.

[9] Ibid., 219.

[10] Ibid., 212.

[11] Ibid., 217.

that this is actually achievable and this is the book's big win. In addition, we have to say that the book provides crucial and important information about weighty issues and its undeniable value lies also in the introduction of the subject matter in an admirably efficient way to the general public.

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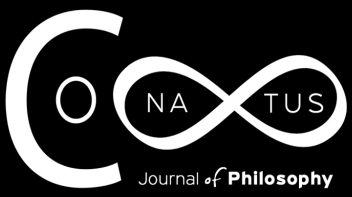
CONATUS 4, NO. 1 WAS DESIGNED BY ACHILLES KLISSOURAS, TYPESETTED IN PF AND UB TYPEFACE, PRODUCED BY THE NKUA APPLIED PHILOSOPHY RESEARCH LABORATORY AND PRINTED IN 100 GR. ACID FREE PAPER. THE ELECTRONIC VERSION OF THIS ISSUE IS HOSTED BY THE NATIONAL DOCUMENTATION CENTER.



www.conatus.philosophy.uoa.gr
p-ISSN: 2653-9373
e-ISSN: 2459-3842