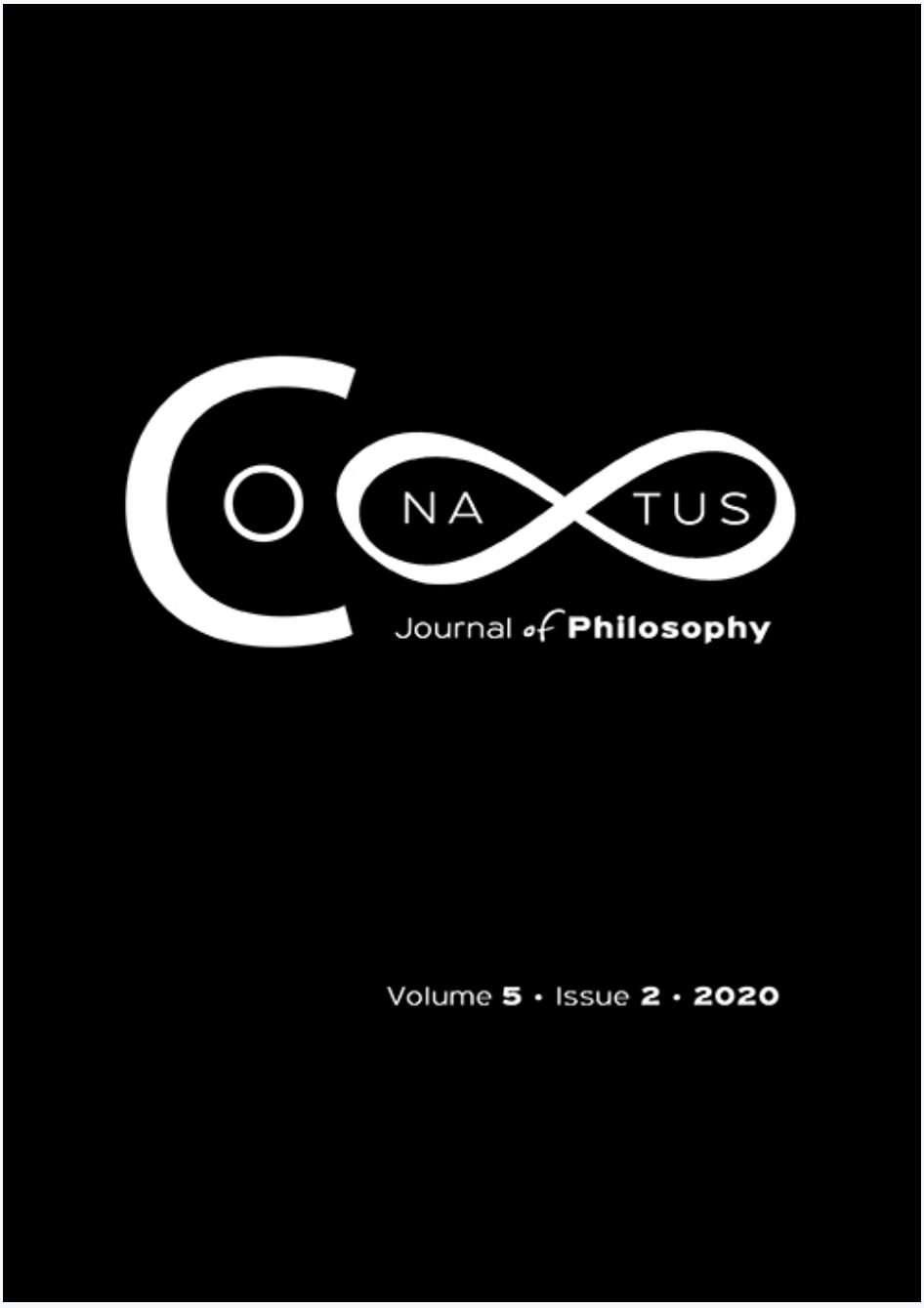
# Conatus - Journal of Philosophy

Vol 5, No 2 (2020)

Conatus - Journal of Philosophy




Volume **5** • Issue **2** • **2020**


Volume **5,** Issue **2** • **2020**

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

**p-ISSN:** 2653-9373

**e-ISSN:** 2459-3842


**Contact information**

School of Philosophy
7th floor, Office 746
University Campus, 15703 Zografos, Athens, Hellas
**e-mail:** conatus@philosophy.uoa.gr
http://conatus.philosophy.uoa.gr
https://ejournals.epublishing.ekt.gr/index.php/Conatus

# contents

## Articles

# articles

F. Corvino · *Conatus* 5, no. 2 (2020): 9-23
DOI: http://dx.doi.org/10.12681/cjp.24898

# Sweatshops, Harm and Exploitation: A Proposal to Operationalise the Model of Structural Injustice

**Fausto Corvino**
*University of Turin, Italy*
*E-mail address*: fausto.corvino@unito.it
*ORCID iD:* https://orcid.org/0000-0003-2954-4215

**Abstract**

*In this article, I firstly discuss the person-affecting view of harm, distinguishing between the liability and the structural models of responsibility, and also explaining why it is unsatisfactory, from a moral point of view, to interpret a given harm as a loss from a diachronic baseline. Then, I take sweatshops as an example and I entertain two further issues that are related to the assessment of harm and that are necessary for opearationalising a comprehensive model of responsibility that takes into account both liability and structural injustice. The first one is how far along the chain of actions leading to harm can structural responsibility be extended. The second one is how to interpret harm when it is coexistent with a diachronic benefit and/or the parties involved in the social structures leading to harm seek to unload their responsibility by appealing to a cooperative deadlock.*

**Keywords:** *exploitation; harm; responsibility; structural injustice; sweatshops*

## I.

According to a person-affecting view, it can be said that I cause you harm through my action X, if – as a consequence of this action – I make you worse off than you were before I performed X – let's call it *the basic harm claim*. This is a very simple and intuitive idea on which, I believe, the great majority of us would agree.[1] However, many further specifications can be added to the short formulation I have just drawn out, so as to uncover the different ethical positions that people might have with regards to the no-

[1] See Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1987), 370. For a purely deontological conception of harm, which does not rely on the person-affecting view, see Rahul Kumar, "Who Can Be Wronged?" *Philosophy & Public Affairs* 31, no. 2 (2003): 99-118.

tion of harm. It might be added, for example, that I am not blameworthy for causing you harm if I had no other choice, or if any other choice I had was much worse than the harm I could have decided to cause to you as an alternative.[2] Consider the case in which I lose control of my car because of a mechanical problem that I could not foresee and for which I am not responsible, so that I end up in your garden and wreck your flowers. I have surely caused you harm, hence I owe you compensation, but am I also to blame for what I have done? Some people might say no, I have nothing to regret, because I was given no choice. Some others, instead, might contend that even though the car was out of my control, I should feel a sort of 'agent-regret' for the reason of taking part – although I was not given the chance of doing otherwise – to the chain of actions that have led to the premature death of your flowers.[3]

The same discourse holds true for the situation in which I happen to step on your flowers in the attempt to escape from someone who wants to stab me, on condition that entering your property is the only realistic way for me to save my life. Here, differently from the previous situation, I have an alternative – letting my killer accomplish his mission. But this alternative would entail such a severe loss for me – my life – that it cannot be compared to the trivial loss I instead decide to impose on you – your flowers. So even here we can either believe that I am not to blame or rather that I should feel agent-regret – remaining constant my duty of compensation toward you. Nonetheless, it is important to stress that a theoretical difference exists between those cases in which I act unfreely and those in which I am forced to do something. For in the latter – as the stabbing case – the moral absolution of the agent that causes harm, by those who exclude agent-regret, is not a given, rather it depends on two elements that are strictly interconnected: the likelihood that the decision of agent A of causing harm to agent B might save agent A from a more prominent harm and the difference in severity between the harm suffered by agent A and agent B. In a few words, if I might be blameworthy for trying to save my life at the cost of you losing your flowers, I might be less justified in doing it if the cost for you is the loss of your entire property – knowing that I cannot compensate you for that –, and I become less and less justified the higher your cost – think for example of the loss of mobility.

Secondly, we might add the further specification that both awareness and causal proximity matter in the allocation of moral blame and of com-

---

[2] On the difference between being forced to do something and doing something unfreely see also Gerald A. Cohen, *History, Labour, and Freedom: Themes from Marx* (Oxford: Clarendon Press, 1988), 241-244.

[3] See Bernard Williams, *Moral Luck: Philosophical Papers 1973-1980* (Cambridge: Cambridge University Press, 1981), 20-39; and, also, Stephen de Wijze, "Tragic-Remorse: The Anguish of Dirty Hands," *Ethical Theory and Moral Practice* 7, no. 5 (2005): 461-463.

pensatory duties related to harm. Consider, for example, the case in which I put some money in an investment fund, and it turns out that my savings have been used for financing a company that buys semi-laboured products from another company that recruits workers in slave-like conditions in a developing country. Am I blameworthy for this? Do I owe compensation to these workers? There is no clear answer, I believe. Much depends on the degree of awareness that could have been expected from me at the moment of the investment. If we assume that finding out the reproachable use that the fund made of my money would have taken days of study and investigation, we might probably conclude that I was not blameworthy for the recruitment of quasi-enslaved workers,[4] while leaving open the issue of compensation. The latter dilemma could probably be unravelled, at least partially, by looking at causal proximity. Taking as a given that those people kept at work at unfair conditions through violence and deception have suffered harm, we could propose a model of responsibility - that might seem reasonable - according to which compensatory duties extend throughout the whole causal chain in a decreasing way. Therefore, those who are more proximate to the action that causes harm – in our case the local employer – have the largest share of compensatory duties and blame. The second largest share goes to those just below the direct performers of harm, the third largest share belongs to those one step further back, and so on.

We could cut the chain of responsibility for a given harm at the point in which it becomes unreasonable to expect that an agent could – and should – be aware that her action will nestle into a sequence of actions that result in that specific harm. In our example, this point is represented by the action through which I entrust my savings to the investment fund, because at this stage it is still disputable whether I could be held responsible for not being aware of the causal relation that links my action to the final harm. Instead, it would be unreasonable, from a moral point of view, to extend this responsibility beyond my investment, to the person – be it my employer or my grandmother – who gave me the money I later decided to give to the fund. For this person – were she paying me or making me a gift – could in no way had imagined that I would have spent my money in an investment with a fund that would have later given credit to a company that would have decided to buy semi-laboured products from a supplier that violates the freedom of a group of employees living in a distant place. In other words, we might say that

[4] Yet, an objection might be that if I do not have the intellectual tools or sufficient available information for understanding how my money will be used, I shall not venture in complex investments. The counter-objection, however, can be that if I lack the knowledge about the complexity of investment funds and of world economy and foreign politics, I might not be aware of the fact that the action I am undertaking is beyond my cognitive reach.

with relation to a given harm, both the moral blame and the responsibility to compensate cannot go beyond the action that causes the last unpredictable deviation in the infinite causal sequence that leads to that harm.

However, and here we come to the third point, the formulation of responsibility for harm that we proposed above can suffice only if we remain at an interactional level, that is to say if we are only interested in looking at the actions performed by single individuals. Conversely, in the case I also want to take into consideration the forms of harm caused by social structures – as we think we should –, we could extend the responsibility for harm much beyond the last unpredictable deviation in the sequence of individual actions from which the harm stems. This is so because each agent operates within a set of rules and norms that constrain individual choices and condition the distribution of social and economic resources.[5] And this set of rules and norms – that for simplicity we can call social structures - can either be just or unjust,[6] depending obviously on which paradigm of justice we adopt. Therefore, if those agents that take part to the sequence of harm are constrained in their choices by the social structure – be it national or global – in which they act, the discourse on responsibility for harm can be extended to those who "[...] contribute to a greater or lesser degree to the production and reproduction of structural injustice precisely because [...] they [...] follow the accepted and expected rules and conventions of the communities and institutions in which [...] they [...] act."[7]

In order to clarify this point, imagine a slightly modification of our example – or a specification, if you prefer – according to which the company that practices violence and exploitation over employees operates in a country in which the national government has implemented a political program of deregulation aimed at attracting foreign investments and that consists in the reduction of workers' rights and in the informal mandate to controllers to ignore pale cases of exploitation. Accordingly, the result is a race to the bottom for employers to remain in the business. Thus, we have a case in which the final action by the agents who do harm is undertaken within a background situation in which the set of alternative options to harm has been severely constrained by systemic socio-economic conditions. The latter have been brought about by a political decision for which all those who took part to

[5] See Andrea Sangiovanni, "Structural Injustice and Individual Responsibility," *Journal of Social Philosophy* 49, no. 3 (2018): 462; Lea Ypi, "Structural Injustice and the Place of Attachment," *Journal of Practical Ethics* 5, no. 1 (2017): 9.

[6] See Iris Marion Young, "Responsibility and Global Labor Justice," *The Journal of Political Philosophy* 12, no. 4 (2004): 365-388.

[7] Ibid., 378.

the democratic process can be held responsible[8] – with different degrees of responsibility depending on the political support they have provided.

Nonetheless, people living in the country where exploitation occurs might defend the political strategy of their government arguing that it had no choice, because had it kept in place the old guarantees for workers and had it not created a friendly and low-tax business environment, foreign investors would have brought their capital to another place. Accordingly, following this argument, we could even maintain that the responsibility for the harm suffered by the exploited workers we are discussing should be broadened to the global order, and hence to those agents that have a substantial influence in shaping its rules.[9]

Fourthly, the notion of harm can be interpreted either in a diachronic sense or in relation to a 'moralised subjunctive baseline.'[10] From a diachronic point of view I do make you harm through my action X if I cause you to be worse off than you were in a historical moment that precedes my performance of X. Conversely, from the perspective of the 'subjunctive moral baseline' I do make you harm through my action X if I cause you to be worse off than you would be in a hypothetical situation in which a given account of justice – that is measured by the baseline – has been respected. This account can either be a very restrictive one, as for example an account merely based on fundamental human rights, or it can require in addition some positive socio-economic provisions of distributive justice – as for example basic capabilities, a contentment-based or an objective sufficiency threshold, and so on. As a result, the 'subjunctive moral baseline' need not necessarily be solely hypothetical, because it can also correspond to an earlier historical moment – although historicity is not a necessary requirement for the moral validity of the baseline.

To make things clearer, consider the case of a person who, while conducting a normal life, gets kidnapped and enslaved. The slaveholder treats his new slave very badly for some months; then he decides to sell him to another slaveholder that is as cruel as the previous one. This slave-exchange takes place several times, with successive slaveholders being almost as rotten toward the slave as the previous one. While at a certain point the slave gets sold to a new slaveholder that is much more compassionate. This master lets the slave conduct an enjoyable life within the house for many years, treating

[8] See also how I. M. Young applies her 'social connection model' of responsibility to the sweatshop case in Iris Marion Young, "Responsibility and Global Justice: A Social Connection Model," *Social Philosophy and Policy* 23, no. 1 (2006): 102-130; and the definition of 'systemic coercion' given in Laura Valentini, "Coercion and (Global) Justice," *American Political Science Review* 105, no. 1 (2011): 212-214.

[9] See also Reuven S. Avi-Yonah, "Globalization, Tax Competition, and the Fiscal Crisis of the Welfare State," *Harvard Law Review* 113, no. 7 (2000): 1573-1676.

[10] Thomas W. Pogge, *World Poverty and Human Rights* (Cambridge: Polity Press, 2008), 25.

him as one of his sons, but never letting him get outside. Is this compassionate slaveholder harming his slave? In a purely diachronic sense, the answer is that it depends on which historical moment we adopt as a baseline. If we look at the previous enslavement, or at the ones before, up to the first enslavement, we should conclude that the last master is not harming the slave but rather is benefiting him. Conversely, if we take the slave's previous condition as free human being as our comparative baseline – as I think we should – we can conclude that also from a diachronic prospective the compassionate master is harming his slave.

However, imagine a slightly different variation of our example, in which the slave has never been kidnapped, rather he has inherited this condition from his parents. In this situation, we cannot argue that the compassionate master is harming the slave in a diachronic sense, because we simply lack a historical point of reference with respect to which the current situation of the slave can be judged as worse off. The only way out of this moral impasse consists in appealing to a subjunctive interpretation of harm, that in our case can also be based on a very thick conception of fundamental human rights. Accordingly, from this theoretical perspective, we can argue that the slave keeps on being harmed while living in the house of the compassionate master, as long as he is prevented from the conjunctive exercise of all his fundamental liberties, independently of whether he has ever had the chance of doing it before.

Nonetheless, I also agree with Lukas Meyer when he underlines that a notion of harm that is simply based on a subjunctive interpretation would run the risk of being too under-inclusive. For if we altogether drop the diachronic interpretation, how would we sanction all those forms of harm that do not cause the victims to fall below the moral baseline? Think, for example, of minor robberies suffered by wealthy people. Therefore, I think that Meyer is entirely right in proposing what he calls a 'combined view,' in which both the diachronic and the subjunctive interpretations are sufficient but not necessary for defining harm.[11]

In short, I sought to argue so far that, within a person-affective view, *the basic harm claim* is the theoretical foundation on which all the further specifications that characterise the different moral positions on harm have been nested. Alternatively, the person-affective view of harm cannot prescind from the straightforward principle that in order to harm you through an action of mine, I have to make you worse off in some respects. There are, however, two further issues that I want to briefly discuss in this short article. The first issue is how through the distinction between the diachronic and the subjunctive

[11] Lukas H. Meyer, "Past and Future: The Case for a Threshold Notion of Harm," in *Rights, Culture and the Law: Themes from the Legal and Political Philosophy of Joseph Raz*, eds. Lukas H. Meyer, Stanley L. Paulson, and Thomas W. Pogge (Oxford: Oxford University Press, 2003), 154-155.

dimension of harm, we can challenge and resist the argument, advanced also by some progressive thinkers, that some realities, as those of the sweatshops, that would be unacceptable in developed countries, are helping rather than harming people living in developing countries, because they offer an opportunity to foster productivity and ultimately to stimulate growth.

The second issue is at which point of the chain of actions that lead to a given harm we should interrupt the line of responsibility. In fact, if we stretch the notion of harm in both the subjunctive and the structural directions, we end up with an account that risks being excessively over-demanding, especially in virtue of the fact that it is almost impossible – or at least extremely difficult – to disentangle ourselves from the harm caused by the social structures of which we are part. The consequences are relevant, because also in our role as simple consumers, we might be continuously part of the chain of actions that lead to injustice and at the same time reinforce the legitimacy of this chain, keeping into consideration both the liability and the structural model of responsibility.[12]

## II.

I shall start with the first issue. In a famous op-ed that was written for *Slate* in 1997, the Keynesian economist Paul Krugman held that even though sweatshops in themselves are awful places to work in, they represent a big improvement with respect to the widespread poverty that characterised developing countries before foreign investments fostered these labour-intensive activities, and at the same time sweatshops can be an opportunity to achieve economic growth.[13] More generally, sweatshops represent the way in which people from developing countries can make their labour productive, relying on technology that is transferred from developed countries.[14] A similar point has also been made, among the others, by Oliver Riley on the website of the free-marketer *Adam Smith Society*. He argued that sweatshops are helping rather than harming the poor, because they lead to

[12] See also Fausto Corvino, and Alberto Pirni, "Discharging the Moral Responsibility for Collective Unjust Enrichment in the Global Economy," *THEORIA: An International Journal for Theory, History and Foundations of Science* (2020): 1-23.

[13] Paul Krugman, "In Praise of Cheap Labor: Bad jobs at bad wages are better than no jobs at all," *Slate*, March 21, 1997, https://slate.com/business/1997/03/in-praise-of-cheap-labor.html. See also Paul Krugman, *The Accidental Theorist: And Other Dispatches from the Dismal Science* (New York: W. W. Northon & Company, 1998), 71-96.

[14] In a previous op-ed article written for the *New York Times*, Krugman aroused a great deal of stir, writing that: "The rapidly expanding exports of newly industrializing economies have put pressure on less-skilled workers in advanced countries even as they offer unprecedented opportunities to tens of millions in the third world. (The wages of those workers are shockingly low but nonetheless represent a vast improvement on their previous, less visible rural poverty.)," Paul Krugman, "We Are Not the World," *The New York Times*, February 13, 1997, https://www.nytimes.com/1997/02/13/opinion/we-are-not-the-world.html.

economic growth, they represent a valid alternative to other forms of employment that are available in developing countries (and he insists explicitly on the positive effects they have on women), which is demonstrated by the fact that these jobs are freely chosen, and they can also increase public revenues, through taxes, hence providing more resources to invest in human development.[15]

Despite the fact that this kind of comments has the effect of arousing indignation, I think that they are empirically correct. What is wrong, though, is to try to derive moral conclusions from empirical arguments that only look at the temporal dimension of harm, renouncing any moral premise.[16] As in the example of the slaves that I was analysing in the previous section, there is no doubt that the benevolent master who treats his new slave in a less harsh way than the former slaveholder cannot be said to harm him in diachronic sense, at least from a person-affecting view, because the slave is now better off than he was before. But the benevolent slaveholder is surely harming the slave in an overall perspective, that is to say, taking into account not only how bad the slave was before but also what are the minimal conditions for a person to lead an acceptable life. Obviously, everything would hinge upon what we mean by an acceptable life, but I guess we would not have many problems in agreeing that a necessary condition for a life to be considered as acceptable is to be guaranteed basic individual rights.

The same discourse holds true for sweatshops. The so-called Asian Tigers, that is to say Taiwan, South Korea, Singapore, and Hong Kong underwent rapid industrialisation starting from the 1960s, moving from being among the poorest countries in the world to the richest ones. Much of the success of these economies can be explained by the fact that they initially offered cheap labour and a flexible labour environment to transnational corporations. Then, when GDP started growing and with it also wages, labour intensive activities were moved to poorer countries, while the four tigers have specialised in advanced technologies and financial services.[17] It is thus true that sweatshops are a valid alternative to many other job opportunities that exist in developing countries, and we should not even be surprised if, placed in front of the question whether to close or to keep open sweatshops, many exploited workers would say that they should remain open.

Therefore, the right question to ask is not – or at least not exclusively – whether sweatshops are better than other jobs, but instead if a company that

---

[15] Oliver Riley, "How Sweatshops Help the Poor," *Adam Smith Institute*, March 20, 2017, https://www.adamsmith.org/blog/how-sweatshops-help-the-poor.

[16] See also Fausto Corvino, *Global Justice, Markets and Domination: A Cosmopolitan Theory* (Cheltenham, UK, and Northampton, MA: Edward Elgar, 2020), 110-112.

[17] See William Gumede, *Radical Economic Transformation: Lessons from the East Asian Tigers* (Cape Town: Penguin Random House South Africa, 2019).

commercialises a final product for 100 dollars is harming the worker who realises this product by paying him only few cents per hour – assuming also that in one hour the worker finalises more than one product – and these few cents, and more generally the working conditions at the workplace, prevent him from fulfilling his basic human rights. Some people respond that no harm is occurring if market contingencies, and in particular the unbridled competition in the manufacturing sector, prevent the employer – or more generally the employers, taking into account all the subcontracting passages that we were discussing before – from offering a different contract. This kind of counter-arguments does not necessarily deny the validity of the subjunctive interpretation of harm as an integration of the diachronic one, but rather seeks to demonstrate that although a better subjunctive account is preferable in theory, it is unfeasible in practice: hence, it does not make sense to assess harm in relation to a moral account that is not historical. In the same way as if there were a person who was going to die and the only way for you to intervene and save him is to cause him great pain. From a moral point of view, we could say that this person enjoys the fundamental right to bodily integrity and everything that violates this right harms him, yet if in this situation you choose to bring him pain, it is unreasonable to say that you are harming him – actually many people would say that you are helping him.

In our case, local employers may say that given the price that the company is willing to pay, the only way to carry out the work is to substantially reduce labour costs. On the other hand, the company might counterargue that in light of the market needs expressed by the multinational corporation, there is no alternative to cheap sub-contracting. Moreover, the multinational corporation may add that the struggle between brands to win market shares obliges it to keep the price of the shoes close to the other brands, hence there is no room for better working conditions.

Honestly, this sort of inverse chain of passing the buck risks justifying a moral deadlock in which every economic actor is stuck in a prisoner's dilemma, which could be solvable through cooperation, yet none has an incentive to run the risk of proposing a collective change. In fact, given the disproportion between wages and final prices in the retail sector, and also the logo effect, that is to say the fact that brands usually multiply what is the 'real' value of items (i.e., how much it costs to produce these items),[18] if those corporations that control the largest share of the market for football shoes agreed on a joint commitment for paying a more acceptable wage to those persons who work or refine the final product, we might assume that the impact on price would be limited, and therefore total sales in the sector would not fall.[19]

---

[18] See Naomi Klein, *No Logo: Taking Aim at the Brand Bullies* (New York: Knopf, 1999).

[19] See also Paul Krugman, "Safer Sweatshops," *The New York Times*, July 8, 2003, https://krugman.blogs.nytimes.com/2013/07/08/safer-sweatshops/?campaignId=7JFJX.

Under these contingencies, that in my view reflect the reality, we can maintain that sweatshops do not cause harm diachronically, and we can even bite the bullet launched by Benjamin Powell and David B. Skarbek, who maintain that sweatshops pay higher wages than other employers and hence are *in some respects* good,[20] without renouncing the idea that sweatshops harm the poor *tout court*, in relation to a hypothetical job contract that could be achieved without the employers incurring in substantial losses and guaranteeing the employees basic human rights. Moreover, the fact that employers may get stuck in a prisoner's dilemma does not mitigate their responsibility for the harm suffered in sweatshops, at least as long as a collective solution can be obtained without market setbacks.[21]

## III.

I would thus move on to the second issue I consider important for operationalising a comprehensive model of responsibility: to which extent an individual can be considered, from a moral point of view, as causally bounded to a given harm, in a world in which we are both interconnected and mutually vulnerable to decisions taken from individuals that are geographically far from our lives. Some philosophers believe that the paradigm of structural injustice suffices to sustain moral responsibility quite far in the chain of actions leading to injustice. Thus, following the famous 'social connection model' of Iris Marion Young,[22] we might say that if John buys a pair of football sneakers in Berlin, and it happens that the multinational corporation that has commercialised the shoes has entrusted the processing of the semi-finished product to a company that has subcontracted the work to local employers in Malaysia who in turn have exploited poor local workers, imposing on them unsafe and indecent working conditions, then John shares a part of the responsibility for the harm suffered by the people who have worked on his brand-new football shoes. Obviously neither Young nor other thinkers who embrace something like the 'social-connection model' would maintain that John is culpable on the liability model for the harm suffered by the local workers,[23] yet they would say that by buying those shoes instead of other ones, John is contributing to keeping in place a structural dynamic of injustice - notwithstanding the fact that the action performed by John, buying a specific pair of shoes because they look

[20] Benjamin Powell, and David Skarbek, "Sweatshops and Third World Living Standards: Are the Jobs Worth the Sweat?" *Journal of Labor Research* 27, no. 2 (2006): 263-274.

[21] See also Fausto Corvino, "Punishing Atypical Dirty Hands: Assessing the Moral Value of Coordination Failure," *International Journal of Applied Philosophy* 29, no. 2 (2015): 281-297.

[22] See also the more recent Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011).

[23] For a critical analysis of this type of conclusions see also Sangiovanni, 465-469.

nice or are cheap or whatever other reason, cannot be said to be morally wrong in itself. And this marks the difference between the contribution of John and the contribution of the local employers to the harm suffered by exploited workers, because the employers are the penultimate tiers of the chain of actions that lead to injustice - in other words, they are those who carry out the action that is morally wrong *per se*, that is to say exploiting someone.

However, let us consider now a second case, which also takes up a situation described in the first section. Chris has saved up some money and wants to invest it to make some profits. He goes to the bank and confides in a financial promoter, who promises him a good profit at a medium/low risk. Chris accepts, so the promoter contacts an international fund and invests the money that Chris has entrusted to him. The international fund continuously purchases and sales shares of a huge number of companies, among which there is also the multinational corporation that sold the football shoes to John. Accordingly, it turns out that in the stock packages in which Chris has invested his money, through the promoter, there are also the shares of this corporation. Lastly, consider this third case. Julia, who is John's grandmother, knows that her grandson needs new football shoes; hence she gives him 100 dollars to buy a brand-new pair. John happily accepts the money and buys the shoes produced by the multinational in question.

Both John, Chris, and Julia are one of the connecting rings of the chain of actions that bring harm to poor workers in Malaysia. More precisely they occupy a place on two different branches that are connected to the chain through the same ring, namely the multinational corporation. The first branch is the following: W, Y, Z[24]... Julia, John, multinational corporation ... exploited workers. The second branch is: A, B, C[25]... Chris, multinational corporation ... exploited workers. The normative challenge consists in assessing at which ring the responsibility fades away and leaves place to a causal involvement that is morally indefinite. Those who simply recur to a liability model believe that the turning point that interrupts responsibility lies somewhere between the multinational corporations and the last ring before exploited workers. Obviously, much would hinge upon to what extent every intermediate actor intentionally decides to enter into connection with the adjacent actor for the purpose of arriving at the final harm. That is to say, if the multinational corporation sets the clear objective of exploiting workers and for doing this relies on a series of intermediate figures, either for preserving its public image or because this is the easiest way, then it would hardly escape its liability, at least from a moral point of view – while it would be different if the corpora-

[24] Z, for example, can be the state paying Julia her pension.

[25] A, B and C can be Chris's employer, the uncle who left him an inheritance, the poker player Chris won money from, and so on.

tion simply got grafted on the chain of actions that we are analysing because it has scented the way to cut costs without knowing and therefore without being interested in what means the next actors will use.

Conversely, those who embrace the structural model would say that responsibility goes beyond the multinational corporation, and it can either supplement liability – thus attributing a double responsibility to the last rings of the chain – or replace it – as it happens when even the local contractors manage to demonstrate that, given the current market contingencies, they were unable to offer better contract conditions. The complication with structural responsibility, in comparison with liability, is to identify its turning point. As I was suggesting in the first section, one possibility for avoiding the indefinite transmission of the structural responsibility consists in assessing at which point the effort (in terms of time and energy) that is required to the actor to understand where the money she disposes of will end up (throughout the chain of actions it contributes to fuel) turns out to be unreasonably burdensome. Can we expect John to know that his shoes have been realised in sweatshops? Obviously, we cannot request John to embark on investigative journalism before entering a store. Thus, the assessment of John's responsibility would seem to depend on the availability of reliable information material concerning the supply chain of the multinational corporation. It would follow that the responsibility for a given harm fades out at the point in which those actors that are causally involved in that harm cannot any longer foresee it through a standard media consultation: i.e., not by investigating on the ethical status of every single product they consume, but by keeping informed about social, political and economic affairs.

The latter can be adopted as a reliable method for measuring the scope of responsibility, and at the same time it introduces a moral sub-duty for economic agents operating within global capitalism, i.e. the duty to be averagely informed about both what happens around them and in the world. In more practical terms, the duty to be informed is fulfilled by watching the news, reading newspapers and generalist magazines, and engaging in public discussion with people around us. Therefore, we might say that for a person to be held morally responsible for a given harm to which she is connected through a chain of causal actions, and hence subject either to a restorative duty or to a duty to take part to a reformative action (be it individual or collective) which aims to eliminate the source of harm,[26] two alternative (or conjunctive) conditions should hold: i) the individual is responsible on the liability model for the harm [and/or] ii) the individual is in the position to know about the harm through a reasonable effort (in other words, the harm can be known by fulfilling the duty to be informed that we were discussing just above) and she

[26] See Young, *Responsibility for Justice*, 95-170.

is in the position to understand and foresee all the passages of the chain of actions that lead to harm.

By using this operational specification of the structural model of responsibility, we can maintain that if the fact that the multinational corporation, in the case we were examining, relies on sweatshops is generally known, because it has been ascertained by journalists, NGOs, international organisations, then John is responsible for the harm suffered by exploited workers, because he indirectly contributes to sustaining the social structures that lead to this harm, while being in a position to avoid it. Conversely, Julia is not responsible for harm, because even though she is also in the position to know how the multinational corporation operates, we cannot expect her to foresee in which shop John will use the money he has received. Obviously, this kind of assertion is open to discussion. Someone might want to say that when John asks Julia money for the shoes, Julia has the moral duty to put conditions to John, of the kind: "I give you the money, provided that you are not going to spend it in the following shops..." If you hold this position, I think we may agree that Julia's responsibility is questionable only in so far as John makes clear to her that he needs money for a specific purpose, but Julia can never be held morally responsible for the money she gives to her grandchild without knowing how, when and if he is going to spend it. Lastly, Chris's situation lies in the middle, and in his case, everything depends on how difficult it is for him to comprehend that his financial promoter is going to invest on 'dirty' shares. I would tend to say that the fact that Chris's action aims at obtaining profits by taking part in the global financial market brings with itself an additional duty of prudence, which demands Chris to make a greater effort to understand the functioning of the global market and the way in which the intermediaries he relies on operate. Accordingly, in my view Chris's case is closer to John than to Julia.

## IV. Conclusions

In this short article, I sought to develop some practical criteria for assessing how far moral responsibility for harm extends along the chain of actions leading to it. I shall now summarise my findings in the following way. An individual can be said to be responsible for a given harm as long as: (i) the individual is the one (or member of the group) who performs the last action leading to harm (hence she is liable for the harm), [and/or] (ii) the individual performs one of the actions that, put in sequence, lead to harm and she is in the position both to know about the existence of harm, through a reasonable epistemological effort, and to understand and foresee all the passages of the chain of actions that lead to harm, [and] (iii) the harm can be interpreted – at least – as subtraction from a subjunctive baseline – no matter whether this baseline does also find an historical correspondence.

**References**

Avi-Yonah, Reuven S. "Globalization, Tax Competition, and the Fiscal Crisis of the Welfare State." *Harvard Law Review* 113, no. 7 (2000): 1573-1676.

Cohen, Gerald A. *History, Labour, and Freedom: Themes from Marx*. Oxford: Clarendon Press, 1988.

Corvino, Fausto. *Global Justice, Markets and Domination: A Cosmopolitan Theory*. Cheltenham, UK, and Northampton, MA: Edward Elgar, 2020.

Corvino, Fausto. "Punishing Atypical Dirty Hands: Assessing the Moral Value of Coordination Failure." *International Journal of Applied Philosophy* 29, no. 2 (2015): 281-297.

Corvino, Fausto, and Alberto Pirni. "Discharging the Moral Responsibility for Collective Unjust Enrichment in the Global Economy." *THEORIA: An International Journal for Theory, History and Foundations of Science* (2020): 1-23.

de Wijze, Stephen. "Tragic-Remorse: The Anguish of Dirty Hands." *Ethical Theory and Moral Practice* 7, no. 5 (2005): 461-463.

Gumede, William. *Radical Economic Transformation: Lessons from the East Asian Tigers*. Cape Town: Penguin Random House South Africa, 2019.

Klein, Naomi. *No Logo: Taking Aim at the Brand Bullies*. New York: Knopf, 1999.

Krugman, Paul. "In Praise of Cheap Labor: Bad jobs at bad wages are better than no jobs at all." *Slate*, March 21, 1997. https://slate.com/business/1997/03/in-praise-of-cheap-labor.html.

Krugman, Paul. "We Are Not the World." *The New York Times*, February 13, 1997. https://www.nytimes.com/1997/02/13/opinion/we-are-not-the-world.html.

Krugman, Paul. *The Accidental Theorist: And Other Dispatches from the Dismal Science*. New York: W. W. Northon & Company, 1998.

Krugman, Paul. "Safer Sweatshops." *The New York Times*, July 8, 2013. https://krugman.blogs.nytimes.com/2013/07/08/safer-sweatshops/?campaignId=7JFJX.

Kumar, Rahul. "Who Can Be Wronged?" *Philosophy & Public Affairs* 31, no. 2 (2003): 99-118.

Meyer, Lukas H. "Past and Future: The Case for a Threshold Notion of Harm." In *Rights, Culture and the Law: Themes from the Legal and Political Philosophy of Joseph Raz*, edited by Lukas H. Meyer, Stanley L. Paulson, and Thomas W. Pogge, 143-158. Oxford: Oxford University Press, 2003.

Parfit, Derek. *Reasons and Persons*. Oxford: Oxford University Press, 1987.

Pogge, Thomas W. *World Poverty and Human Rights*. Cambridge: Polity Press, 2008.

Powell, Benjamin, and David Skarbek. "Sweatshops and Third World Living Standards: Are the Jobs Worth the Sweat?" *Journal of Labor Research* 27, no. 2 (2006): 263-274.

Riley, Oliver. "How Sweatshops Help the Poor." *Adam Smith Institute*, March 20, 2017. https://www.adamsmith.org/blog/how-sweatshops-help-the-poor.

Sangiovanni, Andrea. "Structural Injustice and Individual Responsibility." *Journal of Social Philosophy* 49, no. 3 (2018): 461-483.

Valentini, Laura. "Coercion and (Global) Justice." *American Political Science Review* 105, no. 1 (2011): 205-220.

Williams, Bernard. *Moral Luck: Philosophical Papers* 1973-1980. Cambridge: Cambridge University Press, 1981.

Young, Iris Marion. "Responsibility and Global Justice: A Social Connection Model." *Social Philosophy and Policy* 23, no. 1 (2006): 102-130.

Young, Iris Marion. "Responsibility and Global Labor Justice." *The Journal of Political Philosophy* 12, no. 4 (2004): 365-388.

Young, Iris Marion. *Responsibility for Justice*. Oxford: Oxford University Press, 2011.

Ypi, Lea. "Structural Injustice and the Place of Attachment." *Journal of Practical Ethics* 5, no. 1 (2017): 1-21.

I. Ioannidis · *Conatus* 5, no. 2 (2020): 25-46
DOI: http://dx.doi.org/10.12681/cjp.22296

# Shackling the Poor, or Effective Altruism: A Critique of the Philosophical Foundation of Effective Altruism

**Iraklis Ioannidis**
*Dartford Grammar School, UK*
*E-mail address*: iraklis.iwannidis@gmail.com
*ORCID iD:* http://orcid.org/0000-0001-7945-0618

**Abstract**

*Effective Altruism (EA) is both a philosophy and a movement. The main criticism on EA is that by donating to charities EA leaves fundamental moral issues such as global poverty and injustice intact. EA, arguably, does not promote radical institutional change which could lead to an ultimate eradication of the problems that may endanger people's lives in the first place. In this article, this critique is reinforced from a different point of view. The criticism on EA has been mainly on the performative or the empirical aspect of the movement. That is, criticism on EA focuses on evaluating the practical realisation of its mandates with little, if any, evaluation on its philosophical foundation. My aim in this paper is to extend the critique but from a different angle, that is, by going back to its philosophical underpinnings. By exploring the philosophical foundation of EA, I undertake to show how EA is not authentic altruism as it is founded on the sacrifice of the Other whom is supposed to be saved.*

**Keywords:** *effective altruism; sacrifice; capitalism; the Other; Singer; utilitarianism*

## I. Introduction

One of the most prominent movements of the last decade is 'Effective Altruism' (EA). EA is both a philosophy and a movement. As Peter Singer, one of the founding fathers of EA, tells us, it "is based on a very simple idea: we should do the most we can."[1] Similarly, along with William McAskill, another founding father of EA, they write that EA "is a growing

[1] Peter Singer, *The Most Good You Can Do: How Effective Altruism Is Changing Ideas About Living Ethically* (New Haven, NY, and London: Yale University, 2015), vii.

community based around the idea of aiming to do the most good one can."[2] The most good is construed as being charitable to those who need help to save their lives. Charity is construed mainly in monetary terms, in money. Donating money to charities supposedly saves lives around the world and, thus, ends up being how one can do "the most good." Donating to charities that can provide a proven record that they save or that they have the potential of saving the most lives possible is how one does "the most good" effectively.

EA has received a lot of attention and has generated a lot of discussion which takes place in philosophical journals, newspapers, and on-line in various forums and blogs.[3] The main criticism on EA is that by donating to charities EA leaves fundamental moral issues such as global poverty and injustice intact. EA arguably does not promote radical institutional change which could lead to an ultimate eradication of the problems that may endanger people's lives in the first place. Such criticism, however, is on the performative or the empirical aspect of the movement and not so much on its philosophical foundation. That is, criticism on EA focuses on evaluating the practical realisation of its mandates with little, if any, evaluation on its philosophical foundation. Essentially, it is a consequentialist critique insofar as it focuses on what its results are. My aim in this paper is to extend the critique but from a different angle, that is, by going back to its philosophical underpinnings. I would like to show how the problems that have been noted in the recent criticism are all reflected in the foundational argumentation for EA.

## II. Funding the foundation of EA

EA is a rather recent movement if we go by the name of it. Before exploring EA from the writings of the community, let us reflect for a bit on the title. By its title, EA introduces us to an altruism that is different from what altruism is. The adjective "effective" allows us the possibility to conceive that there are other ways of being altruistic which are not 'effective.' Yet, EA purports to be precisely that. There is a difference in being altruistic and being altruistic effectively. If altruism is simply about doing good, then EA is about "doing good better" or "the most good that you can do" as the supplementary titles of the books of McAskill and Singer announce respectively. But such "adjectivation" adjects, in other words adds or appends[4] to altruism certain conditions. These conditions are questioned in this paper.

---

[2] Peter Singer, and William MacAskill, "Introduction," in *The Effective Altruism Handbook*, ed. Ryan Carey, viii-xvii (Scotts Valley, CA: CreateSpace Independent Publishing Platform, 2015), viii.

[3] For an extensive recent literature review see Brian Berkey, "The Institutional Critique of Effective Altruism," *Utilitas* 30, no. 2 (2018): 1-29.

[4] For the various meanings of "adject" see "Adject," *Oxford English Dictionary*, accessed September 15, 2020, https://www.oed.com/search?searchType=dictionary&q=adject&_searchBtn=Search.

As it has already been noted, EA is both a philosophy and a movement. This "raises the *sticky* question of how books that seek to popularize EA [...] should be evaluated."[5] In this paper, it is this sticky question that is problematised. We can go about reflecting on the philosophy of EA, or on the movement itself, or on the way the philosophy becomes praxis; in other words, how the theory is materialised into action. Whatever one opts to do, what the above comment from Jennifer Rubenstein suggests is of crucial importance because it asks us to apply the principle question of EA on EA itself. That is, we can ask: How good or how effective is EA? But, most importantly for our purposes here, we can ask: How altruistic is EA? In this paper, I would like to risk the hypothesis that EA presupposes the sacrifice of those that it purports to save. With EA, the poor or those in need of being saved from the conditions of poverty are literally and figuratively stuck, shackled in their poverty. To risk an analogy, if the condition of a business is its original funding, its monetary foundation, then the sacrifice of those found in current need come to be the funding of EA which allows the business of capitalism to keep working.[6]

In the *The Effective Altruism Handbook* Singer and MacAskill tell us about the idea of EA and where it comes from. We read that the idea "arose naturally out of recent developments in economics, psychology and moral philosophy."[7] We focus on the philosophy:

> The development of moral arguments, by Peter Singer and others, in favor of *there being a duty to use a proportion of one's resources* to fight global poverty, and in favor of an "expanded moral circle" that gives moral weight to distant strangers, future people and nonhuman animals.[8]

While it is difficult to trace in their writings who the 'others' are, those others who have developed similar moral arguments, we shall first focus on Singer's philosophical argument on there being a duty to use a proportion of one's resources in order to be altruistic.[9] This choice is important and needs a bit

---

[5] Jennifer C. Rubenstein, "The Lessons of Effective Altruism," *Ethics & International Affairs* 30, no. 4 (2016): 516. My emphasis.

[6] See also Amia Srinivasan, "Stop the Robot Apocalypse," rewiew on *Doing Good Better: Effective Altruism and a Radical New Way to Make a Difference*, by William MacAskill, *The London Review of Books* 37, no. 18 (2015): 3-6;

[7] Singer, and MacAskill, "Introduction," xii.

[8] Ibid., xiii.

[9] From the point of view of the history of philosophy, this idea of giving due proportions can be found in the writings of Marcel Mauss based on his ethnological research. Marcel Mauss, *The Gift: The Form and Reason for Exchange*, trans. W. D. Halls (London: Routledge, 1954). However, in Mauss the giving in due proportions is not represented in terms of a system

of clarification. By starting with Singer's widely discussed paper, I am not claiming, as some might hastily read, that the plausibility of EA depends exhaustively on the plausibility of Singer's moral arguments advanced in his 1972 paper. After all, one might be convinced to be an effective altruist (EA) without ever having read (t)his paper. They may rest on *the development of (the) moral arguments* by Peter Singer and others. But the development requires a seed. This seed may not be visible in what has developed – the acorn seed is not visible from the outside. In his writings, Singer identifies the seed of EA in his argument advanced in his 1972 paper.[10] Based on the textual evidence, there is no other philosophical argument to be found as a seed. In this paper, the focus is to philosophically explore such founding or fathering, that is, begetting argument of or for EA.[11]

---

regulated by capitalist principles but it is a giving of reciprocity. Exchange is the condition of this primal form of economy which Mauss identifies as the first form of collective economy but it does not lead to accumulation of capital or differences in property. It would be interesting to interrogate how this research has not attracted attention from the community of EA but this is not the purpose of this paper.

[10] In both his books, Singer starts with the argument of the 1972 paper. In his contribution in *The Effective Altruism Handbook* the same appeal is made. In his recent attempt to defend his moral position from various critics he cites his own 1972 paper with the following: "Given the present conditions in many parts of the world[...] it does follow from my argument that we ought, morally, to be working full time to relieve great suffering of the sort that occurs as a result of famine or other disasters." Peter Singer, "The Most Good You Can Do: A Response to the Commentaries," *Journal of Global Ethics* 12, no. 2 (2016): 163. Unless we completely disregard the textual evidence, the foundational philosophical arguments which condition the development of EA are found in the 1972 paper.

[11] In a recent anthology on EA, MacAskill defines EA but he does not offer a moral argument as a motivating reason to follow EA Cf. Hilary Greaves, and Theron Pummer, *Effective Altruism: Philosophical Issues* (Oxford: Oxford University Press, 2019). He just rephrases the main ideas of a consequentialist thinking – I am saying consequentialist and not utilitarian as Gray, and Frazer do. Cf. John Gray, "How & How Not to Be Good," review of *The Most Good You Can Do: How Effective Altruism Is Changing Ideas About Living Ethically,* by Peter Singer, *The New York Review of Books*, May 21, 2015, https://www.nybooks.com/articles/2015/05/21/how-and-how-not-to-be-good/; Giles Fraser, "It's Called Effective Altruism – But is it Really the Best Way to Do Good?" *The Guardian*, September 23, 2017, https://www.theguardian.com/money/belief/2017/nov/23/its-called-effective-altruism-but-is-it-really-the-best-way-to-do-good. In utilitarianism the most you can do is cashed out in terms of happiness whereas a consequentialist can, theoretically, assume any kind of standard of rightness to maximise. As in his monograph, MacAskill rests on most people's intuition on making a difference and doing good assuming a *pro tanto* reason. But whence and whither such intuition or reason? One might interpret it as an intuition pointing to a universal truth. Cf. William. D. Ross, *The Right and the Good* (Oxford: Oxford University Press, 1930), or as a hard-wired neural mechanism, cf. Donald W. Pfaff, *The Altruistic Brain: How We Are Naturally Good* (Oxford: Oxford University Press, 2015); Iraklis Ioannidis, "The Altruistic Brain," Review of *The Altruistic Brain: How We Are Naturally Good,* by Donald W. Pfaff, *Metapsychology Online Reviews* 19, no. 27 (2015): https://metapsychology.net/index.php/book-review/the-altruistic-brain/, or one may interpret it as a deep-seated habit – cf. Friedrich Nietzsche, *On the Genealogy of Morals and Ecce Homo,* trans. Walter Kauffmann (New York: Random House, 1967) –, a habit like the one MacAskill

## III. Saving a child

Singer's 1972 article starts with the following: "As I write this, in November 1971, people are dying in East Bengal from lack of food, shelter and medical care."[12] Whether used literally or figuratively, the death of the Other seems to have motivated Singer to explore whether or not we have a duty to help and save those who are dying. But where does this duty come from?

Singer says that if it is in our power to act in such a way as to prevent something bad from happening; and if this prevention would not entail our sacrificing something of comparable importance, then we have to act in that way. This principle follows from an "assumption," that is, "that suffering and death from lack of food, shelter, and medical care are bad."[13] At this instance, Singer does not say that death is bad but qualifies badness as a particular kind of death. This qualification opens up the possibility of asking the reason of such a particular death. If this death comes from 'lack,' then at some point we need to face this lack and ask how it comes about. Is it a natural lack? But before we proceed in this path let us follow Singer in his writing.

As Singer avows, if one does not believe that such suffering and death are bad, then his reasoning will not appeal to them and they "need read no further."[14] For those (of us) who share the assumption that Singer articulates would mean that the principle of altruism stated above follows logically. To make this evident, Singer provides us with an imaginative scenario or what is usually called a thought experiment. We shall quote the scenario as it has been written by Singer to avoid missing any important details:

> [...] if I am walking past a shallow pond and see a child drowning in it, I ought to wade in and pull the child out. This will mean getting my clothes muddy, but this is insignificant, while the death of the child would presumably be a very bad thing.[15]

Like most thought experiments, Singer's experiment aims to accelerate our understanding[16] by focusing closely only on what is relevant in making the

asks us to pick up in being effectively altruistic at the end of his monograph: "1. Establish a Habit of Regular Giving." See William M. MacAskill, *Doing Good Better: Effective Altruism and a Radical New Way to Make a Difference* (London: Guardian Faber, 2015), 165;

[12] Peter Singer, "Famine, Affluence, and Morality," *Philosophy & Public Affairs* 1, no. 3 (1972): 229.

[13] Ibid., 231.

[14] Ibid. This exclusion is interesting and raises questions to what effective altruists profess as a need for a global ethics, but we cannot take up this thread here.

[15] Ibid.

[16] For an extensive description of thought experiments and their development see, James

argument. For this acceleration, however, there is a cost: historical sacrifice.[17] For instance, we are not given any further information concerning how we ended up passing a shallow pond. Yet, we ought to, that is, we have a duty, to wade in and pull the drowning child out. If we assume that death is bad and that no death, or something of comparable moral importance, will come to us by preventing it, then we have to do it. The comparison is whether to save a drowning child or get muddy. The death of the drowning child would be, presumably, much worse than the impairment of some clothing. In other words, the issue is about value. The value of life weighs or is worth more than the value of clothing. The animate is more valuable than the inanimate. Most people would, perhaps, agree that saving the child would be the right thing to do – regardless of whether such a statement could be motivated by some sort of social desirability or cultural mandate.

If we feel authentically that we ought to save this child, Singer tells us, then there is no reason why we should not feel the same way for those suffering in East Bengal or any other distant other who would be suffering and dying from food, shelter, and medical care. "The fact that a person is physically near us, so that we have personal contact with him [sic], may make it more likely that we *shall* assist him, but this does not show that we ought to help him rather than another who happens to be further away."[18] If you would really save the child and you feel that this is the moral thing to do, then you really need to save those who need to be saved based on your experiencing their suffering and dying. Although the child may be experienced from a close distance, the moral feeling of obligation should not alter if the experience of someone in need of being saved comes from a medium of communication. The physical distance between your body and their body should not play any role in mitigating this feeling since the experience of their suffering which results from your perceiving it remains the same. The only difference is the medium of perception. With the child you use your eyes, with the refugees you use your eyes and another medium such as pictures, television, internet and the like. The perception of someone being in need of assistance is, essentially, the same. Thus, there is no reason why the moral duty should not be felt from the distant Other along with the concomitant actions which would entail saving them.

---

Robert Brown, and Yiftach Fehige, "Thought Experiments," *The Stanford Encyclopedia of Philosophy*, September 26, 2019, https://plato.stanford.edu/archives/win2019/entries/thought-experiment/.

[17] I am using the term 'historical' with the widest possible scope. In this case, 'history' can refer to past events which can be traced to condition or cause a present situation and its possible future developments. For instance, we are presented with a drowning child. A historical question for this situation would amount to: What happened for the child to end up drowning?

[18] Singer, "Famine, Affluence, and Morality," 232.

Furthering his argumentation, Singer tells us that just because there could be others who could provide assistance for those in need, be they drowning babies or refugees, it does not make it any less obligatory to us that we should help. Our moral obligation should be felt the same and thus propel us to action regardless of any other who could also help. Regardless of what others are doing, our duty is to save the ones in need.[19] Since the distance as physical proximity and the amount of other possible helpers should not mitigate our dutiful obligation to help the drowning baby or the refugees in East Bengal, Singer extends the dutiful obligation to help others no matter where there may be. "Given the present conditions in many parts of the world, however, it does follow from my argument that we ought, morally, to be working full time to relieve great suffering of the sort that occurs as a result of famine or other disasters."[20] In this way, if pulling the baby out of the pond would have fulfilled the moral obligation in the case of the baby drowning, then for the others who are far, the moral duty can be fulfilled by giving money to those who can provide the assistance that would save them and thus relieve their suffering. In Singer's words, "the application of the moral conclusion we have reached" is the "giving away a great deal of money [which] is the best means to this end."[21] And this giving away is not squandering, but, like in the case of Bengal, a giving to those "[e]xperts, observers and supervisors, sent out by famine relief organizations or permanently stationed famine-prone areas [who] can direct our aid to a refugee in Bengal as effectively as we could get it to someone in our own block."[22] In simple terms, this would mean giving a great deal of money to charities – which are made out of people –who can be as effective as we would have been were we to save a drowning child by pulling it out of the pond.

Whereas some people may consider that this giving money to charities might not be "the best means to this end" Singer provides two arguments. Someone might consider that this is the responsibility of one's government and thus they should not engage in giving what the government should (have) be(en) giving. Such thought would waive them from their responsibility. Yet, as Singer argues, we cannot establish whether refusing to donate to charities would either motivate the government to take up or eschew this responsibility. "So, the onus of showing how their refusal will bring about government action is on those who refuse to give."[23] As stated earlier, it

[19] For an analysis of what this argument entails in praxis – i.e. the restriction of collective action – see Rubenstein, 511-526.

[20] Singer, "Famine, Affluence, and Morality," 238.

[21] Ibid., 239.

[22] Ibid., 232.

[23] Ibid., 239.

should be of no concern to us whether any other would (also) engage in the same undertaking. Focusing on our duty we should help regardless.

The second argument for not giving money to private charities as the best means to the end of relieving suffering revolves around the idea of population control. Arguably, letting people die out of famine keeps resources in a good state whereas if the former were saved that would mean spending those resources or part of them and thus "fac[ing] starvation in a few years' time."[24] However, as Singer underscores, that argument simple points to the fact that there needs to be some population control because the limited earth resources cannot indefinitely sustain an ever-growing human population; it does not negate the moral obligation of helping those suffering and dying of famine.[25]

Following these two arguments, which aim to convince us that giving to private charities is the best means to the end of being altruistic, as defined earlier, Singer proceeds to clarify that this moral conclusion can take place in two ways. We can give in two ways. There are two versions of the principle "giving as much as we can" which is analogised with all that we could do. The stronger version is that we "ought to give until we reach the level of marginal utility – that is, the level at which by giving more, I would cause as much suffering to myself or my dependents as I would relieve by my gift."[26] The second one, the moderate one, is the one which is closer to the principle of saving unless this saving means sacrificing something of comparable moral significance.

To conclude, it is our moral duty to do all we can to help others and "taking our conclusion seriously means acting upon it."[27] And this action is an act of charity whereby we give away as much money as we can in order to help those who are suffering or dying. It is on this foundation that EA rests: Giving money. As we saw earlier, there have been some developments to these moral arguments. One such development refers to clarifying what the good is and, all the more so, how we can know what we give is as effective as it could possibly be. In other words, how can we know that all that we can give can have the best possible outcome which should be nothing else than the "most good?"[28]

---

[24] Ibid., 240.

[25] Singer is not very clear here as to whether the starvation refers to the possible descendants of those suffering now or a possible starvation for all. Some philosophers who disagree, like Garett Hardin, believe that we should not help the poor at all otherwise we would all starve sooner rather than if we did not help them at all – cf. Garett Hardin, "Lifeboat Ethics: The Case Against Helping the Poor," *Psychology Today,* September, 1974, 800-812.

[26] Singer, "Famine, Affluence, and Morality," 241.

[27] Ibid., 242.

[28] Singer, *The Most Good You Can Do*, 7, 9.

In the further developments of this thinking, the "most good" is articulated as the improvement of the world such that there would be less suffering and more happiness in it and where people live longer. Effective altruists work in materialising these values which are terminologically packed into the phrase "saving lives." The latter, "of course, only ever means extending someone's life" in a way that they are happy and not suffering. Whereas we do not have a clear indication of what is the ideal number of years one should live, we can risk the hypothesis from the writings of effective altruists that premature death would translate into any age of below 70 years old.[29]

Our moral obligation to do the most we can to save lives, as defined by effective altruists, has also been developed with respect to the action it would require to take place. So now, to fulfil our moral duty according to the developed EA would entail to (a) choose a career which would allow us to make as much money as possible so that we can give as much money as possible to charities – what they call "earning to give,"[30] (b) choosing causes and donating to charities which pursue this cause and which can provide a proven track record that they do save lives or have a verified probability of being able to do so, and (c) giving body 'parts' that we can regenerate[31] and possibly "non-regenerative organ[s]" such as kidneys insofar as they are not causing any serious damage endangering our own well-being. All this amounts to being altruistic effectively.[32]

We have conceptually followed EA and we have also gone all the way back to its founding principle as explained by Singer. Let us go back to EA's childhood – after all, if we are to adopt EA it is the abandoned child that we first need to rescue from its being drowning. By accepting the assumption that Singer set forth earlier, we shall reflect on the analogy that he has attempted. Is saving a drowning child instead of getting muddy analogous to saving the refugees of East Bengal or any other distant Other? Also, is the act of saving the drowning child analogous to giving money to charities?

## IV. How much charity shall we give to EA?

We start by reflecting on the thought experiment. If we were to be as logically strict as Singer asks to do, then we would struggle to see how this drowning child comes easily under the category of *suffering and death from*

[29] MacAskill, *Doing Good Better*, 27-29.

[30] Singer, *The Most Good You Can Do*, 39.

[31] Ibid., 70.

[32] From the point of view of the history of philosophy, these prescriptions do not have any structural difference from Comte's idea of living for others (vivre pour autrui); cf. Auguste Comte, *The Positive Philosophy*, vol. I, trans. Harriet Martineau (London: John Chapman, 1896), 500-560.

*lack of food, shelter, and medical care*. Since we do not have historical or contextual information, this child might have ended up being drowning for a million different reasons other than the category which we assumed to be bad. Nevertheless, let us wade in this murky logical pond and try to follow Singer. Let us give him a free pass for the moment, or as it is usually said, let us be charitable to Singer and allow him to make manifest this duty. Let us assume that we feel that we ought to wade in and pull out the drowning child.

Singer tells us that when presented with this scenario most people or his students would shout out that they would save the child. They feel that this is the moral thing to do. However, just because most people would agree that saving the child is moral, that does not make it necessarily so. This appeal to the majority or to, what amounts to the same, an appeal to representationalism, will haunt us until later. For the moment, the point we need to raise is that what constitutes morality is traced to a feeling of being compelled to have a tendency to act in a particular way when compared to alternatives. The thought experiment, as every thought experiment, excludes all variables apart from the ones that need to be compared. Let us attempt to investigate these variables. According to the thought experiment the variables that are analogised in the two cases are:

1. Perception
2. Evaluating badness
3. Feeling moral obligation
4. Providing aid in order to save

> [...] if I am walking past a shallow pond and see a child drowning in it [perception], I ought [feeling moral obligation] to wade in and pull the child out [providing aid in order to save]. This will mean getting my clothes muddy, but this is insignificant, while the death of the child would presumably be a very bad thing [evaluating badness].[33]

In order for a strict parity between the two cases to obtain we have to secure parity for each individual variable between the case of the drowning child and the case of the distant Other. Singer has already given us some reasons for which perception is analogous in both cases. So far, we have secured the parity of perception as an act. However, we have not analogised the content

[33] Singer, "Famine, Affluence, and Morality," 231. The brackets refer to the variables identified in the thought experiment.

of perception.[34] If the parity of the content of perception does not obtain, then the overall parity will fail. If the extension from child to refugees does not prove to be analogical, then the further analogy from East Bengal as the distant Other to any Other could not pass either.

There are two issues that make the parity of the content of perception difficult to obtain. First, the child is one and the refugees are many. Logically, we can say with Heraclitus[35] that the one and the many are in the end one – so that we can assume logical parity in classes, i.e. class of child and class of refugees. We have to assume a logic of classes to make the analogy happen. The logical parity can be achieved by thinking of *thinking* of a class of drowning children to be saved and then *thinking* of a class of refugees to be saved – the parity is between a thinking of classes. This, however, goes beyond perception. Initially we were asked to think of a perception of a child and then a perception of refugees. Yet, the analogy is not between what is thought to be perceived – or having been perceived – but of a reworked thought; a thought with classes. If the variable of perception is to be kept, as Singer aims to do, then we would have to imagine as many children as refugees – that is the meaning of strict analogy in all levels.

Imagine you come across hundreds of children drowning in ponds – or as many children as refugees you see on television or whatever else medium: Do you still feel the same moral obligation to save all of them? As many as you can? Save them all by yourself? Most of us could possibly answer affirmatively to the first two questions. Yet, if the scenario had us imagining as many children as there were immigrants in East Bengal, then that could have possibly changed the dynamics of whether saving all of them would interfere with the sacrifice of something of comparable importance. Having more children to save may raise the feeling of compulsion to save them but it may equally raise the amount of sacrifice – even if this sacrifice was only of time. The passage between the one and the many does not secure the non-violation of the principle of sacrificing something of comparable importance. And this is the cost of changing from perception into a thinking with classes to obtain an analogy.

We are still examining the variable of perception. Singer attempts to neutralise the variable of distance in perception in order to obtain the parity. Perhaps, Singer assumes that distance is implied only in the case of perceiving the refugees. However, there is also distance in the perception of the drowning child. The perception of the child is not just a perception of a child; it is a

[34] For the importance of the difference between perception and content of perception see Edmund Husserl, *On the Phenomenology of the Consciousness of Internal Time (1813-1917)*, trans. John Barnett Brough (Dordrecht: Kuwer Academic Publishers, 1991).

[35] For the variations of the 'one and the many' see Heraclitus, DK 50, DK 60, DK 106, DK 125, and also DK 7, and DK 41.

perception of a drowning child. Our perception has already been classified as 'child' and 'drowning.' How do we know that the child is drowning? It is given by the scenario of course. But to perceive that a child is drowning and to know that a child is drowning are two different things. Singer says "see" but this 'seeing' which should lead to our moral intuition of feeling compelled to help would have to be a knowing that this is the case. Here Singer enjoys and enjoins the senses of 'seeing' in order to neutralise the distance which is always implied in perception. Seeing a child drowning in an authentic act of perception does not immediately entail knowing that the child is indeed drowning. The child could be playing or faking and the like. I can see something which would turn out to be something else. The condition of seeing with epistemic import requires a particular distance and engagement – not to mention the historical context of each event. And this particular distance and engagement cannot be secured immediately in the case of an additional medium of perception (i.e. tv, internet) which informs us about what is the case.[36] Someone suffering and dying from lack of food, shelter and medical care may have visual signs that provide immediate information about their situation whereas the case of a drowning child does not. Strictly logically, analogous perception fails.

The parity of perception cannot be achieved based on what Singer has given us. But let us provide some more charity to his attempt and allow the possibility that the perceptions are analogical. The second variable that we identified was 'evaluating badness.' We have already given some charity in order to achieve the analogy between the category of drowning and the category of dying out of lack of food, shelter and medical care. To make this happen we assumed the broader category of dying. However, there is an issue of agency which might pose problems in securing the logical parity. For instance, the 'child' is a class of persons and these persons can vary with respect to their agency and their power of acting. We could suppose[37] that the child requires help and we know better what kind of help to provide in order to save them. But the presupposition here is that the child cannot save itself hence our act(ion) is deemed necessary. However, the class of refugees may quantify over persons who know what they need to do to save their lives. If they could reason like we do, could we not ask them what kind of help they need? Would we not be stealing their autonomy as reasonable people if we assumed that we know better how to save them?

If we assume a logical parity between 'children drowning' and 'refugees dying of hunger,' then we would be sacrificing the autonomy of refugees as follows: First, the categories 'drowning' and 'dying of hunger' are bad

[36] The present controversy over the development of the Covid-19 virus as an epidemic or pandemic is an adequate example of this point.

[37] I use the term 'suppose' as we do not have any more historical information about the child which would relate to its capabilities. This problem will haunt us again later.

with respect to the imminent death that they imply. Second, the categories 'children' and 'refugees' end up being analogous with respect to not being able to avert the condition of badness. Yet, the category 'refugees' includes or may include both 'children' and 'adults whereas the category 'children' should exclude 'adults.' With Singer's analogy, however, we could end up doing the following: with respect to autonomy of action and reflecting and acting responsibly, we would be treating the children as refugees and the refugees as children.

Apart from the moral issue involved in this type of thinking, we shall focus on its logical problems. The logical flaw is generated here from an implicit use of a metaphor. 'Pulling the child out of the pond' is used to arrive to the idea of 'pulling the Other out of their suffering and death.' But in our case the issue is of creating an analogy, a logical parity, not a metaphor. To assume that the class of 'drowning child' is analogous to the class of 'refugees dying from' with respect to evaluating the badness of their condition cannot be saved that easily unless we provide some more charity to Singer.

Yet, even with more (logical) charity what we save here will haunt us if we look at the type of aid we could provide. To understand this further we need to introduce an auxiliary concept, the 'body.' The provision of the aid in the case of the child was "wading in" and "pulling out" which refer to one's own body. Bodies come into contact. The aid comes from one's body and, more importantly, from the power of one's body. We agreed with Singer that "if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it."[38] Now, through the referential opacity of 'power' Singer moves into suggesting that providing aid as donating money is analogously powerful to "wading in" and "pulling out" someone who is drowning.[39] But such a logical move does not follow. Even if we presuppose that in the end of both events people's lives are saved, one bodily action is not as powerful as the other precisely because in the case of donating money more bodies will be involved in this saving supplementing the power of wading in and pulling out.[40] Let us think this in re(-)verse: To punch someone is not necessarily

[38] Singer, "Famine, Affluence, and Morality," 231; emphasis added. Contrary to Kissel who argues that there is "no deep theoretical between EA and anti-capitalism," we have to note that insofar as effective altruists represent power in monetary terms then this representationalism would always stumble or stick on the issues of adequacy and thus the possibility of reserves and surpluses on which capitalism rests – we shall revisit this point shortly. Joshua Kissel, "Effective Altruism and Anti-Capitalism: An Attempt at Reconciliation," *Essays in Philosophy* 18, no. 1 (2017): 19.

[39] In the same line of thought, MacAskill conceives of power in terms of the amount of money one has in their possession (see Chapter 1, *Doing Good Better*).

[40] In one of the ways that effective altruists apply their principles is through the Charity 'Give

analogous with having someone hired to punch them. The analogy would obtain, if it would, concerning the impact on the receiver i.e. being hurt. The ends may be analogous but the events are not. Thus, the logical extension of the two scenarios cannot obtain unless we give more charity to bridge this logical gap.

## V. Giving and taking

So far, we have provided a lot of (logical) charity to Singer to make his argument work. But there are other issues which flow from such a logical path. Earlier we raised a question concerning the history of the event of the drowning child. For the class of persons in East Bengal we get a glimpse of the history through the very adjective 'refugees.' The reason for which we inquired into the history or the context for the drowning child is because we wanted to explore whether this could possibly affect our evaluation of the situation and, thus, our moral intuition and, finally, our motivation to act. In the paper where the drowning child first appears, Singer avowed that the moral obligation to help comes as an entailment of one's valuing that dying of lack of food, shelter, and medical care is bad. This evaluation comes from an assumption and this assumption harbours a belief in that things can be bad or good in themselves, objectively. In his later writings, Singer does not claim that this is an assumption but a truth and that "the eternal truths of reason can generate feelings in all human beings."[41] Following Henry Sidgwick, Singer argues that there are "self-evident fundamental moral principles, or axioms, which we grasp through our reasoning capacity."[42] One such axiom is that everyone's good, or let us say well-being, is of equal importance and thus we are bound to regard each other's well-being as our own. It is thus reason that plays a generating force for acting for the well-being of the Other. Supposedly, reason can motivate us to help the other. Yet, the scenario that Singer proposed initially was not meant to show how reason works or should work in the case of the drowning child but how there is a moral intuition generated at the instance of 'seeing' someone dying. The problem that Singer tries to solve is that of being motivated to help regardless if it is judged to be the moral thing to do.

---

Directly' which transfers the donated money directly to those whom they consider in need. Even in this case, the body-to-body action of wading in and pulling out is still not analogous with handing in money physically or virtually through an electronic transfer. The medium which intervenes between the bodies, in this case money, through which everything is represented, is what shatters a strict analogy. It is also this medium which allows to advance an argument which gives the impression that by a single click on the computer you can save lives.

[41] Singer, *The Most Good You Can Do*, 81.

[42] Ibid.

Before we proceed into the issue of motivation we shall pause and reflect a bit on this philosophical idea of objectivity in what is good. This view is often called "objectivity in ethics" or "moral realism-universalism." The opposing view to realism would be relativism, meaning that there are no truths about right or wrong. A moral intuition of right or wrong is equated with a judgement since we are in the realm of evaluating something. In this case, there are moral judgements which can be true or false. Reason is that which can help us reach those fundamental moral truths. However, this creates a circularity. If reason is what can lead us to moral truth then what is moral truth? Obviously that which is coming from reason, that is, reasonable. Unless we fall into a vicious regress we would have to say that truth here is also the good. And what is good? That which reason allows us to grasp. As we shall shortly explore, unless we presuppose some ultimate end or a regulating idea, truth and reason do not make much sense in explicating each other.[43] Singer, who espouses Darwin's evolutionary theory of being, tries to show that helping others is a fundamentally true judgment and also consonant with the theory of evolution which poses as an end one's own survival and the perpetuation of the species.[44] This is also the way that other philosophers who espouse moral universalism attempt to conceptually fund their thoughts. The argument is essentially transcendental. For instance, as Rachels tells us: "There is a general point here, namely, that *there are some moral rules that all societies must embrace, because those rules are necessary for society to exist*."[45] Unless there is universality of how cultures act in some fundamental respects, cultures would not have existed in time. What this transcendental thinking, however, does not reveal is why we, be it singularly or collectively, should exist or survive. For whatever reason, I can inquire into the reason of existence and I cannot find any compelling argument of why I, as a person who reasons, should exist – whether I evolved or was created. And this is why I should exist does not only refer to my origins but also to my purpose in life. Why is this relevant to our discussion? It is relevant because Singer admits that

[43] See Kant's First Critique. For reason to work an *ens realissimum* is required – be it God or any other Ultimate End as regulating idea. Immanuel Kant, *Critique of Pure Reason*, trans. Norman Kemp Smith (London: MacMillan and Co., 1929).

[44] See Katarzyna de Lazari-Radek, and Peter Singer, "The Objectivity of Ethics and the Unity of Practical Reason," *Ethics*, 1, no. 10 (2012): 9-31. It is based on this regulating idea of 'survival' and 'perpetuation of the species' that Comte and contemporary neurobiologists are trying to make a case about humans' being essentially altruistic.

[45] James Rachels, *The Elements of Moral Philosophy* (New York: Random House, 2012), 24; original emphasis. There is a difference between wanting to live and having to live. We do not have to live; there is no necessity in living. One can always committ suicide. The latter, even if undesirable, is within our power.

surviving without meaning, that is, purpose in life, does not make much sense and is "a self-defeating enterprise."[46] Perhaps, evolution is an effect of having a meaningful life and not the cause of it. It is not that we all have reason that we perpetuate our species, but we perpetuate our species as a result of creating a reason, a purpose in life which motivates us to go on. According to Singer in his later effective altruist writings, in the natural development of his arguments, securing the well-being of the Other does not seem to be propelled exclusively by a mandate of reason, nor by an immediate intuitive compulsion but of a personal pursuit of happiness which would come about by creating a meaningful life. And this meaning means having a purpose since we "live in a time when many people experience their lives as empty and lacking in fulfilment."[47] In this case, however, helping the Other does not come from the well-being of the Other being the reason as an end in itself, but instead it is a personal reason to have a meaningful life. Ethics "offer a solution. An ethical life is one in which we identify ourselves with other, larger, goals thereby giving meaning to our lives."[48] From reason we now move to "the need" of finding "meaning and fulfillment in life" and thus many people turn to effective altruism as a way of giving their lives a purpose it would not otherwise have."[49] Reason alone cannot motivate the enterprise, the business for producing the well-being of the Other; it cannot find, fund, and found a (foundational) ground to help the Other unless it attempts a detour whereby it gives self-satisfaction – from a universal reason we pass into a personal reason. What we have here, then, is not a need but a desire for a meaningful life which is fulfilled by helping the Other. And for this desire to be fulfilled the Other must be in need of help. Does this mean that the Other must be constantly in need of help for us to keep beli(e)ving in a meaningful life (as effective altruists)?[50]

To explore this hypothesis we would need to go back to the semantic ambivalence of the parameter (4) of providing aid. In the case of the drowning child, the provision of aid is wading in and pulling out. It happens once with one's body. Once again, there is no 'again' or a gain in saving the child. It happens once for the child itself and not for us – *hapax*. The child is saved

[46] Peter Singer, "The Drowning Child and the Expanding Circle," in *The Effective Altruism Handbook*, ed. Ryan Carey, 3-10 (Scotts Valley, CA: CreateSpace Independent Publishing Platform, 2015), 9.

[47] Ibid.

[48] Ibid., 10.

[49] Singer, *The Most Good You Can Do*, 91, 47.

[50] From the philosophy of psychoanalysis, this would be an instance of projection and masochism with respect to having a meaning on the condition of the exploitation of the Other and the giving of charity both as projection and as a reaction formation to justify the guilt of the exploitation.

from imminent death and then it is on its own.[51] In the case of the Other who dies of poverty, lack of shelter or medical care, could we say something analogous? It is right at this moment that the history of each scenario becomes important concerning the provision of aid. If we were to do all that is in our power to wade in and pull out the Other from imminent death coming from poverty, lack of shelter and lack of medical care what would that mean? For the latter two, the lack already sign posts us their fulfillment. We can provide shelter and medical care. Effective altruists do argue about that and they also seek to realise it – there is no doubt about that.

But what about poverty? What is the lack that is fundamentally implied in poverty? Earlier we followed Singer in thinking that poverty relates to the lack of food. We ought to help those who die of famine. But famine and poverty in the developments of EA are translated in terms of money. Poverty is represented in monetary terms presupposing a capitalist economy. McAskill writes:

> For almost all of human history – from the evolution of Homo sapiens two hundred thousand years ago until the Industrial Revolution 250 years ago – the average income across all countries was the equivalent of two dollars per day or less. Even now, more than half of the world still lives on four dollars per day or less. Yet, through some outstanding stroke of luck, we have found ourselves as the inheritors of the most astonishing period of economic growth the world has ever seen, while a significant proportion of people stay as poor as they have ever been.[52]

I let the reader decide how much 'luck' has to do with the 'lack' of food as a result of the building of our colonial empires; how much 'luck' and 'lack' is involved in slavery, genocide and ethno-cleansing which have made us, the western world, the inheritors of the abundance that MacAskill describes. Instead, I would like to underscore how effective altruists do not reflect on their presupposition that poverty should be construed in capitalist terms.

---

[51] This point may raise concerns as to the extent to which a child can make it on its own. That concern would require a clear conceptualisation of what we mean by 'child.' See Philippe Aries, *Centuries of Childhood: A Social History of Family Life* (New York: Random House, 1965). Obviously, a newborn baby or a baby without certain developed capacities cannot. Yet, once certain capacities are developed a child as a young human being could do surprising things for their survival. See John Eekelaar, "The Emergence of Children's Rights," *Oxford Journal of Legal Studies* 6, no. 2 (1986): 161-182, or the confessions of Jean Gennet in his various works. But even if one adheres to a strong paternalism, an individual of a certain age can be knowingly independent in terms of avoiding being drown in ponds. I thank an anonymous reviewer for allowing me to think this further.

[52] MacAskill, *Doing Good Better*, 20.

As MacAskill says, when it comes "to helping others, being unreflective means being ineffective."[53] It is not the case that poverty, *for almost all of human history*, was a matter of income and money. Plato for, instance, describes poverty (πενία) as *aporia* (ἀπορία): "ἡ οὖν Πενία ἐπιβουλεύουσα διὰ τὴν αὐτῆς ἀπορίαν παιδίον ποιήσασθαι ἐκ τοῦ Πόρου."[54] And aporia, as a quick semantic and etymological analysis would suggest, relates to the inability to move – ultimately to what the body cannot do.[55] Because we take the current capitalistic system of exchanging goods for granted, we now think that the poor is the one who does not earn beyond a numerical monetary threshold in a capitalist setting. The poor, then, are not the ones who are not able to sustain themselves foodwise, through the power of their bodies, but the ones who cannot participate in the current system of exchanging goods effectively so as to be able to have food or whatever else.

Taking such representations for granted will not allow EA to wade in and pull out the poor from poverty but will always be limited in trying "to end the extreme poverty."[56] Would that mean that there should always be poverty? Why should there always be poverty? Whereas MacAskill seems to neglect the philosophical and historical developments of representing poverty, Singer takes for granted that altruism should be defined within the capitalist setting: "Like it or not, for the foreseeable future we seem to be stuck with some variety of capitalism, and along with it come markets in stocks, bonds, and commodities."[57] Since EA sticks to capitalism, EA is always going to be ineffective since it does not reflect on the phenomenon of poverty and the development of its representation. If we really were to be altruistic (effectively), then we should realise Singer's analogy differently by reflecting on how to wade in and pull out the other from poverty and not just from the way poverty is represented within a capitalist setting.[58] But, perhaps, that requires another economy, an

---

[53] Ibid., 7.

[54] For the original text see Plato, *Symposium*, 203b. Keeping the original text in Greek is vital to apprehend the semantic nuances between poros-aporia which can be lost in translations (cf. "Then Penia, because she herself had no resource, thought of a scheme to have a child by Poros" Plato, "Symposium," in *Plato: The Symposium*, eds. M.C. Howatson and Frisbee C. C. Sheffield (Cambridge: Cambridge University Press, 2008), 39.

[55] Even when 'aporia' is used by Aristotle to describe a noetic impasse, the explication used is always with reference to the body – Cf. Thomas Aquinas who translates and comments on Aristotle's aporia: "For just as one whose feet are tied cannot move forward on an earthly road, in a similar way one who is puzzled, and whose mind is bound, as it were, cannot move forward on the road of speculative knowledge." Thomas Aquinas, *Commentary on Aristotle's Metaphysics*, 1: 339.

[56] MacAskill, *Doing Good Better*, 105. My emphasis.

[57] Singer, *The Most Good You Can Do*, 50.

[58] EA cannot be saved just by making some fine tunings in their methods or their causes as Gabriel tries to show; see Iason Gabriel, "Effective Altruism and Its Critics," *Journal of Applied*

economy which would not be charitable to sustaining the condition of poverty as, arguably, takes place in capitalism. Such economy would not make an allowance, would not allow the poor to exist as capitalism does. It would not aim to eradicate extreme poverty but, rather, it would aim at not allowing the existence of the poor or the aporous. But such a possibility requires a thinking where poverty is not represented in monetary terms, a representation which has created the opacities we have explored.

However, effective altruists are not likely to promote such a passage precisely because it cannot be quantified in the epistemic terms they accept in order to be convinced about its importance.[59] We are, thus, stuck with a representation of poverty in monetary terms and this representation allows only a thinking of the eradication of a type of poverty and not the eradication of poverty itself. This means that by being charitable to this (representation of) poverty we sustain it. Just as, in this paper so far, we have been giving representational charity to EA in terms of logically bridging their argument without being able to offer us a passage to altruism, so too, giving monetary charity within a system which sustains the existence of those who have and those who have not, i.e. capitalism, not only is not effective altruism, it is neither authentically altruistic. If poverty did not take place would we need to give to charity? What would the meaning of giving to charity be if there was no poverty? With poverty represented with(in) capitalism, charity becomes its crutch. Charity is not like wading in and pulling out someone from a drowning pond, but maybe like throwing a life jacket, a life preserver. Preserving the life of the poor in the conditions that they are found also preserves the conditions which endangered them in the first place; it is not saving them from these conditions. Following EA which relies so much in giving monetary charity within a capitalist setting we do, in one sense, sacrifice something of comparable importance: the possibility of trying to authentically free the poor from poverty.[60] And, if we take Singer to the letter that EA offers a purpose in life, as we explored earlier, then that would mean that our meaningful lives in EA would require the sacrifice of the poor's possibility to authentically overcome poverty.

---

*Philosophy* 34, no. 4 (2017): 457-473. Analogically, just rearranging furniture would not do if our aim is an authentic restructuring. Since the philosophical-theoretical axiomatic principles are problematic, any realization of them, be it adequate or, *per impossibile*, perfect, would entail these philosophical-theoretical problems, in one way or another.

[59] One could even risk here the hypothesis that the epistemic criteria set forth by EA are complicit with the political system in which they emerged. As Srinivasan aptly put it: "capitalism, as always, produces the means of its own correction, and effective altruism is just the latest instance." Srinivasan, 6.

[60] For a similar critique see Matthew Snow, "Against Charity," *Jacobin*, August 25, 2015, https://www.jacobinmag.com/2015/08/peter-singer-charity-effective-altruism/.

## VI. Epilogue

With EA we see how moralising about those in need in monetary representational terms ends up at their expense. For us to be charitable we need those who are in need of such charity utterly neglecting how they came to be poor – the refugees of Bengal were the effect of post-colonial war not just some outstanding stroke of luck. It seems that this altruism is not motivated by the Other *per se*, but by our desire to have a purposeful life as we saw with Singer earlier. In one sense, the Other is sacrificing themselves for us. Some altruism does occur but not only from us but *for* us as well.

As we saw earlier, Singer admitted that if one does not believe that such suffering and death are bad then his reasoning will not appeal to them and they "need read no further."[61] This prescription seems a bit troubling. It allows for an exclusion of those who would not share Singer's presuppositions. Singer makes no effort of trying to understand why some might disagree with his assumption. An authentic altruism would start right here, that is, in the attempt to understand the Other rather than by imposing our own beliefs, our values, and, with capitalism, our ways of life on them. The problem with EA is not only that is ineffective but the fact that it is funded by a philosophy which has little to do, which in Latin means give, when it comes to helping the Other authentically, without reserve.

**Acknowledgements**

I would like to thank Susan Stuart, and Ryan J. A. Gemmell for their valuable contributions in my undertaking to finish this paper. I would also like to thank the 'Staff Room' of Morgan Academy for their support while I was finalizing this paper.

**References**

Berkey, Brian. "The Institutional Critique of Effective Altruism." *Utilitas* 30, no. 2 (2017): 1-29.

Comte, Auguste. *The Positive Philosophy*. Volume I. Translated by Harriet Martineau. London: John Chapman, 1896.

de Lazari-Radek, Katarzyna, and Peter Singer. "The Objectivity of Ethics and the Unity of Practical Reason." *Ethics* 1, no. 10 (2012): 9-31.

Fraser, Giles. "It's Called Effective Altruism – But is it Really the Best Way to Do Good?" *The Guardian*, November 23, 2017. https://www.theguardian.com/money/belief/2017/nov/23/its-called-effective-altruism-but-is-it-really-the-best-way-to-do-good.

[61] Singer, "Famine, Affluence, and Morality," 231.

Gabriel, Iason. "Effective Altruism and Its Critics." *Journal of Applied Philosophy* 34, no. 4 (2017): 457-473.

Gray, John. "How & How Not to Be Good." Review of *The Most Good You Can Do: How Effective Altruism Is Changing Ideas About Living Ethically*, by Peter Singer. *The New York Review of Books*, May 21, 2015. http://www.nybooks.com/articles/2015/05/21/how-and-hownot-to-be-good/.

Greaves, Hilary, and Theron Pummer. *Effective Altruism: Philosophical Issues*. Oxford: Oxford University Press, 2019.

Hardin, Garett. "Lifeboat Ethics: The Case Against Helping the Poor." *Psychology Today* (October, 1974): 800-812.

Husserl, Edmund. *On the Phenomenology of the Consciousness of Internal Time*. Translated by John Barnett Brough. London: Kluwer Academic Publishers, 1991.

Kant, Immanuel. *Critique of Pure Reason*. Translated by Norman Kemp Smith. London: MacMillan and Co., 1929.

Ioannidis, Iraklis. "The Altruistic Brain." Review of *The Altruistic Brain: How We Are Naturally Good*, by Donald W. Pfaff. *Metapsychology* 19, no. 27 (2015), https://metapsychology.net/index.php/book-review/the-altruistic-brain/.

Kissel, Joshua. "Effective Altruism and Anti-Capitalism: An Attempt at Reconciliation." *Essays in Philosophy* 18, no. 1 (2017): 1-23.

MacAskill, William. *Doing Good Better: Effective Altruism and a Radical New Way to Make a Difference*. London: Guardian Faber, 2015.

Mauss, Marcel. *The Gift: The Form and Reason for Exchange*. London, and New York: Routledge, 1954.

Nietzsche, Friedrich. *On the Genealogy of Morals and Ecce Homo*. Translated by Walter Kauffmann. New York: Random House, 1989.

*Oxford English Dictionary*. "Adject." Accessed September 15, 2020, https://www.oed.com/search?searchType=dictionary&q=adject&_searchBtn=Search.

Plato, "Symposium." In *Plato: The Symposium*. Translated by M. C. Howatson. Edited by M. C. Howatson, and Frisbee C. C. Sheffield. Cambridge: Cambridge University Press, 2008.

Rachels, James. *The Elements of Moral Philosophy*. New York: McGraw Hill, 2012.

Rubenstein, Jennifer C. "The Lessons of Effective Altruism." *Ethics & International Affairs* 30, no. 4 (2016): 511-526.

Ross, David W. *The Right and the Good*. Oxford: Oxford University Press, 1930.

Singer, Peter. "Famine, Affluence, and Morality." *Philosophy & Public Affairs* 1, no. 3 (1972): 229-243.

Singer, Peter. *The Most Good You Can Do: How Effective Altruism Is Changing Ideas About Living Ethically*. New Haven, and London: Yale University Press, 2015.

Singer, Peter. "The Drowning Child and the Expanding Circle." In *The Effective Altruism Handbook*, edited by Ryan Carey, 3-10. Scotts Valley, CA: CreateSpace Independent Publishing Platform, 2015.

Singer, Peter. "The Most Good You Can Do: A Response to the Commentaries." *Journal of Global Ethics* 12, no. 2 (2016): 161-169.

Singer, Peter, and William MacAskill. "Introduction." In *The Effective Altruism Handbook*, edited by Ryan Carey, viii-xvii. Scotts Valley, CA: CreateSpace Independent Publishing Platform, 2015.

Snow, Matthew. "Against Charity." *Jacobin,* August 25, 2015. https://www.jacobinmag.com/2015/08/peter-singer-charity-effective-altruism/.

Srinivasan, Amia. "Stop the Robot Apocalypse." Review on *Doing Good Better: Effective Altruism and a Radical New Way to Make a Difference*, by William MacAskill. *The London Review of Books* 37, no. 18 (2015): 3-6.

Ηράκλειτος. *Άπαντα*. Μετάφραση Τάσος Φάλκος-Αρβανιτάκης. Αθήνα: Ζήτρος, 2010.

M. M. Kök · *Conatus* 5, no. 2 (2020): 47-64
DOI: http://dx.doi.org/10.12681/cjp.24811

# The Masturbator and the Ban

**Murat Mümtaz Kök**
*Instytut Filozofii i Socjologii Polskiej Akademii Nauk, Poland*
*E-mail address*: mumtazmuratkok@gmail.com
*ORCID iD:* http://orcid.org/0000-0002-6774-8932

**Abstract**

*In this paper, I will expand upon Giorgio Agamben's argument in his defining work Homo Sacer where he accused Immanuel Kant for introducing the state of exception to modernity. According to Agamben, Kant managed to do this by introducing the form of law as "being in force without signifying." In this line, I will argue that 'the ban' is indeed inherent within Kantian morality and all subjects under the law stand in "pure relation of abandonment" vis-a-vis the law. In order to show this, I will focus on Kant's views on masturbation in the context of his disdainful views about the body and sex and how through these views he formulated 'duties to oneself' in a way that condemns the masturbator to 'bare life.'*

**Keywords:** *homo sacer; bare life; sexuality; masturbation; morality; Kant; Agamben*

Would I be going too far if I claim that the life of Joseph K. resembles the life of the Kantian subject under the moral law? Giorgio Agamben would not think that such a claim is too far-fetched considering that he himself accused Immanuel Kant of introducing the state of exception to modernity:

> It is truly astounding how Kant, almost two centuries ago and under the heading of a *sublime* '*moral feeling*,' was able to describe the very condition that was to become familiar to the mass societies and great totalitarian states of our time. For life under a law that is in force without signifying resembles life in the state of exception, in which the most innocent gesture or the smallest forgetfulness can have most extreme consequences.[1]

[1] Giorgio Agamben, *Homo Sacer Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998), 52. My emphasis.

Though this excerpt is alone provocative enough, Agamben raised the ante even higher with a statement preceding the one above by associating 'sublime moral feeling' with 'respect' and taunted Kant by asking "[d]oes the moral law not become something like an 'inscrutable faculty?'"[2] I believe that Agamben had in mind the following statement by Kant:

> But something different and quite paradoxical takes the place of this vainly sought deduction of the moral principle, namely that the moral principle, conversely itself serves as the principle of the deduction of an inscrutable faculty which no experience could prove but which speculative reason had to assume as at least possible (in order to find among its cosmological ideas what is unconditioned in its causality, so as not to contradict itself), namely the faculty of freedom, of which the moral law, which itself has no need of justifying grounds, proves not only the possibility but the reality in beings who cognize this law as binding upon them.[3]

But how can Kantian moral law even include men within it "in the form of a pure relation of abandonment?"[4] In this study, I will precisely look at how someone who is considered to be trespassing the law can be "at the mercy of others."[5] In order to show this, I will focus on masturbation and will argue that because of his problematic views on sex and his disdain for the body, Kant formulated duties to oneself in a way that the very (personal) act of masturbation merits the masturbator to be banned from the moral community of rational beings and condemns him to bare life. In order to be able to do this, I will first examine Agamben's emphasis on the Kantian sublime in order to show why I believe it is a subtle but very important emphasis and furthermore how central it is for Kantian morality.

## I. Sublime moral feeling

Kant never claimed that human beings can act in a perfectly rational way. The simple fact that we are "embodied creatures of feeling and sensibility"[6] meant for Kant that

---

[2] Ibid.

[3] Immanuel Kant, *Critique of Practical Reason*, trans. Mary Gregor (Cambridge: Cambridge University Press, 2015), 41; 5: 47, 21-37.

[4] Agamben, *Homo Sacer*, 51.

[5] Ibid., 29, 110.

[6] Paul Crowther, *The Kantian Sublime: From Morality to Art* (New York: Oxford University Press, 1989), 17.

there are "possible incentives"[7] out there which can and indeed do make us act in heteronomous ways.[8] But and this is where a Kantian twist comes in, he also thought that there are stronger incentives out there which can invoke profound feelings within and nudge us in acting in accordance with the moral law that we also author. After all, if Kant did not think that there was such a possibility, he would not have unwaveringly declared merely six years before his death that "morality, not understanding, is what first makes us human beings."[9] According to John R. Goodreau,[10] this is precisely why Kant had a lifelong interest in aesthetics because, even early on his career, Kant related morality "to human experience through feelings that are described in aesthetic terms." [11] Kant contemplated on these feelings so as to provide a motivation that would make us "sacrifice [our] sensible interests to supersensible rationality,"[12] so that we can rise above "all merely sensuous beings."[13] In this light, let us remember Kant's famous statement which now also embellishes his tombstone.[14] Not only this famous passage is a testament to the brilliance of the "Sage of Königsberg" to have the vision to seek "the validity of both the laws of the starry skies above and the moral law" within "the legislative power of human intellect itself,"[15] but it is also the sublime in a condensed form. What follows is my attempt to unpack the sublime in the passage which, I believe, Agamben also had in mind. [16]

## II. Respect

Though it is a task beyond the means of this essay, let me briefly clarify what is "the sublime." Kant defined the sublime in comparison with the beautiful.[17]

---

[7] Matthew C. Altman, "Introduction: Kant the Revolutionary," in *The Palgrave Kant Handbook*, ed. Matthew C. Altman, 1-17 (London: Palgrave Macmillan, 2017), 9.

[8] Oliver Sensen, "Duties to Oneself," in *The Palgrave Kant Handbook*, ed. Matthew C. Altman, 285-306 (London: Palgrave Macmillan, 2017), 289.

[9] Immanuel Kant, "The Conflict of the Faculties," in *Religion and Rational Theology*, trans. Mary J. Gregor, and Robert Anchor (Cambridge: Cambridge University Press, 1996), 291; 7: 72, 34-35.

[10] John R. Goodreau, *The Role of the Sublime in Kant's Moral Metaphysics* (Washington: The Council for Research in Values and Philosophy, 1998), 9.

[11] Ibid., 24.

[12] Robert R. Clewis, *The Kantian Sublime and the Revelation of Freedom* (New York: Cambridge University Press, 2009), 227.

[13] Goodreau, 109, 113-114.

[14] Kant, *Critique of Practical Reason*, 129; 5: 162-163, 33-36, 1-23.

[15] Paul Guyer, "Introduction: The Starry Heavens and the Moral Law," in *The Cambridge Companion to Kant and Modern Philosophy*, ed. Paul Guyer, 1-27 (New York: Cambridge University Press, 2006), 2.

[16] Agamben, *Homo Sacer*, 52.

[17] Immanuel Kant, "Observations on the Feeling of the Beautiful and Sublime," in *Observations*

For instance, after many depicting examples, he considered the night as sublime, while the day as beautiful and summarized the influences these "finer feelings" invoke in us as: "[t]he sublime touches, the beautiful charms."[18] Kant went on to elaborate on the sublime and described three "different sorts" of the sublime.[19] Despite these different sorts of the sublime, he concluded that when it comes to "the qualities of the sublime and the beautiful in human being in general," they inspire different feeling as "[s]ublime qualities inspire esteem, but beautiful ones inspire love."[20] Though Kant went on to provide even more details on the qualities of these two distinct finer feelings, I argue that the sublime boils down to "respect."[21] Noting that there are differences between the effects of the feelings of beautiful and sublime, Robert R. Clewis also described the experience of the feeling of the sublime as revealing in that through *respect* it invokes in us "the sublime can prepare us for moral agency."[22] But what exactly are we to respect? Kant was pretty clear about to whom we owe respect because for Kant: "*Respect* is always directed only to persons, never to things."[23] Yes, for Kant, "person" is the one who can act according to maxims in line with what reason demands but this does not by itself explain why we are to respect persons. Unless, according to Clewis,[24] we point out that respect for a person is equal to the respect for the moral law. Indeed, in a long footnote in *Groundwork of the Metaphysics of Morals*, Kant firmly asserted that:

> Any respect for a person is properly only respect for the law (of integrity and so forth) of which he gives us an example. Because we also regard enlarging our talents as a duty, we represent a person of talents also as, so to speak, *an example of the law* (to become like him in this by practice), and this is what constitutes our respect. All so-called moral *interest* consists simply in *respect* for the law.[25]

---

*on the Feeling of the Beautiful and Sublime and Other Writings*, eds., and trans. Patrick Frierson, and Paul Guyer (Cambridge: Cambridge University Press, 2011), 14-16; 2: 208, 23-209, 17.

[18] Ibid., 16.

[19] Ibid.

[20] Ibid., 18.

[21] I am well aware of the minor modifications as well as the continuity in Kant's thinking on the sublime. However, for the sake of brevity, I will refrain from discussing these. See e.g. Clewis, 13- 14, 140; Goodreau, 9; Crowther, 7-41.

[22] Clewis, 3.

[23] Kant, *Critique of Practical Reason,* 64; 5: 76, 24-31.

[24] Clewis, 127.

[25] Immanuel Kant, *Groundwork of the Metaphysics of Morals*, trans. Mary Gregor (Cambridge:

It is precisely this interest which is nothing but the respect for the moral law Kant termed as "the moral feeling."[26] It is because of this formulation on Kant's part which led Lewis White Beck to argue that "the respect for the law and the respect for our personality are not distinct and even competing feelings, as are the two feelings which merge in our experience of the sublime."[27] In other words, thanks to the feeling of respect invoked in us through the experience of the sublime,[28] we can meet the requirement to "treat rational nature as more valuable than any merely desired end."[29] According to Clewis, the sublime does this precisely because it has "phenomenological and structural affinities with the moral feeling of respect"[30] and in doing so we become aware of ourselves as "moral persons who, like the aesthetic subject experiencing the sublime, merit dignity [...]"[31] It is for this reason, as Paul Crowther pointed out, Kant defined personality in his second *Critique* "[...] exclusively in terms of such sublime moral consciousness."[32] It is through such a consciousness, we esteem "[...] something even against our sensible interest"[33] because Kant's move to ground moral consciousness on the supersensible, as I will try to show below, "[...] renders it ontologically superior to any phenomenal object or state."[34] It is precisely at this point where a "doorway" opens up which connects the sensible to the supersensible in the sense that the supersensible exercises its indispensable influence on the sensible.[35]

## III. Supersensible

I have dealt with the first section of the above quotation through the feeling of respect in that, even though we are merely an "animal creature," through the feeling of the sublime we also become aware of our capacity for morality

---

Cambridge University Press, 1997), 14; 4: 402.

[26] Kant, *Critique of Practical Reason,* 66; 5:80, 11-18; Immanuel Kant, *Critique of the Power of Judgment*, trans. Paul Guyer, and Eric Matthews (Cambridge: Cambridge University Press, 2000), 140; 5: 257, 9-10.

[27] Quoted in Goodreau, 50-51.

[28] Ibid., 88.

[29] Lara Denis, "Kant on the Wrongness of 'Unnatural' Sex," *History of Philosophy Quarterly* 16, no. 2 (1999): 226.

[30] Clewis, 3.

[31] Ibid., 15.

[32] Crowther, 20.

[33] Ibid., 95.

[34] Ibid., 28.

[35] Goodreau, 62, 93.

which in turn invokes in us a feeling of respect both for our own personality and for others.[36] The second section of the above quotation is perhaps the most important function of the sublime in Kantian morality because it is through this function of the sublime that we get to comprehend the "higher purposiveness"[37] and realize that thanks to the powers of the human mind we are practically free.[38]

In the third *Critique,* Kant associated the power of the aesthetic judgment in the case of sublimity with "the inner purposiveness in the disposition of the powers of the mind."[39] What this means, as Goodreau explained, is that

> aesthetic judgments regarding the sublime is a contingent use we make of the presentation, not for the sake of cognizing the object as we do through the feeling associated with the beautiful, but for the sake of a feeling of the inner purposiveness in the predisposition of our mental powers. [40]

In this awakened awareness of one's own mental powers can one author a life that is "independent of animality and even of the whole sensible world." In fact, Kant was rejoiced in the face of the power of human mind even to be able to think of the infinite that he takes it to be the proof of the fact that "the human mind [...] is itself supersensible."[41] This is in itself sublime and thus also a proof for the pivotal role of the sublime in Kantian morality in showing that "[...] this supersensible power of ours is what makes morality possible." In other words, if we can transcend the sensible world, we can very well be moral. [42]

## IV. Kant on body and sexuality

If Jean-Luc Nancy[43] was correct in claiming that the body is the "latest, most worked over, sifted, refined, dismantled and reconstructed product" of Western civilization, it is only natural that Kant was among those people who

---

[36] Clewis, 87; Goodreau, 11, 20; Crowther, 26.

[37] Melissa McBay Merritt, "Sublimity and Joy: Kant on the Aesthetic Constitution of Virtue," in *The Palgrave Kant Handbook,* ed. Matthew C. Altman, 447-467 (London: Palgrave Macmillan, 2017), 458.

[38] Clewis, 215.

[39] Kant, *Critique of the Power of Judgment,* 49; 5: 250, 14-15.

[40] Goodreau, 62.

[41] Kant, *Critique of the Power of Judgment,* 138; 5: 255, 35-37.

[42] Clewis, 139.

[43] Jean-Luc Nancy, *Corpus*, trans. Richard A. Rand (New York: Fordham University Press, 2008), 7.

engaged with this 'product.' Indeed, for some such as Laura Hengehold,[44] Kant's engagement with the body in the context of his Copernican revolution had profound effects on the role of the body as it was comprehended within the Western philosophy. Thus, considering Kant's influence on the way the body is comprehended, it is not feasible for a paper of this caliber to go into the details of the role of the body in Kant's overall philosophy. However, it is possible and important for this paper to show how Kant was among those who regarded "the body as a machine" in the sense that Michel Foucault talked about in the first volume of *History of Sexuality*.[45] Before dwelling on this, let us establish what is the body for Kant:

> [...] the body is the total condition of life, so that we have no other concept of our existence save that mediated by our body, and since the use of our freedom is possible only through the body, we see that the body constitutes a part of our self.[46]

The somewhat reluctant admission of the indispensability of the body above comes from the mature Kant. However, his regard of the body as a so-called mediator was actually constant throughout his career. In one of his earliest writings, the thirty-one years old Kant asserted the same view with regards to the body:

> The human being has been created to receive the impressions and emotions the world will arouse in him through the body that is the visible part of his being and the matter of which serves not only the invisible spirit that inhabits him to impress the first concepts of external objects but also is indispensable to repeat, to combine, in short to think these in the internal action.[47]

Though she argued that Kant's conceptualization of the body as a mediator occurred after 1766, Hengehold accurately noted that from that point on, Kant adopted a "new strategy" in which he began to regard the body as a way "to contain and

---

[44] Laura Hengehold, *The Body Problematic Political Imagination in Kant and Foucault* (Pennsylvania: The Pennsylvania State University Press, 2007), 114.

[45] Michel Foucault, *The History of Sexuality*, vol. 1: *An Introduction*, trans. Robert Hurley (New York: Pantheon Books, 1978), 139.

[46] Immanuel Kant, *Lectures on Ethics*, trans. Peter Heath, and Jerome B. Schneewind (Cambridge: Cambridge University Press, 1997), 144; 27: 369.

[47] Immanuel Kant, "Universal Natural History and Theory of the Heavens," in *Natural Science*, ed. Eric Watkins, trans. Olaf Reinhardt (New York: Cambridge University Press, 2012), 298; 1: 335, 24-30.

ground metaphysics."[48] And she justly cautioned against misreading Kant's conceptualization of the body simply as "[...] motion detectors built into a doorway" but instead argued that "'personal embodiment' is associated in some way with all external experiences confirming and exhibiting the unity of transcendental perception, for 'embodiment' is precisely how forms of intuition contribute to a *subject's* experience."[49] This is precisely why, in the same line, Jane Kneller, stressed an important dimension of personhood for Kant as he saw persons as "self-consciously physical substances" in that "[t]hey identify themselves (but not exclusively) with their bodies. At the same time, they feel responsible for their actions, which of course include the way they behave toward their own and other's bodies."[50] However, regardless of his consistent acknowledgment of "the unity of the soul and the body,"[51] Kant also had a consistent "disdain" – not hostility, warned us Barbara Herman –[52] towards the body. I argue that his consistent disdain for the body stemmed from the fact that the body represents our 'animality'[53] in the sense that it has a proclivity to be aroused by "the impulses of nature" and hence, the need to discipline it and most of all through "the human mind."[54] Simply because for Kant, it is only through "[t]he perfection of bodily discipline" that man would be "able to live in accordance with his vocation."[55] But, why would that be the case for Kant? According to Crowther, since we are composed of 'phenomenal' and 'rational' parts which are "conjoined with" each other "the principles which inform our moral decisions are influenced by potentially distracting feelings and desires, and we can, in consequence, only act in an imperfectly rational way." [56]

## V. Duties to oneself

Since our bodies are potential crime scenes for Kant,[57] in front of his pupils, he adamantly drew the limits of freedom when it comes to our bodies:

---

[48] Hengehold, 92.

[49] Ibid., 90.

[50] Jane Kneller, "Kant on Sex and Marriage Right," in *The Cambridge Companion to Kant and Modern Philosophy*, ed. Paul Guyer, 447-476 (New York: Cambridge University Press, 2006), 464.

[51] Kant, *Lectures on Ethics,* 149; 27: 376; Helge Svare, *Body and Practice in Kant* (Dordrecht: Springer, 2006), 60.

[52] Barbara Herman, "Could It Be Worth Thinking About Kant on Sex and Marriage?" in *A Mind of One's Own Feminist Essays on Reason and Objectivity*, eds. Louise M. Antony, and Charlotte E. Witt, 53-73 (Boulder, CO: Westview Press, 2002), 55.

[53] Sensen, 299.

[54] Kant, *Lectures on Ethics*, 151; 27: 378.

[55] Ibid., 152; 27: 379.

[56] Crowther, 19.

[57] Kant, *Lectures on Ethics*, 124; 27: 342.

> We have *obligationes internae erga nosmet ipsos*, in regard to which we are outwardly quite free; anyone can do what he chooses with his body, and that is no concern of anyone else; but inwardly he is not free, for he is bound by the necessary and essential ends of mankind.[58]

The duties to oneself are what bind men inwardly with regards to their body. It is through these duties which Kant sought to establish "the autocracy" [59] of the mind over the body. It would not be an exaggeration if I argue that these duties are of great importance for Kant's overall system of morality. Kant himself accused all those before him and declared "all philosophical systems of morality are false" in this regard because they all regarded these duties "as a supplement to morality."[60] According to Kant, duties to oneself are so important that in their absence "there would be no duties whatsoever and so no external duties either."[61] Accordingly, in his lectures, Kant went as far as to declare that "[t]he self-regarding duties are the supreme condition and *principium* of all morality, for the worth of the person constitutes moral worth."[62] It is precisely at this point Allen Wood stressed that these duties "are not duties to *benefit* yourself, but duties to be worthy of your own humanity as an end in itself, which is the basic value and motive of all ethics"[63]and these duties eventually boil down to virtues and vices. According to some scholars,[64] Kant based these duties on the aptly called 'formula of humanity,'[65] which famously instructs: "So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means."[66]

Similar to the duties "to other human beings," Kant divided "duties to ourselves" into two: "perfect and imperfect duties."[67] In order to avoid go-

---

[58] Kant, *Lectures on Ethics*, 61; 27: 269.

[59] Ibid., 151; 27: 378-379.

[60] Ibid., 122; 27: 340.

[61] Immanuel Kant, *The Metaphysics of Morals*, trans. Mary Gregor (New York: Cambridge University Press, 1991), 214; 6: 417, 24-25.

[62] Kant, *Lectures on Ethics*, 125; 27: 344.

[63] Allen W. Wood, "How a Kantian Decides What to Do," in *The Palgrave Kant Handbook*, ed. Matthew C. Altman, 263-284 (London: Palgrave Macmillan, 2017), 270.

[64] Ibid., 275; Sensen, 300.

[65] Christine M. Korsgaard, "Introduction," in *Groundwork of the Metaphysics of Morals*, ed. Mary Gregor, ix-xxxvi (Cambridge: Cambridge University Press, 1997), xxi.

[66] Kant, *Groundwork*, 38; 4: 429, 9-13.

[67] Ibid., 31; 4: 421, 21-23.

ing into too much detail, I would like to note that it is the *perfect* duties to oneself that concern this essay. More specifically, it is those which Kant considered under "*subjective* division" which corresponds to the "[...] one in terms of whether the subject of duty (views) himself both as an animal (natural) and moral being or only as a moral being."[68] The one of the vices which are considered under this division is related to sex – "the unnatural use of his *sexual inclination*"[69] – and I would like to expand upon this subject since it is the plane in which we face "the constant threat of moral devolution."[70]

## VI. Sexuality and masturbation

According to Kant, pleasure has a threefold structure: 'animal pleasure,' 'human pleasure,' and 'spiritual pleasure.'[71] What concerns this paper is the animal pleasure, which for Kant, "[...] consists in the feeling of the private senses."[72] This concern is justified given that 'gratification' – and also pain, as Hengehold[73] rightly pointed out – is a bodily phenomenon for Kant. The concept of gratification is the focus because all the system of discipline discussed above that is needed is perhaps the most evident when it comes to sex, according to Kant. Sex, for Kant, is where the line between our animality and humanity[74] is most blurred and we are under the threat of degrading our humanity[75] since our bodies are the epicenter.[76] This is precisely so not only because Kant believed that "[...] what happens in human sexual relations that leads to a condition compromising the moral standing of the partners,"[77] but also, these relations are susceptible to "unnatural vices" such as "homosexual sex, bestiality and masturbation."[78]

The first condition is the defining feature of sexual relations which is "both natural and inevitable:"

---

[68] Kant, *Metaphysics of Morals*, 216; 6: 420, 7-11.

[69] Ibid.

[70] Kneller, 465.

[71] Immanuel Kant, *Lectures on Metaphysics*, trans. Karl Ameriks, and Steve Naragon (Cambridge: Cambridge University Press, 1997), 64; 28: 248.

[72] Ibid.

[73] Hengehold, 90.

[74] Helga Varden, "Kant and Sexuality," in *The Palgrave Kant Handbook*, ed. Matthew C. Altman, 331-351 (London: Palgrave Macmillan, 2017), 348.

[75] Denis, 231.

[76] Is it perhaps because of this dangerous condition with sex that Kant has a consistently angry tone while writing/talking about the issue? See Varden, 332; Alan Soble, "Kant and Sexual Perversion," *The Monist* 86, no. 1 (2003): 64.

[77] Herman, 59.

[78] Denis, 232.

> [...] that sexual interest in another is not interest in the other as a person. Insofar as one is moved by sexual appetite, it is the sex (the eroticized body, the genitalia) of the other that is the object of interest.[79]

That is, as Herman continued explaining, "the objectification of the other."[80] The inevitability of such a threat to morality and the accompanying 'unnatural vices' led Kant to argue that "sexual appetite must be regulated by the principles of practical rationality."[81] In this light, the institution of marriage represented the optimal solution for Kant in which partners would be the least morally compromised. Thus, Kant is among one of those who contributed to the confinement of sexuality into the home and more specifically, into "the parent's bedroom."[82] As Kneller noted that – after having provided Bertolt Brecht's remarkable take on Kant:

> Kant's most important single statement on marriage, sex and family is located squarely within his discussion of property rights in the 'Doctrine of Right' in the *Metaphysics of Morals* in which he described marriage as "[s]exual union in accordance with principle" which at the same time had to be "[...] of different sexes for lifelong possession.[83]

What made sex agreeable for Kant under "the sole condition" of marriage was precisely the contractarian nature of the institution:

> [...] But if I hand over my whole person to the other, and thereby obtain the person of the other in place of it, I get myself back again and have thereby regained possession of myself; for I have given myself to be the other's property, but am in turn taking the other as my property and thereby regain myself, for I gain the person to whom I gave myself as property. The two persons thus constitute a unity of will.[84]

---

[79] Herman, 60.

[80] Ibid., 59-60.

[81] Ibid., 70.

[82] Foucault, 3.

[83] Kneller, 447.

[84] Kant, *Lectures on Ethics*, 158-159; 27: 388.

As Helga Varden noted, Kant's faith in the institution of marriage was so strong that he declared that "[a]ll other forms of sexuality are corruptions of our nature resulting from our propensity to evil."[85] In his lectures, Kant casted a wide net and instructed his pupils that "[a] *crimen carnis* is a misuse of the sexual impulse. Every use of it outside the state of wedlock is a misuse of it, or *crimen carnis*."[86] And, as I will argue in the following section, such "criminal acts" have dire consequences within the confines of Kantian morality. Let us now, for the sake of the argument of this essay (and airing the 'evil' of its author), indulge in a subject which Kant deemed to inhabit "unnatural lust,"[87] that is, of course, masturbation.

## VII. Masturbation and the ban

For Kant, the feeling of the sublime does more than just "reminding and preparing" us for our moral vocation. Clewis[88]explained that in addition to manifesting the practical freedom of a person, the sublime also "reveals the subject's membership in a moral order in which there are other free persons who are likewise subject to the demands of morality."[89] According to Goodreau,[90] the sublime serves as a basis for such community because of the fact that it is a "mental state" so "we expect that any other similarly constituted mind (any rational being) will experience a similar mental state when in the presence of the given object." Following Kant's line of thinking, the more one can transcend "every propensity, inclination and natural tendency of ours," the more esteemed one is in such moral order. Thus, Kant asserted that: "[...] so much so that the sublimity and inner dignity of the command in a duty is all the more manifest the fewer are the subjective causes in favor of it and the more there are against it [...]"[91] and concluded a few pages later that:

> [...] it is just in this independence of maxims from all such incentives that their sublimity consists, and the worthiness of every rational subject to be a law-giving member in the kingdom of ends; for otherwise he would have to be represented only as subject to the natural law of his needs.[92]

---

[85] Varden, 343.

[86] Kant, *Lectures on Ethics*, 161; 27: 391.

[87] Kant, *Metaphysics of Morals*, 220; 6: 424, 33-34.

[88] Clewis, 140.

[89] Ibid., 15.

[90] Goodreau, 92.

[91] Kant, *Groundwork*, 35; 4: 425, 27-31.

[92] Ibid., 46; 4: 439, 7-12.

As I will argue, it is precisely from this community Kant excommunicates those who act "under the sway of animal impulse," because in doing so, they put themselves in a position where they cannot "demand to have rights of humanity."[93]

Masturbation (among several other 'abominable' acts in Kant's eyes) is acting under such animal impulse and Kant genuinely despised it. In fact, he despised this criminal use of the body that arises out of a "beastly vice"[94] so much that he argued it did not even merit mentioning its name as "[...] such crimes are unmentionable, because the very naming of them occasions a disgust that does not occur with suicide."[95] Accordingly, in *Metaphysics of Morals*, Kant discussed masturbation under the "vice" of "defiling oneself by lust."[96] As I have pointed out above, Kant regarded this lust as "unnatural" simply because the person's "[...] use of his sexual attributes" is directed to "mere animal pleasure, without having in view the preservation of species."[97] Charles Kielkopf who also 'condemned'[98] masturbation explained Kant's teleological argument in a Kantian fashion and he argued that: "[...] the physical or animal satisfaction of masturbation is innocent while revealing that the masturbator's maxim or policy expresses rebellion against human sexuality."[99] Even though, Kielkopf's arguments sound like the reminiscent of one of the "four great strategic unities"[100] in Foucault's analysis, Kant's teleological argument is not that important with regards to the issue of masturbation. As Alan Soble pointed out,[101] even though Kant opens the section with this teleological argument, he based most of his "blanket condemnation" on the "formula of humanity." Indeed, he often compared these "crimes" with suicide and found suicide more honorable:

> [...] murdering oneself requires courage, and in this disposition, there is still always room for respect for the humanity in one's own person. But unnatural lust, which is complete abandonment of oneself to animal inclination, makes man not only an object of enjoyment

[93] Kant, *Lectures on Ethics*, 71; 27: 1428.

[94] Ibid., 153; 27: 380.

[95] Ibid., 161; 27: 392.

[96] Kant, *Metaphysics of Morals*, 220-221; 4: 424.

[97] Ibid., 221; 4: 424, 1-5.

[98] Charles Kielkopf, "Masturbation: A Kantian Condemnation," *Philosophia* 25, nos. 1-4 (1997): 229.

[99] Ibid., 225-226.

[100] Foucault, 103-104.

[101] Soble, 61.

> but, still further, a thing that is contrary to nature, that is, a *loathsome* object and so deprives him of all respect for himself.[102]

As the excerpt above also illuminates, the consequences that the masturbator has to suffer are solely regarded to the respect in his own personality and in the eyes of other persons. As Samuel J. Kerstein pointed out,[103] according to Kant, "[i]n the kingdom of ends everything has either a *price* or *dignity*"[104] and only humanity has a dignity in this kingdom. Since, Kant considered the refraining oneself from the act of masturbation under "perfect duties to oneself,"[105] there is "no exception in favor of inclination"[106] and the violation brings about dire consequences for the masturbator. This is where "the ban" emerges in Kant's realm of morality "as the force of simultaneous attraction and repulsion that ties together the two poles of the sovereign exception: bare life and power, *homo sacer* and the sovereign."[107] According to Kant, "[...] the man who has violated the duties to himself has no inner worth,"[108] because "[b]y his beastly vices, man puts himself below the beasts"[109] and thus, I argue, turns himself into something that is similar to "the werewolf."[110] Kant asserted:

> [...] That which a man can dispose over, must be a thing. Animals are here regarded as things; but man is no thing; so if, nevertheless, he disposes over his life, he sets upon himself the value of a beast. But he who takes himself for such, who fails to respect humanity, who turns himself into a thing, becomes an object of free choice for everyone; anyone, thereafter, may do as he pleases with him; he can be treated by others as an animal or a thing; he can be dealt with like a horse or dog, for he is no longer a man; he has turned himself into a thing, and so cannot demand that others should respect the humanity in him, since he has already thrown it away himself. [111]

---

[102] Kant, *Metaphysics of Morals*, 221; 6: 425, 30-36.

[103] Samuel J. Kerstein, "Treating Oneself Merely as a Means," in *Kant's Ethics of Virtue*, ed. Monika Betzler, 201-218 (New York: de Gruyter, 2008), 207.

[104] Kant, *Groundwork*, 42; 4: 434, 1-3.

[105] Kant, *Metaphysics of Morals*, 218; 6: 421, 5.

[106] Kant, *Groundwork*, 31; 4: 421.

[107] Agamben, *Homo Sacer*, 110.

[108] Kant, *Lectures on Ethics*, 123; 27: 341.

[109] Ibid., 153; 27: 380.

[110] Agamben, *Homo Sacer*, 105.

[111] Kant, *Lectures on Ethics*, 147.

Kant pronounced this thing as "homo sacer" as he transformed him into something which is "the one with respect to whom all men act as sovereigns."[112] After all, as Agamben argued, what is sovereignty but "[...] the 'law beyond the law to which we are abandoned?'" [113]

## VIII. Conclusion

In one of his relatively recent works, Agamben, in fact, described a rather constant conceptualization of man in Kant's corpus where he emphasized Alexandre Kojéve's definition of man as "a field of dialectical tensions" and asserted that:

> Man exists historically only in this tension; he can be human only to the degree that he transcends and transforms the anthropophorous animal which supports him, and only because, through the action of negation, he is capable of mastering and, eventually, destroying his own animality [...][114]

Indeed, Kant's writings on the masturbator, the homosexual or "the Negro"[115] boiled down to this central concern that is, who should be considered human? In all these cases, Kant condemned the non-human beyond mere animality and in this essay I have tried to argue that it is precisely *bare life* where Kant condemned the non-human. In doing so, the West's "thinker of human dignity" did indeed produce "oppressive texts."[116] In this regard, similar to Soble,[117] I cannot help but think how horrifying it must have been for the students of

---

[112] Agamben, *Homo Sacer*, 84.

[113] Ibid., 59.

[114] Giorgio Agamben, *The Open: Man and Animal*, trans. Kevin Attell (Stanford: Stanford University Press, 2004), 12.

[115] See e.g.: Robert Bernasconi, "Kant as an Unfamiliar Source of Racism," in *Philosophers on Race: Critical Essays*, eds. Julie K. Ward, and Tommy L. Lott, 145-166 (Malden, and Oxford: Blackwell Publishers, 2002); Emmanuel Chukwudi Eze, "The Color of Reason: The Idea of 'Race' in Kant's Anthropology," in *Postcolonial African Philosophy: A Critical Reader*, ed. Emmanuel Chukwudi Eze, 103-140 (Cambridge, and Oxford: Blackwell Publishers, 1997); Emmanuel Chukwudi Eze, "Philosophy and the 'Man' in the Humanities," *Topoi* 18, no. 1 (1999): 49-58; Ronald Judy, "Kant and the Negro," *Surfaces* 1 (1991): 1-64; Charles Mills, "Kant's Untermenschen," in *Race and Racism in Modern Philosophy*, ed. Andrew Valls, 169-193 (Ithaca, and London: Cornell University Press, 2005).

[116] Alain David, "Negroes," in *Race and Racism in Continental Philosophy*, eds. Robert Bernasconi, and Sybol Cook, 8-18 (Bloomington, and Indianapolis: Indiana University Press, 2003), 11.

[117] Soble, 81.

Kant while the philosopher of morality condemned you and pronounced you a lowly thing just because of who you are or what you do.

**References**

Agamben, Giorgio. *Homo Sacer Sovereign Power and Bare Life*. Translated by Daniel Heller- Roazen. Stanford, CA: Stanford University Press, 1998.

Agamben, Giorgio. *The Open: Man and Animal*. Translated by Kevin Attell. Stanford, CA: Stanford University Press, 2004.

Altman, Matthew C. "Introduction: Kant the Revolutionary." In *The Palgrave Kant Handbook*, edited by Matthew C. Altman, 1-17. London: Palgrave Macmillan, 2017.

Bernasconi, Robert. "Kant as an Unfamiliar Source of Racism." In *Philosophers on Race: Critical Essays*, edited by Julie K. Ward, and Tommy L. Lott, 145-166. Malden, and Oxford: Blackwell Publishers, 2002.

Clewis, Robert R. *The Kantian Sublime and the Revelation of Freedom*. New York: Cambridge University Press, 2009.

Crowther, Paul. *The Kantian Sublime: From Morality to Art*. New York: Oxford University Press, 1989.

David, Alain. "Negroes." In *Race and Racism in Continental Philosophy*, edited by Robert Bernasconi, and Sybol Cook, 8-18. Bloomington, and Indianapolis: Indiana University Press, 2003.

Denis, Lara. "Kant on the Wrongness of 'Unnatural' Sex." *History of Philosophy Quarterly* 16, no. 2 (1999): 225-248.

Eze, Emmanuel Chukwudi. "Philosophy and the 'Man' in the Humanities." *Topoi* 18, no. 1 (1999): 49-58.

Eze, Emmanuel Chukwudi. "The Color of Reason: The Idea of 'Race' in Kant's Anthropology." In *Postcolonial African Philosophy: A Critical Reader*, edited by Emmanuel Chukwudi Eze, 103-140. Cambridge, and Oxford: Blackwell Publishers, 1997.

Foucault, Michel. *The History of Sexuality*. Volume 1: *An Introduction*. Translated by Robert Hurley. New York: Pantheon Books, 1978.

Goodreau, John R. *The Role of the Sublime in Kant's Moral Metaphysics*. Washington: The Council for Research in Values and Philosophy, 1998.

Guyer, Paul. "Introduction: The Starry Heavens and the Moral Law." In *The Cambridge Companion to Kant and Modern Philosophy*, edited by Paul Guyer, 1-27. New York: Cambridge University Press, 2006.

Hengehold, Laura. *The Body Problematic Political Imagination in Kant and Foucault*. Pennsylvania: The Pennsylvania State University Press, 2007.

Herman, Barbara. "Could It Be Worth Thinking About Kant on Sex and Marriage?" In *A Mind of One's Own Feminist Essays on Reason and Objectivity*, edited by Louise M. Antony, and Charlotte E. Witt, 53-73. Boulder, CO: Westview Press, 2002.

Judy, Ronald. "Kant and the Negro." *Surfaces* 1 (1991): 1-64.

Kant, Immanuel. *Critique of Practical Reason*. Edited by Mary Gregor. Translated by Mary Gregor. Cambridge: Cambridge University Press, 2015.

Kant, Immanuel. *Critique of the Power of Judgment*. Edited by Paul Guyer. Translated by Paul Guyer, and Eric Matthews. Cambridge: Cambridge University Press, 2000.

Kant, Immanuel. *Groundwork of the Metaphysics of Morals*. Translated by Mary Gregor. Cambridge: Cambridge University Press, 1997.

Kant, Immanuel. *Lectures on Ethics*. Edited by Peter Heath, and Jerome B. Schneewind. Translated by Peter Heath. Cambridge: Cambridge University Press, 1997.

Kant, Immanuel. *Lectures on Metaphysics*. Translated by Karl Ameriks, and Steve Naragon. Cambridge: Cambridge University Press, 1997.

Kant, Immanuel. "Observations on the Feeling of the Beautiful and Sublime." In *Observations on the Feeling of the Beautiful and Sublime and Other Writings*, edited by Patrick Frierson, and Paul Guyer, 11-205. Cambridge: Cambridge University Press, 2011.

Kant, Immanuel. "The Conflict of the Faculties." In *Religion and Rational Theology*, translated by Mary J. Gregor, and Robert Anchor, 233-329. Cambridge: Cambridge University Press, 1996.

Kant, Immanuel. *The Metaphysics of Morals*. Translated by Mary Gregor. New York: Cambridge University Press, 1991.

Kant, Immanuel. "Universal Natural History and Theory of the Heavens." In *Natural Science*, edited by Eric Watkins, translated by Olaf Reinhardt, 182-309. New York: Cambridge University Press, 2012.

Kerstein, Samuel J. "Treating Oneself Merely as a Means." In *Kant's Ethics of Virtue*, edited by Monika Betzler, 201-218. New York: de Gruyter, 2008.

Kielkopf, Charles. "Masturbation: A Kantian Condemnation." *Philosophia* 25, nos. 1-4 (1997): 223-246.

Kneller, Jane. “Kant on Sex and Marriage Right.” In *The Cambridge Companion to Kant and Modern Philosophy*, edited by Paul Guyer, 447-476. New York: Cambridge University Press, 2006.

Korsgaard, Christine M. “Introduction.” In Immanuel Kant, *Groundwork of the Metaphysics of Morals*, edited by Mary Gregor, ix-xxxvi. Cambridge: Cambridge University Press, 1997.

McBay Merritt, Melissa. “Sublimity and Joy: Kant on the Aesthetic Constitution of Virtue.” In *The Palgrave Kant Handbook*, edited by Matthew C. Altman, 447-467. London: Palgrave Macmillan, 2017.

Mills, Charles W. “Kant’s Untermenschen.” In *Race and Racism in Modern Philosophy*, edited by Andrew Valls, 169-193. Ithaca, and London: Cornell University Press, 2005.

Nancy, Jean- Luc. *Corpus*. Translated by Richard A. Rand. New York: Fordham University Press, 2008.

Sensen, Oliver. “Duties to Oneself.” In *The Palgrave Kant Handbook*, edited by Matthew C. Altman, 285-307. London: Palgrave Macmillan, 2017.

Soble, Alan. “Kant and Sexual Perversion.” *The Monist* 86, no. 1 (2003): 55-89.

Svare, Helge. *Body and Practice in Kant*. Dordrecht: Springer, 2006.

Varden, Helga. “Kant and Sexuality.” In *The Palgrave Kant Handbook*, edited by Matthew C. Altman, 331-351. London: Palgrave Macmillan, 2017.

Wood, Allen W. “How a Kantian Decides What to Do.” In *The Palgrave Kant Handbook*, edited by Matthew C. Altman, 263-284. London: Palgrave Macmillan, 2017.

M. Mantzanas · *Conatus* 5, no. 2 (2020): 65-86
DOI: http://dx.doi.org/10.12681/cjp.23148

# The Concept of Moral Conscience in Ancient Greek Philosophy

**Michail Mantzanas**
*Ecclesiastical Academy of Athens, Greece*
*E-mail address*: mmantzanas@philosophy.uoa.gr
*ORCID iD:* http://orcid.org/0000-0001-7874-7081

**Abstract**

*The concept of consciousness in ancient Greek philosophy, concerns the internal autonomy and philosophical freedom from the condemnation of ignorance of both the foreign and the domestic world. The ancient Greek philosophers pointed out the value of the dialectic with the inner self to the problem of moral conscience and handed us a legacy of values and the primacy of reason. The article examines the concept of moral consciousness in ancient Greek philosophy. The purpose of the article is to investigate the moral question related to whether moral concepts have a subjective or an objective basis. In addition, the article demonstrates the unaffected by time significance of the concept of moral consciousness, as well as its connection with the reality of moral concepts, moral propositions, moral judgments, moral man, moral law, moral idealism, moral naturalism and moral relativism. Moral consciousness is the mirror of our self-knowledge.*

**Keywords:** *conscience; consciousness; human; animals; fear; existence; self-awareness; soul; ethics; action; God; rights*

## I. A conceptual study

The question concerning the existence of moral conscience[1] cannot be examined thoroughly in a brief article. Only manifestations of this significant problem can be presented. According to ancient philosophers the problem of moral conscience concerns human existence. Namely, we are

[1] Jacques Dupont, "Syneidesis: Aux origines de la notion chrétienne de conscience morale," *Studia Hellenistica* 5 (1948): 119-153; James Hastings, *Encyclopaideia of Religions and Ethics* (Edinburgh: T. & T. Clark, 1926).

our moral conscience.[2] However, the logical question emerges: what is moral conscience? Does it exist by itself or is it a synthesis of mental phenomena, cognitive definitions and unconscious qualities? The only thing we can state with certainty is that the matter of moral conscience is associated with the problems regarding the existence of the soul and ethics.

The term *syneidesis* (*συνείδησις*) derives from the verb *synoida* (Lat. conscio, conscientia), a compound word of the verb *oida* (*eidenai*) which means *immediate knowledge* as opposed to acquiring knowledge through reasoning (*noein*). The term *syneidesis* is not found in ancient Greek philosophers. What we find is the verb *synoida*. From the analysis that follows it arises that the existence of moral conscience in ancient Greek philosophy concerns the inner potentiality and awareness of man to distinguish good from evil. Moral conscience (Fr. *conscience morale*, Ger. *Gewissen*, Gr. *syneidese*) is defined as a phenomenon or as immediate motion,[3] logical meaning, critical ability, action,[4] composite cognitive function,[5] and self-awareness.[6] Conscience has a psychological[7] and an ethical meaning.[8] Moral conscience is the complement of psychological consciousness[9] and is regarded as a distinction among human actions.[10]

## II. Moral conscience in Homer and Hesiod

The question of moral conscience in both Homer and Hesiod is connected with the questions of the divine, of the soul and of fate. Homer in his epic poems portrays the everlasting battle between good and evil, namely the morally opposite definitions of life; through them emerges the need for the existence of a divine principle, which may distinguish good from evil: that is moral conscience.[11] Moral conscience in Homer is presented as the fear of avoiding the

---

[2] Heinrich Fries, "Gewissen," in *Handbuch der Theologischen Grundbegriffe* I, 519-528 (München: Kösel Verlag, 1966).

[3] Paul Foulquié, *Dictionnaire de la langue philosophique* (Paris: Presses Universitaires de France, 1969), 124-125.

[4] Régis Jolivet, *Traité de philosophie*, vol. IV (Lyon, and Paris: Em. Vitte, 1959), 190-195.

[5] Gabriel Madinier, *La conscience morale* (Paris: Presses Universitaires de France, 1958), 3-9.

[6] Régis Jolivet, *Vocabulaire de philosophie* (Lyon, and Paris: Em. Vitte, 1962), 43.

[7] Jolivet, *Traité*, 668-670.

[8] Madinier, 14-23 (on empirical ethics).

[9] Maurice Pradines, *Traité de Psychologie générale* (Paris: Presses Universitaires de France, 1946), 6-31; René Le Senne, *Introduction à la philosophie* (Paris: Presses Universitaires de France, 1958), 265-281; Henri Delacroix, *Les grandes formes de la vie mentale* (Paris: Presses Universitaires de France, 1948), 10-55; Madinier, 38-41.

[10] Ferdinand Alquié, *Leçons de philosophie* II (Paris: H. Didier, 1965), 194-289.

[11] Proclus, *Platonic Theology* I5; see DK 1 B 1-23; Cf. *Orphicorum Fragmenta*, ed. Otto

wrath of the eternal gods,[12] as the distinction and performance of good action, and has the triptych Hubris – Nemesis – Erinyes as a point of reference. Homer, without being a fatalist, respects fate, which does not guide man's will, but only motivates it.[13]

In Hesiod, moral conscience is personified and appears as the daughter of Erebus and Nyx.[14] She involves herself in earthly matters,[15] nevertheless has divine quality, since the gods of the pre-Hellenic religious sense were many and earthly. Moral conscience is directly associated with respect, order, modesty and punishment, since at the pre-ethical stage there is not an established ethical system.[16] According to Hesiod moral conscience is related to the Erinyes,[17] who are connected with divine punishment against human hybris.[18] Hesiod gives a metaphysical sense[19] to the meaning of moral conscience which motivates human action.[20]

## III. The pre-Socratic examination of moral conscience

According to K. Popper, the philosophical investigations of the pre-Socratics were gnoseological and cosmological.[21] Objections to the aforementioned position were advanced, supporting the existence of ethical teachings in pre-Socratic philosophy. Our research has pointed out that according to pre-Socratic philosophers there are traces of teachings concerning moral conscience in the Pythagoreans and in Heraclitus. The first literary use of *syneidesis* is found only in Democritus and Chrysippus,[22] who do not use the

---

Ferdinand Georg Kern (Berlin: Weidmann, 1922).

[12] Homer, *Odyssey*, 22, 39.

[13] Ibid., 1, 32-34.

[14] Hesiod, *Theogony*, 223; Károly Kerényi, *Die Mythologie der Griechen* (Stuttgart: Klett-Cotta, 1997), 22.

[15] Walter F. Otto, *Die Götter Griechenlands* (Frankfurt am Main: Vittorio Klostermann, 1970), 22-58.

[16] Hesiod, *Works and Days*, 198.

[17] Hesiod, *Theogony*, 185.

[18] Jean-Pierre Vernant, *Mythe et religion en Grèce ancienne* (Paris: Éditions de Seuil, 1990); Walter Burkert, *Structure and History in Greek Mythology and Ritual* (Berkeley: University of California Press, 1979); R. Buxton, *Oxford Readings in Greek Religion* (Oxford: Oxford University Press, 2000), 45-78.

[19] Egon Friedell, *Kulturgeschichte Griechenlands* (München: C. H. Beck, 1972), 40-61.

[20] Martin P. Nilsson, *A History of Greek Religion* (Oxford: Clarendon Press, 1949), 105-133.

[21] Karl Popper, *The World of Parmenides: Essays on the Presocratic Enlightenment* (London, and New York: Routledge, 1998), 7-8.

[22] Diogenis Laertius, *Vitae Philosophorum*, 7:85.

term with a moral meaning,[23] while the theory concerning moral conscience is largely found in Sophists, especially in Gorgias.[24]

The cardinal principle of the pre-Socratic philosophers' thought concerning moral conscience does not diverge from their monism-pantheism doctrine: "everything is full of gods,"[25] in that it gives a divine origin to moral conscience. According to W. Jaeger, the moral conscience doctrine of the pre-Socratics originates from their teachings concerning the infinitude of being.[26] To wit, the range of human moralities is as wide as being is infinite. Jaeger high lights the existence of individual morality, proclaims the contemporary theory of the death of morality and rejects the concept of social morality, which does not exist.

The Pythagoreans focus on the concepts of man's self-awareness, purification, and intellectual completion through numbers[27] and the likeness to the divine or *daimonion*.[28] Morality is a determining factor for the soul; since everything that gets to be done in the present life forms the fate of the soul after the death of the body. The theory regarding Pythagorean ethics cannot be conceived independently of action. In addition, morality should be

---

[23] Don E. Marietta, "Conscience in Greek Stoicism," *Numen* 17, no. 3 (1970): 178.

[24] Plato, *Gorgias*, 482e-486d. For a detailed analysis, see Alfred Edward Taylor, *Plato: The Man and His Work* (London: Methuen, 1960), 103-129, esp. 115-118.

[25] DK 11 A 22: "ὠιήθη πάντα πλήρη θεῶν εἶναι."

[26] DK 12 B1: "ἀρχὴ… τῶν ὄντων τὸ ἄπειρον." Cf. DK 12 B 3; Werner Jaeger, *The Theology of the Early Greek Philosophers* (Oxford: Oxford University Press, 1948), 24-59.

[27] The Byzantine scholar Micahel Psellos sheds light on the *ethical arithmetic* of Pythagoreans, i.e. the theory that relates numbers to virtue. Consistent with the theory of numbers that govern all creation, the Pythagoreans believed that the forces of the soul were connected to numbers. In the words of Psellos, in *The Excerpts from Iamblichus' On Pythagoreanism V-VII* [in Dominic J. O'Meara, *Pythagoras Revived: Mathematics and Philosophy in Late Antiquity* (Oxford, and New York: Claredon Press, 1989), 218-227, esp. 225]: "If the form of virtue is defines by a measures and perfect life, mean and perfect numbers fit natural virtue, superabundant and deficient ‹numbers› ‹fit› excesses and deficiencies in relation to virtue. And one must assign the opposites of what we give to virtue to vice: lack of measure and of harmony, the differentiating, the unequal, unlimited, and such-like... And each virtue fits a number... And courage as manliness relates too odd number, but as constancy it relates to square... Fitting temperance, cause of symmetry, is 9 which is multiplied from the triad, for if all square numbers produce equality, those produced from odd numbers are the best for producing equality, and of these thhe first is the square from the triad, 9, which comes from two perfect numbers, the 3 and 6, according to the first perfect number, the 3, perfected completely and as a whole." See also William Keith Chambers Guthrie, *A History of Greek Philosophy,* vol. I: *The Earlier Presocratics and the Pythagoreans* (Cambridge: Cambridge University Press, 2000]), 317. Cf. Georg Wilhelm Friedrich Hegel, *Lectures on the History of Philosophy 1825-6: Greek Philosophy*, trans. and ed. Robert F. Brown (Oxford: Claredon Press, 2006), 47: "but, because he reduces virtue to number, he consequently fails to arrive at a proper theory about it."

[28] Aristotle, *Metaphysics* 987a11-28; Diogenis Laertius, 8:48; Peter Gorman, *Pythagoras: A Life* (London, and Boston: Routledge, and Kegan Paul, 1979), 24-56.

considered as reason and consistency, instead of a set of rules or practices aimed at bringing social and economic benefits. Moral conscience concerns the distinction between good and evil through self-awareness control[29] and study.

Heraclitus in his philosophical doctrine stresses the continuous variability of beings,[30] the harmony of opposition,[31] the cause of synthesis, introspection,[32] and pantheism.[33] He conceives moral conscience as the gnoseo-ontological condition of thought, reason and being. Reason is innate in man, however this doesn't entail that man uses his reason. For example, one is not born evil, yet one may become evil only if he prevents himself from submitting to the power of his reason. However, if he submits to his reason, which according to nature exists concealed in his inner being[34] settling the differences, he identifies with the harmony of divine reason and becomes blissful. This is the interpretation of the Heraclitan saying "the moral conscience in man is the cause of his bliss."[35] When moral conscience is animated by reason, it is governed by the highest principle of distinction between good and evil action:

> Heraclitus indeed – and the Stoics agree with this – links our own reason with the divine reason, which rules and settles the worldly matters. Thanks to the unbreakable sequence, our own reason is aware of the logically supposed and with the help of senses it announces the future to the loved souls.[36]

Therefore, moral conscience to Heraclitus constitutes man's inerrability to distinguish good action from non-good.

Our reference to the pre-Socratic teachings concerning moral conscience will be completed with Democritus, who alone mentions the term *syneidesis*.

---

[29] Pythagoras, *Golden Verses*, 40-42: "Μὴ δ' ὕπνον μαλακοῖσιν ἐπ' ὄμμασι προσδέξασθαι, πρὶν τῶν ἡμερινῶν ἔργων τρὶς ἕκαστον ἐπελθεῖν·πῇ παρέβην; τί δ' ἔρεξα; τί μοι δέον οὐκ ἐτελέσθη;" See Johan C. Thom, *The Pythagorean Golden Verses: With Introduction and Commentary* (Leiden, New York, and Köln: Brill, 1994), 75-77, 101-229.

[30] DK 22 A 6: "πάντα χωρεῖ καὶ οὐδὲν μένει."

[31] Aristotle, *Physics*, 203b7.

[32] DK 22 B 101: "ἐδιζησάμην ἐμεωυτόν."

[33] DK 22 B 10: "ἐκ πάντων ἓν καὶ ἐξ ἑνὸς πάντα;" DK 22 B 50: "ἓν πάντα εἶναι."

[34] DK 22 B 123: "φύσις κρύπτεσθαι φιλεῖ."

[35] DK 22 B 119: "ἦθος ἀνθρώπῳ δαίμων."

[36] DK 22 A 20: CHALCID. c. 251 p. 284, 10 Wrob. [wahrsch. aus dem Timaios comm. des Poseidonios.] *H. vero consentientibus Stoicis rationem nostram cum divina ratione conectit regente ac moderante mundana: propter inseparabilem comitatum consciam decreti rationabilis factam quiescentibus animis ope sensuum futura denuntiare. ex quo fieri, ut adpareant imagines ignotorum locorum simulacraque hominum tam viventium quam mortuorum. idemque adserit divinationis usum et praemoneri meritos instruentibus divinis potestatibus*.

Although Democritus, accepting gods[37] and God,[38] is unclear on the question on the existence of the divine, he conceives man as a microcosm[39] and as blissful in the safety of the city. Democritus gives the definition of moral conscience:

> Some people, ignorant of the dissolution of man's mortal nature, however aware of their evil actions in life, suffer fears and disturbances in their lives, while inventing false myths concerning their time after death.[40]

According to Democritus, moral conscience is linked with the matter of knowledge and concerns the self-consciousness of a negative action or situation.[41] Moral conscience is the cognitive perception of action and concerns the awareness that an action is good or evil. Distinguishing good from evil action requires self-awareness. However, the existence of the presupposition does not bring about the achievement of the desired outcome or *vice-versa*; for example, although obeying the laws of the city is presupposed for the individual and social welfare, nevertheless it is not accomplished. For Democritus, obeying the laws[42] is imposed by the feeling of shame and the individual moral conscience, especially guilty conscience, which concerns both the individual and social morality. The inner being and leading a commensurate life ensure individual happiness and harmonic social coexistence.[43]

---

[37] Aetius, 4:10, 4; B 175, B 234.

[38] Aetius, 1:7, 16: "Δημόκριτος νοῦν τὸν θεόν, ἐν πυρὶ σφαιροειδεῖ."

[39] DK 68 B 34: "μικρῶι κόσμωι." Paul Cartledge, Ray Monk, and Frederic Raphael, *Democritus: Democritus and Atomistic Politics* (London: Phoenix, 1998).

[40] DK 68 B 297: "ἔνιοι θνητῆς φύσεως διάλυσιν οὐκ εἰδότες ἄνθρωποι, συνειδήσει δὲ τῆς ἐν τῷ βίῳ κακοπραγμοσύνης, τὸν τῆς βιοτῆς χρόνον ἐν ταραχαῖς και φόβοις ταλαιπωρέουσι, ψεύδεα περὶ τοῦ μετά τὴν τελευτὴν μυθοπλαστέοντες χρόνου."

[41] DK 68 B 19.

[42] Gerhard Jean Daniel Aalders, "The Political Faith of Democritus," *Mnemosyne* 4, no. 3 (1950): 302-313; Joannis R. Paneris, *Die Staatsphilosophie Demokrits im Hinblick auf die Lehre der älteren Sophisten* (PhD diss., University of Wien, 1977); Reimar Müller, "Die Stellung Demokrits in der antiken Sozialphilosophie," in *Proceedings of the 1st International Congress on Democritus*, ed. Linos G. Benakis, 423-434 (Xanthi: Bouloukos, 1984); John F. Procopé, "Democritus on Politics and the Care of the Soul," *Classical Quarterly* 39, no. 2 (1989): 307-331.

[43] Ioannis Kalogerakos, "Demokrits Auffassung vom Bürger," in *The Notion of Citizenship in Ancient Greek Philosophy*, ed. Evangelos Moutsopoulos, and Maria Protopapas-Marneli (Athens: Academy of Athens, 2009), 74-101; Ioannis Kalogerakos, *Seele und unsterblichkeit. Untersuchungen zur Vorsokratik bis Empedokles* (Stuttgart, and Leipzig: De Gruyter, 1996); Christopher Charles Whiston Taylor, *The Atomists Leucippus and Democritus. Fragments. A text and Translation with a Commentary*

The Sophists are considered to be the main introducers of the theory of instinct or otherwise stated "theory of self-preservation;" its main concern is to define *good* on the basis not of arbitrary metaphysical hypotheses, but of natural inclinations essentially defining human behaviour. *Good* and *Evil* are not to be understood metaphysically but rather express respectively desire or aversion. According to Sophists, ethics, within the context of social life, should be viewed in connection to the natural inclination to serve and promote personal interest and, therefore, anything promoting this inclination is considered good.

Sophists, therefore, concluded towards a morality that was formed situationally, contextually; in this sense, they trusted far more the expression of individuality to determine what was to be deemed useful and beneficial than some general and invariable rules. They place the existence of moral conscience within these roving of personal interest and the personal imposition or otherwise stated the theory of self-preservation. They stress that the socio-ethical rules change from one time to another and from one society to another; according to Gorgias,[44] they are instituted not according to nature but according to position and that the interest of the powerful prevails. With Protagoras[45] we go from natural instinct to conventional morality. Protagoras' moral relativism does not bring about the lifting of moral conscience and of the value of moral rules, to which we all must adhere.[46] What impresses with the teachings of moral conscience, especially that of Democritus and the Sophists, is the fact that their theories begin to reveal in an undetectable way the distinction between good and evil, or the consciousness of action

(Toronto: University of Toronto Press, 1999); Rudolf Löbl, *Demokrit Texte zu seiner Philosophie. Ausgewählt, übersetzt, kommentiert und interpretiert* (Amsterdam, and Atlanta: Editions Rodopi, 1989); William Keith Chambers Guthrie, *A History of Greek Philosophy*, vol. II: *The Presocratic Tradition from Parmenides to Democritus* (Cambridge: Cambridge University Press, 1978), 382-507; Horst Steckel, "Demokritos," in *Paully-Wissowas Real-Enzyklopaedie des classischen Altentums*, Suppl. XII, 192-223 (Stuttgart: J. B. Metzlersche Buchhandlung, 1970); Wolfgang Röd, *Die Philosophie der Antike 1: Von Thales bis Demokrit* (Munich: C. H. Beck, 1988), 192-211, 251-255; Geoffrey S. Kirk, John E. Raven, und Malcolm Schofield, *Die vorsokratischen Philosophen. Einführung, Texte und Kommentare* (Stuttgart: J. B. Metzler, 1994), 439-472; Christof Rapp, *Vorsokratiker* (Munich: C. H. Beck, 1997), 208-238; Christopher Charles Whiston Taylor, "The Atomists," *Routledge History of Philosophy*, vol. I: *From the Beginning to Plato*, ed. C. C. W. Taylor, 220-243 (London, and New York: Routledge, 1997); Christopher Charles Whiston Taylor, "Die Atomisten," in *Handbuch frühe griechische Philosophie*, *Von Thales bis zu den Sophiste*, ed. Antony A. Long (Stuttgart: J. B. Metzler, 2001), 165-186; Jaap Mansfeld, *Die Vorsokratiker* II: *Zenon, Empedokles, Anaxagoras, Leukipp, Demokrit* (Stuttgart: Reclam, 1986); Fritz Jürss, Reinmar Müller, und Ernst G. Schmidt, *Griechische Atomisten. Texte und Kommentare zum materialistischen Denken der Antike* (Leipzig: Reclam, 1988).

[44] Plato, *Gorgias,* 483d.

[45] Plato, *Protagoras*, 323c.

[46] Ibid., 326c-d.

– although Socrates is the one who introduced explicitly the notion of the conscious awareness of one's actions, and corresponding consideration of good vs. evil on an individual level, as contrasted with the previous mores of tradition and custom defining these as handed down. [47]

From what has been stated so far, moral conscience according to pre-Socratics is innate in man and appears to be "carrying out its mission," when it is animated by reason, mind and being. This reason is common and divine and, when it is allowed to be the judge and distributor of morality, man becomes blissful.

## IV. The meaning of moral conscience according to Plato

Fate would have it that Socrates,[48] after transferring his philosophical thought from things to man, started searching for the carrier of moral existence in man, introducing a consciously[49] moral internalism.[50] Although he does not mention the term moral conscience explicitly, however moral conscience to him appears to be an innate property of man, an inner voice, which is called *daimon* or divine.[51]

Plato who does not mention the term conscience, except for the verb *synoida* with various meanings,[52] (perception – consensus – assent – clear knowledge –acceptance), gave to moral conscience a transcendent expression.[53] Plato, the philosopher of 'beyond essence'[54] – a saying concerning the quantitative transcendence of the divine in relation to human weights and measures and the qualitative distinction between material and immaterial – is not released from his utopian orientation; in *The Republic* he presents moral conscience as the divine part of man's soul,[55] which is animated by the

[47] For a thorough study on this subject, see William Keith Chambers Guthrie, *Socrates* (Cambridge: Cambridge University Press, 1971), 97-104; Aristotle, *Metaphysics*, 987b1-4; 1078b17.

[48] Gregory Vlastos, *Socrates: Ironist and Moral Philosopher* (Cambridge: Cambridge University Press, 1991), 91-98.

[49] Guthrie, *Socrates*, 130-142.

[50] Walter Burkert, *Greek Religion*, trans. John Raffan (London: Blackwell, 1985), 179-181.

[51] Plato, *Apology*, 21b, 31c-d, 40a-b.

[52] In Plato's *Laws* (742b), *Phaedrus* (92d), *Protagoras* (348b) and *Sophist* (232c) the 'synoida' has the meaning of awareness, while in *Theaetetus* (206a), in *Apology* (21-34 b) and in *Res Publica* (607d) has the meaning of consciousness.

[53] Plato, *Timaeus*, 28c: "τὸν μὲν οὖν ποιητὴν καὶ πατέρα τοῦδε τοῦ παντὸς εὑρεῖν τε ἔργον καὶ εὑρόντα εἰς πάντας ἀδύνατον λέγειν."

[54] Plato, *Res Publica*, 509b.

[55] Plato, *Res Publica*, 531c.

hypostatic properties of the divine: goodness[56] and simplicity.[57] So in what way is the moral conscience doctrine related to man's inner being? Since Plato considers the body as the cover and tomb of the soul,[58] he sanction sinner man, who is not deceived by his senses[59] and passions, which "contribute to the distortion of rational soul from its cohabitation with the body."[60] Innate reason resides in inner man, that is the one who lives an inner life.[61] The result of reason's function, namely of man's adherence to the wisdom of the rational part of the soul's prudence, is the right and prudent function of moral conscience and the right distinction between good and evil. Moral action concerns the next stage, namely it is acquired and requires moral conscience.

We believe that the greatest contribution Plato to the matter of moral conscience is its connection with the matter of moral freedom and freedom of will.[62] The Socratic saying "οὐδείς ἑκών κακός,"[63] i.e. no man is voluntarily evil, introduced the matter of freedom of will to philosophy and linked it directly to the matter of the theory of knowledge[64] and ethics. According to Socrates, since every wrongdoing is the result of a wrong judgment, the offender is not the victim of weak will, but of his mental insufficiency. However, the following question emerges: since no man is voluntarily evil, therefore he is not free, how do we interpret the existence of moral conscience? What is the importance of distinguishing between good and evil, namely having moral conscience, when one is not free to choose between the good and evil, which he has previously distinguished? More importantly, what is the benefit of the existence of moral conscience, which logically precedes will, when action is adventitiously heteronymous? That is to say, how is man not voluntarily evil, as Plato argues, when he has a moral conscience? Plato's antinomic view,[65] which presents Socrates as determinist (man is free, knowledge is a virtue, and there for evil action is involuntary, because man is ignorant and therefore he is not voluntarily evil), raises questions concerning the existence of moral

---

[56] Plato, *Res Publica*, 379a seq.

[57] Plato, *Res Publica*, 382e: "ἄρα ὁ θεὸς ἁπλοῦν καὶ ἀληθὲς ἔν τε ἔργῳ καὶ λόγῳ."

[58] Plato, *Alciviades*, 1, 130c: "ψυχή ἐστιν ἄνθρωπος." Plato, *Cratylus,* 400c; *Phaedrus,* 82e; Marcus Aurelius, *Meditationes*, 4:41; Porfyry, *On the life of Plotinus*, 1.

[59] Plato, *Res Publica*, 382a.

[60] Karl Bormann, *Platon* (Freiburg, and München: Verlag Karl Alber, 2003), 188.

[61] Plato, *Res Publica*, 492e.

[62] Plato stresses the matter of freedom of will in many dialogues: *Timaeus*, 86e, *Menon*, 77b, *Sophist*, 228c, *Res Publica*, 382a, 413a.

[63] Guthrie, *Socrates*, 179-196.

[64] Gregory Vlastos, *Platonic Studies* (Princeton: Princeton University Press, 1973), 204-217.

[65] Plato, *Timaeus*, 44c, *Phaedon*, 80e, *Res Publica*, 485a.

conscience, given that freedom of will presupposes moral conscience. Plato appears to be answering the aforementioned antinomy in 379 c-d of *The Republic* and in the passages cited, the rendering of which is summarised by the phrase: "man is to be blamed, God is blameless."[66]

What we must stress is that the investigation regarding moral conscience in Platonic works is an ambitious and difficult task. There cannot biasing assumption concerning moral conscience. In the Platonic works everything is separated and categorised according to the parts of the soul (rational – spirited – desiring) and the virtues (prudence and wisdom – bravery – temperance). In social existentialism the moral conscience of the kings differs from the one of the guards. Conclusively, in Plato, we have aspects of the matter of moral conscience; moral conscience seems to be related to immediate knowledge, moral liberty and freedom of will,[67] although the Platonic doctrine concerning the divine likeness of the soul, does not prove moral liberty; instead, it introduces moral determinism, namely lack of moral freedom, since anything that is going to happen is in advance hetero-determined and hetero-defined to happen as it will happen.[68]

## V. The meaning of moral conscience according to Aristotle

Aristotle does not use the term *syneidesis* either, except for the verb *synoida* with various meanings (knowledge – awareness – prudence). He replaces the

---

[66] Plato, *Res Publica*, 347d, 505d, 617e, 619b, *Laws*, 719d, 916b, *Phaedrus*, 230e, 249a, *Protagoras*, 356e, *Philebus*, 33a, *Apology*, 37b.

[67] Plato, *Timaeus*, 86e, *Menon*, 77b, *Sophist*, 228c, *Res Publica*, 382a, 413a. Plato puts forth the notion that man has full knowledge of his actions, i.e. consciousness, and the intellectual capacity to foresee their ramifications, but seems to have been hazy on the connection between moral responsibility and bad acts. Plato aligns the Good with knowledge and the Bad with ignorance, but somewhat overlooks the complexities inherent in the latter state, whereby an agent can truthfully skirt responsibility for an evil act, thus attaining absolution and disrupting the equilibrium of justice.

[68] Aristotle was opposed to the view held by Socrates and Plato that man's sins are unintentional. He believed that *proairesis* dictates that man is conscious of an act; it is deliberate, otherwise there would not exist free will. Individual actions are therefore the domain of the actor, and beget other events, whether good or bad (*Magna Moralia*, 1187b11). Virtue is an *exis* (*habit*) which is freely chosen by the individual (*Nicomachean Ethics* 2, 1107a). Aristotle does not believe that man has the capacity to dictate fate, and therefore cannot produce Good or Evil, Just or Unjust activity (*Magna Moralia*, 1187a7-8). Moreover, he contradicts Socrates' argument that, given the choice, no one would deliberately desire to be unjust (*Magna Moralia,* 1187a9-14. It becomes clear that those who are evil are not of their own free will and those who are good are not of their own free will. In other words, nature makes man good and ignorance makes him bad. The human will is annulled by natural necessity and, therefore, we should not blame those who do not decide voluntarily. As Ricot put it, such a perception would invalidate the meaning of punishment, since imprisonment would make no sense, as it would turn criminal offense into negligence; see Jacques Ricot, *Peut-on tout pardonner?* (Nantes: Pleins Feux, 1999), 12-18.

term *syneidesis* with the synonym terms: *reason*, *knowledge*,[69] *perception*, *theory*, *mind*,[70] *intellect*, *prudent life*, *awareness*,[71] *prudence*,[72] and *practical wisdom*. According to the Stageirian philosopher the meaning of moral conscience is related to moral virtue and legal philosophy. In the *Nicomachean Ethics* he presents the concepts of theory, *proairesis*, i.e. freedom of will, which are inseparably linked with moral conscience. Moral conscience is inner speech, the management of the passions by the soul,[73] dianoetic virtue and common law which is connected, according to the Stageirian philosopher, with knowledge and habit. In this way moral conscience brings about a firm distinction between good and non-good action and permanent habit. Aristotle – and this is where his originality lies – sets knowledge and habit completely apart from moral action. The purpose of Aristotelian ethics is bliss. Practical wisdom, prudence, reason and intellect are associated with moral conscience. Aristotelian morality stresses the positive manifestation of the human soul;[74] moral conscience is required and connected with the performance of either moral action – however not with innaction – or non-good action. According to Aristotle's ethics a moral person takes a position and, as Ingemar Düring stresses, uses the right measure[75] as a criterion for his actions for the accomplishment of philosophical cohabitation.[76] But when? When he is aware and therefore, he makes choices voluntarily.[77] It is only then that his free will is governed by morality,[78] which is why Aristotle promotes the concept of consistency.

Aristotle relates moral conscience with free will. Nevertheless, the causes of moral determinism area) Aristotelian entelechy, which promotes the predetermined purpose and rejects moral freedom and man's *proairesis* as the causes of his self-determination; b) the Aristotelian *akrasia*,[79] which states the weakness of will, namely to not do good while knowing good and to not refuse evil.

---

[69] Aristotle, *De anima*, 410b3.

[70] Aristotle, *Nicomachean Ethics*, 1143a9, 16. Cf. William David Ross, *Aristotle* (London, and New York: Routledge, 1995), 207-211, 229-233.

[71] Aristotle, *Great Ethics*, 1192a26.

[72] Aristotle, *Nicomachean Ethics*, 1143a.

[73] Aristotle, *De anima*, 411a24-b17.

[74] René Gauthier, *La morale d'Aristote* (Paris: Presses Universitaires de France, 1962), 88-98.

[75] Ingemar Düring, *Aristotele*, trans. Pierluigi Donini (Milan: Murcia, 1976), 167-169, 289-292.

[76] Ibid., 490-568.

[77] Aristotle, *Nicomachean Ethics*, 1109b.

[78] Aristotle, *Politics*, 1281a11-1284b34; Plato, *Statesman*, 284 b-c.

[79] Aristotle, *Nicomachean Ethics*, 1102b, and *Ethics Eudemia*, 1224a.

## VI. The meaning of moral conscience according to Stoic philosophy

The Hellenistic period[80] is a transition point of social, religious and philosophical transformation.[81] The Stoics, in a climate of socio-political terror-mongering, reintroduce a morality which descends from a revival of ourselves and from the rationalisation of our moral conscience.[82] But what is moral conscience? Conscience[83] is a term introduced by Stoics; it represented the opinion to be shaped upon morality, inherent in one's actions, and the ability to distinguish between good and evil. In Stoic philosophy,[84] especially in Cicero,[85] moral conscience is an inherent, innate and connective principle, raising the common natural law, which is also innate in man. The awakening of moral conscience is optional and becomes obligatory only with the spark of reason. According to Seneca,[86] the term conscience means the knowledge of beings or otherwise stated the knowledge of the motivation of our actions, as well as the knowledge of ourselves.[87] The Stoa accepts the existence of moral conscience asana biter, mediator or as an evaluating distributor of the good and evil motivation of actions. In addition, it separates conscience, as well as action, into good and evil, therefore moral action, which follows moral conscience, does not fall into fatalism or destiny, but is a product of free will.

The stoic meaning of moral conscience is governed by a moral determinism[88] and is based on the pantheistic, moral and natural system of

---

[80] Julia Annas, *Hellenistic Philosophy of Mind* (Berkeley: University of Berkeley Press, 1992); E. P. Arthur, "The Stoic Analysis of the Mind's Reactions to Presentations," *Hermes* 3 (1983): 69-78; Benson Mates, *Stoic Logic* (Berkeley: University of California Press, 1961), 67-98; cf. John Michael Rist, *Stoic Philosophy* (Cambridge: Cambridge University Press, 1969), 256-272. Anthony A. Long, *Stoic Studies* (Cambridge: Cambridge University Press, 1996), 190-205.

[81] Anthony A. Long, *Hellenistic Philosophy: Stoics, Epicureans, Sceptics* (New York: Charles Sribner's Sons, 1974), 2-3.

[82] Cf. Mika Ojakangas, "Arendt, Socrates, and the Ethics of Conscience," *COLLeGIUM: Studies Across Disciplines in the Humanities and Social Sciences* 8 (2010): 67-85.

[83] Cf. Johannes Stelzenberger, *Syneidesis, Conscientia, Gewissen: Studie zum Bedeutungswandel eines moral theologischen Begriffes* (Paderborn: F. Schöningh, 1963); Don E. Marietta, *Introduction to Ancient Philosophy* (London, and New York: M. E. Sharpe, 1998).

[84] Cf. Richard Reitzenstein, *Die hellenistischen Mysterien religionen nach ihren Grundgedanken und Wirkungen* (Leipzig, and Berlin: Teubner, 1927), 80-105.

[85] Cicero, *De natura deorum*, 2:16.

[86] Seneca, *Epistulae morales*, 8:1-2.

[87] Ibid., 8:3-5.

[88] Anthony A. Long, "Freedom and Determinism in the Stoic Theory of Human Action," in *Problems in Stoicism*, ed. A. A. Long (London: The Athlone Press, 1971), 174-193.

the Stoics. According to the Stoics, God, nature,[89] and moral law coexist and are connected.[90] Since God,[91] nature and moral law are interlinked: "God participates through nature in all terrestrial things,"[92] conscience, which is of divine origin through the relation of reason with the divine,[93] is innate in man. Moral conscience is part of the divine, which exists in the world and therefore within man and adheres to natural law. So the following question is raised: when does moral conscience according to the Stoics distinguish correctly between good and evil? This happens when man aims at a life according to reason, freed from passion[94] and at a life according to nature, in which case the ideal type of Stoic philosopher is introduced. Who is the Stoic philosopher according to the Stoics? It is he who converts biological time[95] to psychological,[96] does not submit to the causality of chance,[97] sets aside the servitude of providence and abandons the material predetermination of fate[98] and destiny. In addition, he is not assimilated with the irrational omnipotence of passions,[99] the occurrence of which generates the unending desire of repeating their fulfilment.[100]

The Stoics base right morality[101] on living in accordance with nature, which is defined as the rational art of living and which does not contravene natural laws.[102] Man himself through the practices of his life becomes a moral being. When his actions have reason as a rule, man is governed by harmony

---

[89] Seneca, *Epistulae morales*, 120:4.

[90] Eleni Kalokairinou, "The Cosmological Assumptions of Stoic Ethics," *Diotima* 24 (1996): 139-143.

[91] Seneca, *Epistulae morales*, 9:1-2.

[92] Cicero, *De natura deorum*, 2:28.

[93] Seneca, *Epistulae morales*, 65:1-2.

[94] Hans von Arnim, *Stoicorum veterum fragmenta* (Leipzig: Teubner, 1903-1924), 1:205 [henceforth: *SVF*].

[95] Seneca, *De brevitatae vitae*, 8:1.

[96] Seneca, *Epistulae morales*, 1:3, 49:9.

[97] *SVF*, 1:449.

[98] Seneca, *Epistulae morales*, 12;6-9.

[99] Ibid., 60:2-4.

[100] *SVF* , 3: 459.

[101] Katerina Ierodiakonou, "The Stoic Division of Philosophy," *Phronesis* 38, no. 1 (1993): 57-74.

[102] Luts Bloos, *Probleme der Stoischen Physik* (Hamburg: Buske Verlag, 1973); cf. Brad Inwood, *Ethics and Human Action in Early Stoicism* (New York: Clarendon Press, 1985); David E. Hahm, *The Origins of Stoic Cosmology* (Columbus, OH: Ohio State University Press, 1977); Long, *Hellenistic Philosophy*, 189; Ernst Grumach, *Physis und Agathon in der alten Stoa* (Berlin: Weidmann, 1932).

and apathy. It is after all a general admission of Stoa, that happiness of the soul[103] results from the right distinction of our moral conscience and our apathetic self.[104] Equally important is the admission placing the bliss of the soul,[105] which is connected with the performance of the morally right,[106] higher on the evaluative scale against material bliss. The body is subject to material bliss, namely the material laws of fate,[107] while the immaterial soul and spirit motivate man's life without submitting to causalities.

According to the Stoics, who are advocates of Pantheism, namely of the coexistence of the world of man and God, apathy constitutes moral practice, which must constitute the conscious choice of moral conscience. Man is his moral conscience and is fortunate or unfortunate[108] because he freely and consciously chooses the way of living he consistently leads.[109] Personal morality[110] according to the Stoics, must result from a rationalised moral conscience, which has a universality as the Universal Totality. The prevention of moral deviations is not subject to metaphysical designing but constitutes mental processing in the process of the distinction between good and evil. This is the formative role of moral conscience according to the Stoics: to lift the excuse that we cannot set apart good from evil or just from unjust. The stoic theory of moral conscience casts deficit and moral deficiency out from moral inaction. Man, according to Mates, cannot invoke unawareness and introduce moral loose ends and different opinions as a result of his moral dilemmas, for moral conscience constitutes the infallible judge of an action.[111]

The problem of moral conscience according to the Stoics does not have the same solution. Marcus Aurelius summarises it under the concept of apathy[112]

---

[103] *SVF*, 3:136; Seneca, *Epistulae morales*, 8:5, 30:14.

[104] Jerry Willmert Stannard, *The Psychology of the Passions in the Old Stoa* (Illinois: University of Illinois at Urbana-Champaign, 1958); Arthur W. H. Adkins, *Merit and Responsibility: A Study in Greek Values* (Oxford: Clarendon Press, 1960); Roswitha Alpers-Gölz, *Der Begriff Skopos in der Stoa und seine Vorgeschichte* (New York: Olms Hildesheim, 1976), 54-73; Julia Annas, *Truth and Knowledge, in Doubt and Dogmatism* (Oxford: The Clarendon Press, 1980); Samuel Sambursky, *Physics of the Stoics* (London: Routledge, and Kegan Paul, 1959).

[105] Seneca, *De vita beata*, 2:2.

[106] Ibid., 8:1-2.

[107] Seneca, *Epistulae morales*, 14:1-2.

[108] *SVF*, 3:52, 18.

[109] *SVF*, 2:295, 31.

[110] Marcus Aurelius, *Meditationes*, 1:14, 15. Cf. Stannard; Ludwig Stein, *Die Psychologie der Stoa*, vols 1-2 (Berlin: Verlag von S. Calvary, 1939); Gerard Watson, *The Stoic Theory of Knowledge* (Belfast: Queen's University, 1966).

[111] Mates, 65-80.

[112] Marcus Aurelius, *Meditationes*, 8:48.

that is the rationalised action of the ruling mind, the dominating reason and the independence from passions, which create a real shield for man's freedom leading him to the deceiving phenomenality. Due to misguided lifestyle choices,[113] his lack of peace widens,[114] his freedom becomes undermined and the negotiating power of his self-sufficiency is weakened. So what is the role of moral conscience? As we have mentioned previously the Stoics separated conscience, as well as action, into good and evil. The role of bad conscience is to weaken reason[115] and cause guilt and feelings of terror from the erroneous distinction concerning an action. Conversely, good conscience brings about undisturbed inner peace, calm, rationalised composure and self-confidence. To wit, for Sambursky and Forschner,[116] good conscience drives man to incline towards living according to nature, while, for Frede and Mates, towards living according to reason.[117] The deficient supremacy and dominance of good conscience over bad, according to More, leads to the decline of reason, dangerously jeopardising man's inner freedom by bringing moral subsidence upon him; it also causes severe reduction of man's inner strength, inner discord and deficient self-examination, engraining in him the dubious state of confusion, fear, doubt and unsolvable dilemmas.[118]

Seneca embraces moral conscience[119] as the crucial carrier of personal bliss and gives it a moral meaning.[120] Marcus Aurelius insists that there is a moral conscience which generates the self-knowledge of 'dig within,'[121] whereas Seneca relates moral conscience with 'man's inner bliss.'[122]

---

[113] Long, *Hellenistic Philosophy*, 199-208; cf. Arthur, 69-78.

[114] Ludwig Edelstein, *The Meaning of Stoicism* (Ohio: Oberlin College, 1966), 85-94.

[115] Seneca, *Epistulae morales*, 92:27, 37:4.

[116] Maximilian Forschner, *Die stoische Ethik* (Stuttgart: Klett-Cotta, 1981), 65-88.

[117] Michael Frede, Die stoische Logik (Göttingen: Vandenhoeck & Ruprecht, 1974), 24-68.

[118] Paul Elmer More, *Hellenistic Philosophies* (Princeton: Princeton University Press, 1923), 86-98; Joseph Moreau, "Ariston et le stoïcisme," *Revue des Études Anciennes* 50 (1948): 27-48. Especially for the meaning of duty, see Gerhard Nebel, "Der Begriff des Kathekon in der alten Stoa," *Hermes* 70 (1935): 439-460; Robert Joseph Rabel, *Theories of the Emotions in the Old Stoa* (PhD diss., Michigan University, 1975); Margaret E. Reesor, *The Political Theory of the Old and the Middle Stoa* (New York: J. J. Augustin, 1951). Cf. Marcus Aurelius, *Meditationes*, 5:28.

[119] Seneca, *Epistulae morales*, 120:1-3, 85:32.

[120] Marietta, "Conscience," 176. Cf. Adolf Dyroff, *Die Ethik der alten Stoa* (Berlin: Verlag von S. Calvary, 1897), 47-69.

[121] Marcus Aurelius, *Meditationes*, 7:59.

[122] Cf. Adolf Bonhoeffer, "Zur stoischen Psychologie," *Philologus* 54 (1895), 403-429; Victor Brochard, "Sur la logique des Stoiciens," *Archiv für Geschichte der Philosophie* 5 (1892): 449-468; Jacques Brunschwig, ed., *Les Stoiciens et leur logique* (Paris: Vrin, 1978); Anthony Kenny, *Will, Freedom and Power* (Oxford: Blackwell, 1975); Michael Lapidge, "A Problem in Stoic

To sum up, moral conscience, which according to the Stoics has a moral meaning, introduces the ideal type of the Stoic philosopher, who is governed by the Stoic way of living, which dictates a reassuring handling of life problems. The Stoic way of living demands a life animated by an activating moral conscience, free of passions, ruled by reason and governed by universality and altruistic virtue.[123] The Stoic philosopher abandons material life and corporatist logic, restores the unity of his inner reason with the divine and natural reason[124] and in that way he changes into blissful. The Stoic philosopher is not governed by communicational man oeuvres, does not evoke negative circumstances in his moral action, but simply reactivates his inner reason, restructures his morality in each circumstance, is not discouraged by the misfortunes of his life and has moral supervision of himself, having his reason – with whom he converses continuously – as his guide and starting point. The comparative advantage of the Stoic theory of moral conscience, concerns its reference to some inner agreement man has to make with himself. It does not concern an external agreement with foreign factors, but a repatriation to his inner self. The dynamic of the Stoic theory is flexible, it does not impede freedom of will nor does it function in a contradictory manner; also, it does not harm, but offers shielding from the moral dangers of the submission to dogmatism, oppressive practices and obsessions. Stoic philosophy does not create communicational man oeuvres and is not a nun solvable mystery. It does not feed the subjugation to dated ethics, or bind anyone, or envisage utopias and refuse deviations; it is a surplus value which is not given, but only acquired.

**References**

Aalders, Gerhard Jean Daniel. "The Political Faith of Democritus." *Mnemosyne* 4, no. 3 (1950): 302-313.

Adkins, Arthur W. H. *Merit and Responsibility: A Study in Greek Values*. Oxford: Clarendon Press, 1960.

Alquié, Ferdinand. *Leçons de philosophie* II. Paris: H. Didier, 1965.

Alpers-Gölz, Roswitha. *Der Begriff Skopos in der Stoa und seine Vorgeschichte*. New York: Olms Hildesheim, 1976.

Cosmology," *Phronesis* 18 (1973), 240-278; Anthony C. Lloyd, "Grammar and Metaphysics in the Stoa," in *Problems in Stoicism*, ed. Anthony A. Long (London: The Altone Press, 1971), 58-74; Anthony A. Long, "Soul and Body in Stoicism," *Phronesis* 27 (1982): 34-57; cf. Marcus Aurelius, *Meditationes*, 11:5.

[123] Katerina Ierodiakonou, "Introduction. The Study of Stoicism: Its Decline and Revival," in *Topics in Stoic Philosophy*, ed. K. Ierodiakonou, 1-22 (Oxford: Clarendon Press, 1999).

[124] Marietta, "Conscience," 176-187.

Annas, Julia. *Hellenistic Philosophy of Mind*. Berkeley: University of Berkeley Press, 1992.

Annas, Julia. *Truth and Knowledge, in Doubt and Dogmatism*. Oxford: The Clarendon Press, 1980.

Aristotle. *The Complete Works of Aristotle*. Edited by Jonathan Barnes. Princeton: Princeton University Press, 1984.

Aristotle. *Analytica priora et posteriora*. Edited by William D. Ross. Oxonii: Typographeo Clarendoniano, 1964.

Aristotle. *De anima*. Edited by William D. Ross. Oxford: Clarendon Press, 1961.

Aristotle. *Categoriae et Liber de interpretation*. Edited by Lorenzo Minio-Paluello. Oxonii: Typographeo Clarendoniano, 1949.

Aristotle. *Nicomachean Ethics*. Translated by Harris Rackham. Cambridge: Harvard University Press, 1926.

Aristotle. *Metaphysics*. Edited by William D. Ross. Oxford: Clarendon Press, 1924.

*Aristotelis Ethica Eudemia*. Edited by Richard R. Walzer, and Jean M. Mingay. Oxford: Clarendon Press, 1894.

*Aristotelis Politica*. Edited by William D. Ross. Oxford: Clarendon Press, 1957.

Arnim, Hans von. *Stoicorum Veterum Fragmenta*. Leipzig: Teubner, 1903-1924.

Arthur, E. P. "The Stoic Analysis of the Mind's Reactions to Presentations." *Hermes* 3 (1983): 69-78.

Bloos, Luts. *Probleme der Stoischen Physik*. Hamburg: Buske Verlag, 1973.

Bonhoeffer, Adolf. "Zur stoischen Psychologie." *Philologus* 54 (1895): 403-429.

Bormann, Karl. *Platon*. Freiburg, and München: Verlag Karl Alber, 2003.

Brochard, Victor. "Sur la logique des Stoiciens." *Archiv für Geschichte der Philosophie* 5 (1892): 449-468.

Brunschwig, Jacques, ed. *Les Stoiciens et leur logique*. Paris: Vrin, 1978.

Burkert, Walter. *Greek Religion*. Translated by John Raffan. London: Blackwell, 1985.

Burkert, Walter. *Structure and History in Greek Mythology and Ritual*. Berkeley: University of California Press, 1979.

Buxton, Richard. *Oxford Readings in Greek Religion*. Oxford: Oxford University Press, 2000.

Cartledge Paul, Ray Monk, and Frederic Raphael. *Democritus: Democritus and Atomistic Politics*. London: Phoenix, 1998.

Cicero, Marcus Tulius. *De natura deorum*. With an English translation by Harrus Rackham. The Loeb Classical Library. Cambridge, MA: Harvard University Press, 1933.

Delacroix, Henri. *Les grandes formes de la vie mentale*. Paris: Presses Universitaires de France, 1948.

Diels, Hermann, and Walter Kranz. *Die Fragmente der Vorsokratiker*. Dublin, and Zürich: Weidmann, 1966-1967.

Dupont, Jacques. "Syneidesis. Aux origines de la notion chrétienne de conscience morale." *Studia Hellenistica* 5 (1948): 119-153.

Düring, Ingemar. *Aristotele*. Translated by Pierluigi Donini. Milan: Murcia, 1976.

Dyroff, Adolf. *Die Ethik der alten Stoa*. Berlin: Verlag von S. Calvary, 1897.

Edelstein, Ludwig. *The Meaning of Stoicism*. Ohio: Oberlin College, 1966.

Forschner, Maximilian. *Die stoische Ethik*. Stuttgart: Klett-Cotta, 1981.

Foulquié, Paul. *Dictionnaire de la langue philosophique*. Paris: Presses Universitaires de France, 1962.

Frede, Michael. *Die stoische Logik*. Göttingen: Vandenhoeck, and Ruprecht, 1974.

Friedell, Egon. *Kulturgeschichte Griechenlands*. München: C. H. Beck, 1972.

Fries, Heinrich. "Gewissen." In *Handbuch der Theologischen Grundbegriffe* I., 519-528. München: Kösel Verlag, 1966.

Gauthier, René. *La morale d'Aristote*. Paris: Presses Universitaires de France, 1962.

Gorman, Peter. *Pythagoras. A Life*. London, and Boston: Routledge, and Kegan Paul, 1979.

Grumach, Ernst. *Physis und Agathon in der alten Stoa*. Berlin: Weidmann, 1932.

Guthrie, William Keith Chambers. *A History of Greek Philosophy*, vol. I: *The Earlier Presocratics and the Pythagoreans*. Cambridge: Cambridge University Press, 2000.

Guthrie, William Keith Chambers. *A History of Greek Philosophy*, vol. II: *The Presocratic Tradition from Parmenides to Democritus*. Cambridge: Cambridge University Press, 1978.

Guthrie, William Keith Chambers. *Socrates*. Cambridge: Cambridge University Press, 1971.

Hahm, David E. *The Origins of Stoic Cosmology*. Columbus, OH: Ohio State University Press, 1977.

Hastings, James. *Encyclopaideia of Religions and Ethics*. Edinburgh: T. & T. Clark, 1961.

Hegel, Georg Wilhelm Friedrich. *Lectures on the History of Philosophy 1825-6: Greek Philosophy*. Translated, and edited by Robert F. Brown. Oxford: Clarendon Press, 2006.

Hesiod. *Works and Days*. Edited by Martin L. West. Oxford: Clarendon Press, 1978.

Hesiod. *Theogony*. Edited by Martin L. West. Oxford: Clarendon Press, 1966.

Homer. *Opera*. Edited by David B. Monro, and Thomas W. Allen, vols 3-4. Oxford: Clarendon Press, 1917.

Ierodiakonou, Katerina. "Introduction. The Study of Stoicism: Its Decline and Revival." In *Topics in Stoic Philosophy*, edited by Katerina Ierodiakonou, 1-22. Oxford: Clarendon Press, 1999.

Ierodiakonou, Katerina. "The Stoic Division of Philosophy." *Phronesis* 38, no. 1 (1993): 57-74.

Inwood, Brad. *Ethics and Human Action in Early Stoicism*. New York: Clarendon Press, 1985.

Jaeger, Werner. *The Theology of the Early Greek Philosophers*. Oxford: Oxford University Press, 1948.

Jolivet, Régis. *Traité de philosophie*. Lyon, and Paris: Em. Vitte, 1959.

Jolivet, Régis. *Vocabulaire de philosophie*. Lyon, and Paris: Em. Vitte, 1959-1962.

Jürss, Fritz, Reinmar Müller, und Ernst G. Schmidt. *Griechische Atomisten. Texte und Kommentare zum materialistischen Denken der Antike*. Leipzig: Reclam, 1988.

Kalogerakos, Ioannis. "Demokrits Auffassung vom Bürger." In *The Notion of Citizenship in Ancient Greek Philosophy*, edited by Evangelos Moutsopoulos, and Maria Protopapas-Marneli, 74-101. Athens: Academy of Athens, 2009.

Kalogerakos, Ioannis. *Seele und unsterblichkeit. Untersuchungen zur Vorsokratik bis Empedokles*. Stuttgart, and Leipzig: De Gruyter, 1996.

Kalokairinou, Eleni. "The Cosmological Assumptions of Stoic Ethics." *Diotima* 24 (1996): 139-143.

Kenny, Anthony. *Will, Freedom and Power*. Oxford: Blackwell, 1975.

Kerényi, Károly. *Die Mythologie der Griechen*. Stuttgart: Klett-Cotta, 1997.

Kern, Otto Ferdinand Georg, ed. *Orphicorum Fragmenta*. Berlin: Weidmann, 1922.

Kirk, Geoffrey S., John E. Raven, und Malcolm Schofield. *Die vorsokratischen Philosophen. Einführung, Texte und Kommentare*. Stuttgart: J. B. Metzler, 1994.

Lapidge, Michael. "A Problem in Stoic Cosmology." *Phronesis* 18 (1973): 240-278.

Le Senne, René. *Introduction à la philosophie*. Paris: Presses Universitaires de France, and Logos, 1958.

Lloyd, Anthony C. "Grammar and Metaphysics in the Stoa." In *Problems in Stoicism*, edited by Anthony A. Long, 58-74. London: The Altone Press, 1971.

Löbl, Rudolf. *Demokrit Texte zu seiner Philosophie. Ausgewählt, übersetzt, kommentiert und interpretiert*. Amsterdam, and Atlanta: Editions Rodopi, 1989.

Long, Anthony A. *Stoic Studies*. Cambridge: Cambridge University Press, 1996.

Long, Anthony A. "Soul and Body in Stoicism." *Phronesis* 27 (1982): 34-57.

Long, Anthony A. *Hellenistic Philosophy: Stoics, Epicureans, Sceptics*. New York: Charles Scribner's Sons, 1974.

Long, Anthony A. "Freedom and Determinism in the Stoic Theory of Human Action." In *Problems in Stoicism*, edited by Anthony A. Long, 174-193. London: The Athlone Press, 1971.

Madinier, Gabriel. *La conscience morale*. Paris: Presses Universitaires de France, 1958.

Mansfeld, Jaap. *Die Vorsokratiker II: Zenon, Empedokles, Anaxagoras, Leukipp, Demokrit*. Stuttgart: Reclam, 1986.

Marietta, Don E. "Conscience in Greek Stoicism." *Numen* 17, no. 3 (1970): 176-187.

Marietta, Don E. *Introduction to Ancient Philosophy*. London, and New York: M. E. Sharpe, 1998.

Mates, Benson. *Stoic Logic*. Berkeley: University of California Press, 1961.

More, Paul Elmer. *Hellenistic Philosophies*. Princeton: Princeton University Press, 1923.

Moreau, Joseph. "Ariston et le stoïcisme." *Revue des Études Anciennes* 50 (1948): 27-48.

Müller, Reimar. "Die Stellung Demokrits in der antiken Sozialphilosophie." In *Proceedings of the 1st International Congress on Democritus*, edited by Linos G. Benakis, 423-434. Xanthi: Bouloukos, 1984.

Nebel, Gerhard. "Der Begriff des Kathekon in der alten Stoa." *Hermes* 70 (1935): 439-460.

Nilsson, Martin P. *A History of Greek Religion*. Oxford: Clarendon Press, 1949.

Ojakangas, Mika. "Arendt, Socrates, and the Ethics of Conscience." *COLLeGIUM: Studies Across Disciplines in the Humanities and Social Sciences* 8 (2010): 67-85.

O'Meara, Dominic J. *Pythagoras Revived: Mathematics and Philosophy in Late Antiquity*. Oxford, and New York: Clarendon Press, 1989.

Otto, Walter F. *Die Götter Griechenlands*. Frankfurt am Main: Vittorio Klostermann, 1970.

Paneris, Joannis R. *Die Staatsphilosophie Demokrits im Hinblick auf die Lehre der älteren Sophisten*. PhD diss., University of Wien, 1977.

*Platonis Opera*, edited by John Burnet. Oxford, Oxonii: typographeo Clarendoniano, 1900.

Pradines, Maurice. *Traité de Psychologie générale*. Paris: Presses Universitaires de France, 1946.

Procopé, John F. "Democritus on Politics and the Care of the Soul." *Classical Quarterly* 39, no. 2 (1989): 307-331.

Rabel, Robert Joseph. *Theories of the Emotions in the Old Stoa*. PhD diss., Michigan University, 1975.

Rapp, Christof. *Vorsokratiker*. Munich: C. H. Beck, 1997.

Reesor, Margaret E. *The Political Theory of the Old and the Middle Stoa*. New York: J. J. Augustin, 1951.

Reitzenstein, Richard. *Die hellenistischen Mysterien religionen nach ihren Grundgedanken und Wirkungen*. Leipzig, Berlin: Teubner, 1927.

Ricot, Jacques. *Peut-on tout pardonner?* Nantes: Pleins Feux, 1999.

Rist, John Michael. *Philosophy*. Cambridge: Cambridge University Press, 1969.

Röd, Wolfgang. *Die Philosophie der Antike 1: Von Thales bis Demokrit*. Munich: C. H. Beck, 1988.

Ross, William David. *Aristotle*. London, and New York: Routledge, 1995.

Sambursky, Samuel. *Physics of the Stoics*. London: Routledge, and Kegan Paul, 1959.

Seneca. *Epistulae morales*. Edited by Richard M. Gummere. The Loeb Classical Library. Cambridge, MA: Harvard University Press, 1961.

Stannard, Jerry Willmert. *The Psychology of the Passions in the Old Stoa*. Illinois: University of Illinois at Urbana-Champaign, 1958.

Steckel, Horst. "Demokritos." In *Paully-Wissowas Real-Enzyklopaedie des classischen Altentums*, Suppl. XII, 192-223. Stuttgart: J. B. Metzlersche Buchhandlung, 1970.

Stein, Ludwig. *Die Psychologie der Stoa*, vols 1-2. Berlin: Verlag von S. Calvary, 1939.

Stelzenberger, Johannes. *Syneidesis, Conscientia, Gewissen. Studie zum Bedeutungswandel eines moral theologischen Begriffes*. Paderborn: F. Schöningh, 1963.

Taylor, Alfred Edward. *Plato*: *The Man and His Work*. London: Methuen, 1960.

Taylor, Christopher Charles Whiston. "Die Atomisten." In *Handbuch frühe griechische Philosophie, Von Thales bis zu den Sophiste*, edited by Anthony A. Long, 165-186. Stuttgart, Weimar: J. B. Metzler, 2001.

Taylor, Christopher Charles Whiston. *The Atomists Leucippus and Democritus. Fragments. A Text and Translation with a Commentary*. Toronto: University of Toronto Press, 1999.

Taylor, Christopher Charles Whiston. "The Atomists." In *Routledge History of Philosophy*, edited by C. C. W. Taylor, vol. I. London, and New York: Routledge, 1997.

Thom, Johan C. *The Pythagorean Golden Verses: With Introduction and Commentary*. Leiden, and New York, Köln: Brill, 1994.

Vernant, Jean-Pierre. *Mythe et religion en Grèce ancienne*. Paris: Éditions de Seuil, 1990.

Vlastos, Gregory. *Socrates: Ironist and Moral Philosopher*. Cambridge: Cambridge University Press, 1991.

Vlastos, Gregory. *Platonic Studies*. Princeton: Princeton University Press, 1973.

Watson, Gerard. *The Stoic Theory of Knowledge*. Belfast: Queen's University, 1966.

S. K. Maurya · *Conatus* 5, no. 2 (2020): 87-113
DOI: http://dx.doi.org/10.12681/cjp.23660

# A Reply to Louis P. Pojman's Article "The Case Against Affirmative Action"

**Sooraj Kumar Maurya**
*Ramanujan College, University of Delhi, India*
*E-mail address*: sooraj.au998@gmail.com
*ORCID iD:* http://orcid.org/0000-0002-6974-5508

**Abstract**

*Affirmative action is a public policy purposed to compensate the victims of injustice at the cost of priviledged groups; hence to some it appears as opposing the notion of equality and being against human dignity. Thinkers like Leslie Pickering Francis and John Rawls, on the other hand, argue that affirmative action policies should be implemented for the sake of the oppressed and under-represented groups. Louis P. Pojman in his article "The Case Against Affirmative Action" sets forth nine arguments against strong affirmative action. This paper sets out to challenge Pojman's arguments one by one, and prove the author's thesis in support of strong affirmative action.*

**Keywords:** *affirmative action; strong affirmative action; weak affirmative action; Louis Pojman; deontology; utilitarian ethics*

Many – if not most – people who are for or against affirmative action are for or against *the theory* of affirmative action. The factual question of what actually happens as a result of affirmative action policies receives remarkably little attention. Assumptions, beliefs, and rationales dominate controversies on this issue in countries around the world.[1]

The article "The Case Against Affirmative Action" by Louis P. Pojman[2] is a negation to affirmative action. However, Pojman makes a meek affirmation of weak affirmative action. So, at the beginning of the paper, it is necessary to mention that Pojman should always be considered, mainly, as an opponent of *strong* affirmative action, but not of weak affir-

[1] Thomas Sowell, *Affirmative Action around the World: An Empirical Study* (New Haven, NY: Yale University Press, 2004), x.

[2] Louis P Pojman, "The Case Against Affirmative Action," *International Journal of Applied Philosophy* 12, no. 1 (1998): 97-115.

mative action (both forms of affirmative action are being discussed in what follows).[3] The champions of affirmative action usually provide nine strong philosophical arguments in support of affirmative action policies. Pojman, in his effort to prove his view against such policies, has created nine counter-arguments against strong affirmative action. In another article of his entitled "The Moral Status of Affirmative Action"[4] Pojman brings forth the same set of arguments against strong affirmative action, focusing on the view that it violates the principle of meritocracy. As John Kekes and Louis Pojman both mention,[5] there are two kinds of affirmative action that differ in how each one makes use of the historicity and the nature of discrimination that each time prevailed in nation-states.

## I. Weak affirmative action

Weak affirmative action policies try to increase the opportunities and chances of unprivileged and under-represented people to avail desired goods and services. To this purpose, societies should guarantee the reassembling of workplaces, and unrestricted, unbiased flow of information to the oppressed groups or classes of the society,[6] that have been deliberately denied access to progress by privileged classes or groups. To safeguard equal representation weak affirmative action policies include dismantling the basic structure modern workplaces are based on, and providing benefits to the least advanced classes by creating an ambiance where people of unprivileged and under-represented backgroud may flourish regardless of gender and race. Hence, weak affirmative action is based upon the principle of liberty, the underlying maxim of liberalism. According to this principle, there should be fair and just procedures to ensure universal access to all individuals irrespective of their race, gender, religion, culture, and ethnicity.[7] Equal opportunities for everyone regardless of environmental factors are favored to equal results.

## II. Strong affirmative action

Strong affirmative action policies include preferential treatment, unlike weak affirmative action, that aims to allow entry into the initial pool for candi-

---

[3] Ibid., 97-115.

[4] Louis P. Pojman, "The Moral Status of Affirmative Action," *Public Affairs Quarterly* 6, no. 2 (1992): 181-206.

[5] John Kekes, "The Injustice of Strong Affirmative Action," in *Affirmative Action and the University: A Philosophical Inquiry,* ed. Steven M. Cahn, 144-156 (Philadelphia: Temple University Press, 1993).

[6] Pojman, "The Case," 97-100.

[7] Kekes, 147.

dates who are members of unjustly treated communities, and ensure that fair procedural regulations are guiding the selection processes.[8] However, strong affirmative action policies are thought to be a congregation of laws, rights, and policies that result in discrimination against over-represented groups, e.g., whites, to favor under-represented groups, e.g., blacks, aiming to attain equal results.[9] Strong affirmative action can be seen as based upon John Rawls' *difference principle*, that asserts that inequalities are fair when they are expected to benefit the least advantaged people in a given society.[10] The ethical justification for the difference principle rests in that nobody within a community could claim to have attained desirable resources in their lives commensurate to their worth and merit. The idea behind such an approach comes from the notion of *birth-lottery*, that determines the status of an individual and its benefits over other members of society. Strong affirmative action goes beyond the rule of procedural justice, to that of substantive justice. It sets out to make amends for past injustice towards under-represented people on the cost of over-represented people's entitlements, entitlements that might have been more equally distributed in the case such a discrimination hadn't occurred. As John Kekes claims:

> It is customary to distinguish between two forms such a policy may take. The aim of the weak form is to ensure both open access to the initial pool from which people are selected, and selection in accordance with fair procedural rules that apply to everyone equally. The aim of the strong form is to go beyond the weak one by altering the procedural rules so as to favor some people to increase the likelihood that they rather than others will achieve the desired position. The strong form of affirmative action, therefore, involves preferential treatment, while the weak one does not.[11]

Louis P. Pojman sets forth nine arguments against strong affirmative action, while at the same time he discounts weak affirmative action, as strong affirmative action, in short, in his view stands for preferential treatment, that can be seen as discrimination in favor of the members of under-represented layers of the society. The reason why remedial policies should be adopted to

---

[8] Thomas H. Anderson, *The Pursuit of Fairness: A History of Affirmative Action* (New York: Oxford University Press, 2004), 12-79.

[9] Pojman, "The Case," 101-109.

[10] John Rawls, *A Theory of Justice* (Cambridge, MA: The Balknap Press of Harvard University, 1999), 52-53.

[11] Kekes, 144.

the benefit of specific groups is the unjust treatment of the whites towards other racial groups during the past. Unlike strong affirmative action, weak affirmative action concisely attempts to promote equal opportunities for all, and equal access to the institutions and services of a given society.

Louis P. Pojman has suggested a set of nine arguments; the first six are negative, as Pojman sets out to make it very clear that the best arguments in favor of strong affirmative action are unsound. The last three arguments are positive,[12] as opposing strong affirmative action policies, and Pojman seems to favor these three since the very beginning.

| Negative arguments on affirmative action | Positive arguments on affirmative action |
|---|---|
| a. The need for role-models | g. Affirmative action requires discriminating against a different group |
| b. The compensation argument | h. Affirmative action encourages mediocracy and incompetence |
| c. The argument for the compensation from those who innocently benefitted from past injustice | i. An argument from the principle of merit |
| d. The diversity argument | |
| d. The equal results argument | |
| f. The no one-deserves-his-talents argument against meritocracy | |

## III. Negative arguments on affirmative action

### a. The need for role-model

The proponents of strong affirmative action policies present the *argument of need for role-models* to secure some logical substratum and scientific certainty in favoring strong affirmative action. Their line of reasoning mostly relies on the very assumption that people in general tend to embrace an iconic individual-figure.[13] Role-models do not only provide criteria for evaluating one's behavior; next to this, they take a hard grip on an individual's life. Hence, role-models probably become imaging criteria for generating subjective experiences in the lives of those who aspire to them. The follower takes inspiration from the idolized person, and derives ceaseless encouragement and incitation from the adopted role-model's personality, since he or she comes out imaging himself or herself as possessing the role-model's virtues

[12] Pojman, "The Case," 98-99.

[13] Anita L. Allen, "The Role Model Argument and Faculty Diversity," in *The Affirmative Action Debate,* ed. Steven M. Cahn, 153-162 (New York: Routledge, 2002).

and intrepidity.[14] Nevertheless, the proponents of this view have to come to terms with crucial and controversial attributes related to ethnicity and sex. Essentially, the role-model should belong to the same community with the subject (follower) to maximize attachment (fulfilling the requirement of belongingness).[15] Role-model related arguments in favor of strong affirmative action assert that a role-model of one's own racial or sexual type is inevitably essential. Anita L. Allen in her article "The Role Model Argument and Faculty Diversity" defends role-model-based affirmative action policies on a different moral ground, that of utilitarian ethics. She adopts a psychological standpoint by asserting that the sense of belongingness is a dire need for educational institutions in order to redress slavery, or adders current economic injustice in the nation:

> The soundness of the role model argument does not entail or presuppose the soundness of all of the liberal egalitarian arguments for affirmative action found in the philosophical literature. In fact, because what I am calling the role model argument defends minority faculty recruitment on utilitarian grounds referring to student and institutional need, rather than on grounds referring to compensatory justice [...] Nevertheless, some for whom the end of increasing the number of minority faculty is paramount may object on practical grounds to my call for the abandonment of the role model argument. Sure, the role model argument has the drawbacks you identify; but it works to get minorities onto faculties; it therefore has strategic value for minority inclusion and empowerment.[16]

*Pojman's reply:* Louis P. Pojman provides two strong counter-arguments against the role-model hypothesis. First of all, he asserts that any necessary scientific consensus concerning the possibility of having role-models within racial groups is lacking, or that the existence of such models is the one and only pre-condition for the development of under-represented and underprivileged classes. As an example he refers to his own hero, Mohandas Karamchand Gandhi, who was an Indian Hindu. Pojman's hero belonged to another racial, religious and ethnic group, yet to Pojman Gandhi is a continuous source of inspiration. In the light of this, he concludes, having a role-model does not mean that the model should belong to one's race or sex, but rather,

[14] Kim-Sau Chung, "Role Models and Arguments for Affirmative Action," *American Economic Review* 90, no. 3 (2000): 640-648.

[15] Ibid.

[16] Allen, 161.

that it ought to be a genuinely admirable human being regardless of race and gender. Furthermore, how influential would be a role-model that, although it would belong to one's community, would nevertheless be inferior in terms of excellence to the most professors or doctors in the same community?[17] Moreover, if high-ranking positions were occupied according to strong affirmative action related criteria, the candidates would unavoidably bear the stigma of un-deservedness. Next to these, the need for creating role-models from one's community or group would be treating these individuals merely as a means: potential followers would use role-models as instruments or tools for their own development and success. Role-models would become *a material cause* for other people, which would be morally impermissible.[18]

*Objections:* It is evident that the members of underprivileged classes derive inspiration from leading figures within their community. The sense of affinity with the idealized person plays a crucial role in the community's overall development. Role-models who have overcome similar hardships, exploitation, and difficulties as the members of the community they belong, encourage their own people, especially when compared to idealized figures who belong to other communities. The mission of role-models is not to inspire others to become what they have become, or to achieve what they have achieved, but to stimulate their inner potential towards fulfilling desired objectives according to their own free will. In that sense role-models are not used as a means, but as ends-in-theirself, since taking incitation from an ideal does not violate one's intrinsic worth as an end-in-itself.[19] The sense of belongingness provides people immense encouragement to overcome hardships that are owed to centuries-long deprivation and exploitation.

Furthermore, strong affirmative action seemingly *biased* selection policies may find their justification in the inevitable fact of past unjust treatment and discrimination on behalf of the whites towards other groups. These undoubtedly unjustly gained privileges of the whites are sufficient justification for adopting reverse policies. The aftermath of past unjust behavior by the whites can only be *illicit* reasoning of the same kind, since there have to be made amends for ages of discrimination and subordination. Consider the case in which community-A has been exploiting community-B, and what the process of making up for the injustice woud be. The profits and the development that would normally have been acquired by community-B, have been unjustly channeled to community-A, and this procedure has endured for many generations. This has resulted in disparity with regard to the community's social, po-

[17] Pojman, "The Case," 98-104.

[18] Chung, 640-648.

[19] Allen, 153-162.

litical, and historical institutions, which is now visible in the absolute lack of candidates from deprived and under-represented communities. To safeguard optimum representation for the left-outs, community-B members should be granted access, even if favored: community-A rightfully *owes something* to community-B. This is a moral demand; the system ought to adjourn from procedural justice to substantive justice: development should be sought from the bottom towards the top, aiming at the lower strata of the hierarchical society, that have been oppressed due to differentiations related to caste, creed, color, gender, religion, and so on. This would include unrepresented or underrepresented classes in the life of the community, and give immense motivation to people belonging to oppressed communities.

The noteworthy notion is that eligibility and qualification are the by-products of social and historical pre-conditions in any society's variegated fabric. Hence, minimum and maximum eligibility criteria should be respectful of the historical background of the community. The following instance could provide some insight in cases that whites have discriminated against blacks on various grounds.[20]

If black people's present backward condition is a result of the historical background that has admittedly favored the whites, it should be the state's responsibility not to apply the same criteria when selecting candidates for any office, as the blacks are already in a backward position due to the previous unjust treatment by the whites. Thus, being the direct beneficiaries of unjust discrimination, the whites are pushed up in the line of development, while the blacks are pulled out.[21] Therefore, the state should provide for the unprivileged blacks, so as to ensure that they are represented, instead of strictly focusing on competitive qualification among the members of the dominating classes. After a certain period, when the blacks will be represented to the desirable extent, they will have been finally included in the society's fabric; then, meritorious criteria could be considered to the purpose of justly distributing offices.[22] Hence, Pojman's concern for affirmative action policies is grounded on the inconsistent analogy of moral justification. For instance, when it comes to strong affirmative action policies, the substantial intention is not to dominate certain already uplifted groups or classes of the society, but rather to uplift oppressed populations that have unjustly been deprived of their moral and constitutional rights. According to Albert Mosley:

---

[20] Richard J. Arneson,"Preferential Treatrnent Versus Purported Meritocratic Rights," in *Affirmative Action and the University: A Philosophical Inquiry*, ed. Steven M. Cahn, 157-164 (Philadelphia: Temple University Press, 1993).

[21] Ibid.

[22] Ibid., 159.

> Pojman is able to ignore the significant disanalogies between racism and sexism, on the one hand, and the so called "preferential policies," on the other hand. Policies designed to facilitate the inclusion of blacks and women are meant not as an expression of the racial and sexual superiority of blacks and females over white males, but to correct for the belief in the racial superiority of whites and the gender superiority of males. White males are not construed as innately inferior, morally tainted or in need of paternal guidance by blacks, and women.[23]

b. The compensation argument

The proponents of strong affirmative action defend relevant policies and legislation as a means of reparation. The justification of the compensatory argument is derived from the essential idea of remedying past wrongdoings. Interestingly, it is very clear that compensation is not required in the face of past individual wrongdoing, but rather, due to continuous oppression, discrimination, and domination of one class on another. This has resulted in severe deprivation and under-representation.[24] For instance, individuals that belong to majority groups have undue accessibility to outstanding services and priviledged positions that might have been occupied by persons who belong to minority groups, and are under-represented in significant workplaces. In a nutshell, majority groups have unjustly acquired rights and wealth, which is morally unjustifiable. Surprisingly, the argument in favor of strong affirmative action extrapolates its validity from the constitutive to compensatory justice as well. This is because compensatory justice seeks to remunerate by means of essential services and amenities minority groups and women.[25] Robert K. Fullinwider has discussed the moral significance of compensation in his article "Preferential Hiring and Compensation," where he asserts that each injury demands compensation in return, and "he who wrongs another, owes the other."[26] This statement is the underlying rationale of the compensatory argument that supports strong affirmative action.

*Pojman's reply:* Pojman purports that the compensatory argument in favor of

---

[23] Albert Mosley, "Policies of Straw or Policies of Inclusion? A Review of Pojman's 'The Case against Affirmative Action,'" *International Journal of Applied Philosophy* 12, no. 2 (1998): 161.

[24] Leslie Pickering Francis, "In Defense of Affirmative Action," in *Affirmative Action and the University: A Philosophical Inquiry*, ed. Steven M. Cahn, 9-47 (Philadelphia: Temple University Press, 1993).

[25] Carl Cohen, and James P. Sterba, *Affirmative Action and Racial Preference*: *A Debate* (New York: Oxford University Press, 2003), 46-49.

[26] Robert K. Fullinwider, "Preferential Hiring and Compensation," *Social Theory and Practice* 3, no. 3 (1975): 309.

strong affirmative action is based on an aberrational conception of remedying for past unjustness, unfairness, and disservice. This is because compensation or remedy is a material notion of bipartite-relationships, which means remedial affirmative action, presumably, necessitates at least two parties.[27] For instance, consider that the first party is *A*, the purpetrator of discrimination, and the second party is *B*, the victim, and assume that *A* has stolen *B*'s car and uses it for making profit, which would have been, otherwise, directed to *B*. This injustice demands that *B* should be compensated, not only by having his car returned to him, but also by having a fair share in the profit made by *A* from using his or her car. Louis P. Pojman believes that moral issues arise if the compensation rationale is applied in this stance:

> If John is the star tailback of our college team with a promising professional future, and I accidentally (but culpably) drive my pick-up truck over his legs, and so cripple him, John may be due compensation, but he is not due the tailback spot on the football team.[28]

Conversely, the thought experiment would become more intricate, in the case *A* stole the car and earned profit, then died, or disappeared, but *X*, the direct beneficiary of this, was still alive. Now, according to the above, *X* should indemnify the incurred loss of *B* against the damages caused by *A*. Pojman contends that this sort of descending the weight of remedy from *A* to others is morally abhorrent and dubious, and never permissible in any possible situation. Nevertheless, Pojman extends this line of reasoning to the struggle between blacks and whites for opportunities and satisfaction of preferences. By and large, the whites are considered to be the direct beneficiaries of discrimination against the blacks, because their ancestors have adopted discriminatory behaviors against the blacks; in the light of the above, there is no adequate moral bedrock or cornerstone for blaming the whites for their ancestors' unjustness and unfairness towards the blacks, and avouch remedy. Hence, Pojman has proven wrong each essential assumption for suggesting strong affirmative action,[29] and the compensatory argument to be unsound in theory and practice. Pojman has raised some more objections against the compensatory argument, that can be summarized as follows:

i. Pojman purports that most of the discrimination was done either by individuals, or private institutions. Hence, it was not, by any chance,

[27] Pojman, "The Case," 98-104.

[28] Ibid., 100.

[29] Ibid.

state-enforced action or legal discrimination.

ii. Affirmative action is a state-policy; how can an institutional anti-discrimination policy make amends for individual unjustness and unfairness?

iii. It has not been observed that, since the blacks were harmed in various ways, affirmative action would be capable of measuring the varied forms of discrimination. So, how can strong affirmative action end that vast series of past unjustness?

iv. Undoubtedly, any indemnification by the whites for their past wrongdoings against the blacks would be morally justifiable. However, it ought to be in the form of financial compensation, not by randomly giving unqualified people access to significant positions, and thus minimize the efficiency of the institutions and the society in general.

v. Strong affirmative action is the public policy of treating whites or powerful classes merely as a means to bring about desired social ends, rather than respecting their individual merits.

*Objections:* It is true that there are certain things which money cannot buy or replace, and discrimination, wrongdoing, and unjustness certainly belong to those things money cannot repare. The wrongdoings of the past are one thing, and compensating for the obnoxious results (deprivation and under-representation) are an other.[30] Moreover, Pojman puts the results of historical discrimination aside, and tries to amend for it by evaluating its monetary value. However, this is a categorical mistake. Pojman's contention of the compensatory argument merely attempts to betoken the flaws of the compensation argument, which is hinged on an exceptional and rare sort of instance that can be indemnified through monetary transactions. However, the wrongdoings and added aftermaths are not appropriately comparable to that of Pojman's exceptional instance.[31] Hence, Pojman's objection is not aimed at dealing with such unjustness and domination: previously unjust behavior and domination cannot be compensated by paying back any financial debt, as the injustice done was in regard to freedom of choice, equality, and fraternity. Pojman tries to exchange an uncustomary ideate assortment of the blacks' generational aftermaths of historical discrimination only based on the economic factor that does not include other essential aspects of socio-cultural reality.[32] For instance, assume that *X* stole a rare hunting rifle from *Y* right before *X* was about to return it, and the gun was destroyed in a fire. To give *Y* his gun back, or bying *Y* one exactly like it, would be the most

[30] Cohen, and Sterba, 37-72.

[31] Ibid., 37-58.

[32] Pojman, "The Case," 97-106.

fair compensation *Y* could expect from *X*. That is, no other rifle will serve as a replacement, nor would money compensate *Y* for his loss, since *Y* bought the rifle for its specific features, but not for the sake of its monetary value. Thus, the question on the best form of compensation can not be answered by focusing on monetary value. Next to these, assuming that financial compensation may make up for human loss and misery may appear morally abhorrent and demeaning for the intrinsic value of human life. Therefore Pojman's analogy could not stand.

Furthermore, it is the state that is supposed to be held responsible for guaranteeing justice and access to public facilities for citizens. If the blacks have been made to face severe harms, losses, and disadvantages by private or public action, they are the victims of this previously done unfairnesses. So, blacks hold the irrevocable right to be compensated by the state – the variety and vehemence of discrimination against different minority, marginalized groups assert the capacity of indemnification. As mentioned earlier, these thoughts are evidently sufficiently to deny the counter-arguments raised by Pojman against strong affirmative action, although states have to be very cautious as the compensation should vary from one group to the other. So, the state has to deal with the practical aspects of the compensatory argument in a very systematic, coherent, and pragmatic manner. It is needless to say that the wished-for development and representation of unprivileged classes cannot be addressed merely by financial compensation. It requires preferential treatment so as to reverse discrimination to the purpose of including the left-outs in the fabric of society. The fact that John became crippled killed any prospect for him to enjoy a prosperous future, and the situation requires the immediate intervention of the state to include him in any possible available mechanism so as he may be able to develop his potential.

It is interesting to mention that an equal level of competence is the universal criterion for selecting the best candidates. However, blacks and women have been dominated and discriminated against for centuries.[33] If this principle is applied, they would unavoidably find themselfes among the losers. Pojman should take into consideration that in the normal course of life this universal criterion is already being applied. For instance, if a racer is handicapped and another is not, two different sets of rules. It is common sense that if both would compete according to the same rules, the disabled racer would have lost the race already before it started. Likewise, the blacks have been oppressed for many centuries by the whites; therefore, it would not be just to apply the same competition rules in their case. When offices or positions are

[33] Robert L. Simon, "Affirmative Action and the University: Faculty Appointment and Preferential Treatment," in *Affirmative Action and the University: A Philosophical Inquiry*, ed. Steven M. Cahn, 48-92 (Philadelphia: Temple University Press, 1993).

at stake, any rational criterion of competence should be mindful not only for considerations of suitability and prospective aspiration, but also concerned of the least advantaged class.[34] If certain classes have been deliberately deprived of any possible advantage, the standard criterion of competence cannot be sufficient to ensure substantive justice, and the initial inclusion of the unpriviledged must be the foremost priority of the state.

c. The argument for compensation by those who innocently benefitted from past injustice

The argument for compensation by those who innocently benefitted from past injustice is merely an extension of the compensation argument. The argument holds that compensation or remedy is owed to black people and women at the cost of white people and males that have previously discriminated against them. The argument seeks to assess the amount of debt that falls on innocent young white males' shoulders, who are not anymore the beneficiaries of discrimination. The argument concludes that, despite that these people are innocent against any charge of oppressing the blacks, minority groups, or women,[35] they still are the direct beneficiaries of past injustice in that they have priviledged access to public offices, are better represented, and are more often eligible to occupy public and private workplaces, which are not that easily accessible by blacks and women. So, strong affirmative action is an utterly desirable *moral tool-box* to nullify the effects of past injustice even at the cost of innocent, young white males.

*Pojman's reply:* According to Pojman, the purpetrators of injustice and harm have been particular white persons or groups, and the victims have been particular individuals or groups of black people.[36] For instance, if *A* stole *B*'s car, in the light of the argument *A*'s son should compensate *B*'s son for *A*'s injustice against *B*, which would be morally and legally unjustifiable. The same applies in the case of the struggle of the blacks against the whites: the fact that the whites have oppressed the blacks in the past is no grounds for blaming currently existing white people for their ancestors' deeds, nor for black people's present misery. Therefore, strong affirmative action is morally unjustifiable, as well as not pragmatic as a solution. According to Pojman:

> Suppose my parents, divining that I would grow up to have an unsurpassable desire to be a basketball player, bought an expensive growth hormone for me. Unfortunately, a neighbor stole

[34] Ibid., 48-62.

[35] Cohen, and Sterba, 240-259.

[36] Pojman, "The Case," 101-106.

> it and gave it to little Michael, who gained the extra 13 inches – my 13 inches – and shot up to an enviable 6 feet 6 inches. Michael, better known as Michael Jordan, would have been a runt like me but for his luck. As it is he profited from the injustice and excelled in basketball, as I would have done had I had my proper dose. Do I have a right to the millions of dollars that Jordan made as a professional basketball player – the unjustly innocent beneficiary of my growth hormone? I have a right to something from the neighbor who stole the hormone, and it might be kind of Jordan to give me free tickets to the Bull's basketball games, and perhaps I should be remembered in his will. As far as I can see, however, he does not owe me anything, either legally or morally.[37]

*Objections:* As I previously claimed, compensation cannot be viewed solely in terms of financial remuneration; instead, it concernes composite and substantial justice that involves socio-political virtues and leads to the community's overall welfare. For instance, if *A*'s son is profiting due to his father's legacy, it seems to be *A*'s moral obligation to bear the burden of the fact that *B* was harmed by *A*'s father. Any wrong must be compensated if the society is to advance towards the ideal of a world where all sorts of injustice are removed, and a harmonious society may be established. In Jordan's example, it is an illegal and immoral transaction that brings him to this advantageous position. The transaction's legality and morality must be upholded, and this demands for the acknowledgment of the unfair treatment. In this case, the role of the state is very crucial in resolving this value-oriented economic issue.[38]

Only mass inequality should be considered as the ground for strong affirmative action, therefore the analogy of basketball to life does not seem appropriate in this regard. Games are a significant part of life, but life is not restricted to games: the person who suffers the cost of being from birth in a disadvantageous position, is aware of the fact that it is not his or her capabilities to be blamed. Instead, specific categories in respective games are conceptualized to promote the ideal of composite justice to every member of the society because of other natural or anthropogenic reasons. In life, marginalized communities must get initial preference on purpose of being uplifted so as to be able to equally compete with others, and thus make possible co-existence, cooperation, and coordination of the communities.[39]

---

[37] Ibid., 102.

[38] Francis, 9-47.

[39] Simon, 48-62.

d. The diversity argument

In the long history of civilization humans have developed so as to live in a pluralistic world. This has helped to enrich and integrate learning-process and personality more than in unitary cultures and races. This is also why educational and other significant social institutions seek to increase diversity in socio-political institutions. This very thought makes it essential to opt for preferential treatment that would maintain the richness and diversity in pertinent public and private institutions. John Rawls has famously viewed justice as fairness and nourishment of individual capability that requires an well-established basis such as family, society, etc.[40]

In the light of the above, supposing that one community somewhere in the world has been unsuccessful in achieving these goals, it would be a humble responsibility for global institutions to eliminate all responsible factors such as as societal deprivation, diversity, multiplicity, different cultural and linguistic criteria, etc., in order to include this community. Hence, each public and private institution should adopt strong affirmative action as a policy to develop individual cultural diversity in significant institutions.

In the Grutter V. Bollinger case, Barbara Grutter was a white female applicant. She was refused admission to the University of Michigan Law School on grounds of race, which was a direct violation of the Fourteenth amendment and the Title VI of the Civil Rights Act that was issued in 1964. The University argued that the state's compelling interest was to ensure a critical mass of students from minority classes, and the Supreme Court ruled that any affirmative action program in education should be permitted if it was harmonized with meeting the compelling interests of the state. The case was considered as related to ensuring the government's interests, since admitting the student was assumed to advance overall well-being, and the Supreme Court ruled in favor of this. Ever since several countries have tried to adopt affirmative action policies.[41]

*Pojman's reply:* Pojman claims that the concept of diversity for diversity's sake is morally impermissible, since it overlooks rational distinctions, therefore is morally unjustifiably – assuming each individual is taken to be an end-in-itself, which means that it counts equally as everybody else. Moreover, it downplays individual distinctness and characteristics by prioritizing the concept of using white people merely to achieve particular social ends that would bring about the welfare of blacks, minorities, and women. Moreover,

---

[40] Thomas Nagel, "John Rawls and Affirmative Action," *The Journal of Blacks in Higher Education* 39 (2003): 82-84.

[41] Robert F. Card, "Making Sense of the Diversity-Based Legal Argument for Affirmative Action," *Public Affairs Quarterly* 19, no. 1 (2005): 11-24.

Pojamn believes in maintaining quality and competence, rather than upkeeping diversity in institutions, as it is, for instance, in the case of white police officers who overreact against blacks.[42] This should not be seen as racial discrimination and it would be needless to consider it as a reason to distrust white police officers. It is absolutely beneficial that white police officers may address white persons, or that black police officers may scold a black person: it is easier for people who belong in the same group to relate. Nevertheless, it is not desirable to make policemen of unqualified persons at any cost, just for the sake of relatedness. Therefore, the argument is not acceptable.

*Objections:* Treating each person with equal respect is a moral requirement, and it provides the justification for strong affirmative action aiming at the inclusion of marginalized community members on purpose of maintaining diversity. Unique situations demand unique resolutions. Here, the maintenance of diversity is not a typical instance, but it carries the weight of reparation. Including members belonging to oppressed communities in order to maintain diversity in institutions inspires others to enhance their capabilities, and cannot be taken as using them only as a means to an end.[43] This would inculcate positive socio-cultural values, and inspire them to strive hard for the upliftment of their community's status. Qualitative change may follow by means of proper training. Quality matters a lot in every sphere of life; still, having similar expectations from those who have faced unbearable harms on the basis of di-conceptualized identity does not seem an appropriate way to deal with a situation as such. Initial inclusion safeguards diversity within an institution and paves the way for qualitative training and capacity enhancement, while it inspires other members of the concerned community to actualize their potential in desired areas.[44]

e. The equal results argument

The equal result view is rested on the ethical distinction between equality of outcome or result, and equality of opportunity. The argument's underlying rationale is that there is adequate proof that whites have already occupied advantageous positions and places by reaping the fruits of discriminating against the blacks and depriving them of their rights. Hence, to minimize the negative outcom of slavery and domination that has led the blacks to this disadvantegeous position, the state should attentively evaluate the results of racial and sexual

[42] Pojman, "The Case," 102.

[43] Tom L. Beauchamp, "Quotas by Any Name: Some Problems of Affirmative Action in Faculty Appointments," in *Affirmative Action and the University: A Philosophical Inquiry*, ed. Steven M. Cahn, 212-216 (Philadelphia:Temple University Press, 1993).

[44] Paul Ellen Frankel, "Careers Open to Talent," in *Affirmative Action and the University: A Philosophical Inquiry*, ed. Steven M. Cahn, 250-263 (Philadelphia: Temple University Press, 1993).

projection. The equal result argument is based on the idea of attaining the desirable numerical projection to reach a racially-just and sexually-just society.[45]

*Pojman's reply:* Pojman's reply is based on the refutation of the hypothesis made by Sterling Harwood, John Arthur, and Albert Mosley.[46] The common view of all three is based on an experiment involving young white and black males, in which young black males scored significantly lower than young white males, that, according to all three, is owed to the legacy of slavery and racism, of living in segregation, of alienation, of poor schooling, of exclusion from unions, of malnutrition, and poverty.[47] Harwood also claims that strong affirmative action should go on until all unfair advantages have vanished. Pojman objects by insisting that there is no need to make such a projection; it would suffice to take into consideration the social, economic, and environmental conditions these people live in. He goes on with a thought experiment of his own device: he assumes two families of different racial groups, the Greens and the Blues. The Greens estimated their resources and capabilities correctly, and decided to have only two children, who succeed in a competition by scoring 99%. On the contrary, the Blues failed in family planning, and got fifteen children, while they could afford only two. In their case, it is not morally permissible to ask the state to aid them in providing quality life to their children, since their community never forced them to have more children than those they could afford, which is also the reason their kids' scores are low. In that sense, this argument in favor of strong affirmative action is neither consistent, nor sound.

*Objections:* Under this Pojman argues that equality is already instilled, and evidence to this is the equal percentage of blacks hired. Now, this argument can be refuted by two counter-claims:

i. The argument is highly materialistic and talks about equality only in terms of jobs. However, one needs to realize that the center of the argument should include those unprivileged and deprived classes. One might provide them jobs, but if they keep feeling marginalized and stigmatized as beneficiaries of strong affirmative action, there would be no inclusion. Hence, strong affirmative action should be continued until equal opportunities for all become a reality. It is not about building the structure of equality; it is about believing in equality.

ii. My next claim concerns the statistics Pojman mentions. To this I would object that the case of India would be devastating for Pojman's argument. In India social class structure is a complex feature of Indianism, and is based

[45] Cohen, and Sterba, 201.

[46] Pojman, "The Case," 105.

[47] Ibid., 104.

on the marginalization of a considerable amount of the population. The Dalit community in India can be contrasted to the Blacks in the US, but have suffered even more. The Brahmins are the ones who suppress them, and even after 70 years of strong affirmative action, the trend continues to remain the same. Pojman talks about an equal percentage of employment, however in India with Dalits and Brahmins the case is a whole lot different. As Arundhati Roy puts it:

> Brahmins form no more than 3.5 per cent of the population of our country [...] today they hold as much as 70 per cent of government jobs. I presume the figure refers only to gazetted posts. In the senior echelons of the civil service from the rank of deputy secretaries upward, out of 500 there are 310 Brahmins, i.e. 63 per cent; of the 26 state chief secretaries, 19 are Brahmins; of the 27 Governors and Lt Governors, 13 are Brahmins; of the 16 Supreme Court Judges, 9 are Brahmins; of the 330 judges of High Courts, 166 are Brahmins; of 140 ambassadors, 58 are Brahmins; of the total 3,300 IAS officers, 2,376 are Brahmins. They do equally well in electoral posts; of the 508 LokSabha members, 190 were Brahmins; of 244 in the RajyaSabha, 89 are Brahmins. These statistics clearly prove that this 3.5 per cent of the Brahmin community of India holds between 36 per cent to 63 per cent of all the plum jobs available in the country. How this has come about I do not know. But I can scarcely believe that it is entirely due to the Brahmin's higher IQ.[48]

Moreover, Pojman again reflects upon his highly privileged biases; this time, he uses an argument to imply that races and genders might lack general intelligence to compete with intelligent whites. What Pojman lacks is the sensibility to treat classes, sexes, and other community members as individuals. Also, the biggest fallacy lies in that these benchmarks of intelligence have been created by the privileged: they have selected the criteria according to the fields they felt they excelled.[49] Now when it comes to equality, they judge other communities (which have had no say in the development of these criteria) by those, and when others do not fit in, they either rule them out, or criticize affirmative

[48] Arundhati Roy, *The Doctor and the Saint: Caste, Race, and Annihilation of Caste: The Debate Between B. R. Ambedkar and M. K. Gandhi* (New Delhi: Penguin Random House India Private Limited, 2019), 30.

[49] Peter J. Markie, "Affirmative Action and the Awarding of Tenure," in *Affirmative Action and the University: A Philosophical Inquiry*, ed. Steven M. Cahn, 275-285 (Philadelphia: Temple University Press, 1993).

action. What is necessary is a change in the way excellence is being evaluated. As long as the established system applies, fallacies are unavoidable.

Additionally, the analogy Pojman produces focuses on sports. Nevertheless, there is a clear-cleaved difference between sports and education; for example, sports are of performative value, whereas education and employment are of welfare value. There are rules in sports to make the system transparent. However, in education, there are no clear benchmarks that are not biased in favor of the privileged. Pojman is not on neutral ground when refuting strong affirmative action; on the contrary, he stands on a platform placed on the remains of black, people whose blood and sweat made the platform possible, therefore he may overlook the historical fact that the privileged whites used the blacks to their benefit, and came up with a system of evaluation they expect each one to ace at in order to be accepted, otherwise be rejected either as *innocent* (the poor and ethnic whites), or as *reserved* (the blacks who struggle for equality).[50]

To Pojman, everything is a debate; the proponents and the opponents form segregated groups, and it is irrelevant whom they are debating for, and whom they are debating against: debate against the *equal abilities thesis* downplays the mental trauma that the underprivileged communities have gone through, a trauma that cannot be compensated by affirmative action. Still, affirmative action promotes a cause that helps the marginalized people realize their worth and support themselves. The tests Pojman talks about are still far away from the general understanding of the Dalits in India. Any Dalit has to beg for his life and dignity every day until he gets into a respectable position. Even after getting there, his capacity to hold that position is constantly being questioned. Affirmative action supports people as such and allows the hope that times will change; this hope is after all the debt suppressive communities owe to suppressed people for wronging them.

Furthermore, strong affirmative action is not *against* anyone; the opponents of affirmative action related policies here make this great blunder repeatedly, that strong affirmative action is against specific classes. This produces a sense of rivalry and undermines solidarity within the society. Conversely, strong affirmative action is not an act of revenge against any people or community; it is an attempt to secure justice and support for the underprivileged.[51]

f. The no-one-deserves-his-talents argument against meritocracy

Within any community, individuals are designed to live in specific ways of symbiotic relationships with others. The linear and random chains of relationships form a system in which each individual is dependent on others to

[50] Ibid., 281.

[51] Cohen, and Sterba, 206-212.

fulfill his or her own needs, and survive within the society: an individual finds himself attached to institutions like family, education, workplaces, etc. Since birth, each individual has to live within some institutional scenario, and it is the institution that regulates the thoughts and behavior of individuals. From birth till death, the whole life of an individual is being *administered*. Thus, it can be said that none deserves anything, and, therefore, the society may use any available means to uplift the unprivileged classes.[52]

*Pojman's reply:* Pojman challenges this claim with a thought experiment: let us assume that there are two friends, and each gets a gift of $100 (keep in the mind that none of them deserved what they got). Now consider that one decides to burry his gift in the sand, while the other invests his share in such a way as to double its value after a period of five years. Applying the no-one-deserves-his-talents argument in this case would mean that the second person ought to split his property to half and give the other person his share, since none of them deserved the original gift. This, however, would be absurd, since he has got into efforts to invest and increase it, unlike his friend. In Pojman's view this argument suffices to disprove that black or under-represented people deserve a share in others' success on the basis that none deserved it at the first place.[53]

*Objections:* What is wrong with this argument is that it promotes judging people and their qualifications by a set of societal benchmarks. What Pojman asserts is that whites and privileged groups are the legislators and system-builders, and they judge everybody according to tailormade criteria.[54] However, qualification should rely on more comprehensive criteria that test candidates against various historical and social backgrounds. When it comes to hiring a countryside administrator, for instance, it is irrelevant whether one has scored high marks in the exams, if he has never been in a village his whole life. My point is that exams and scores are just a way to set minimum benchmarks, and every individual has to be known as a person.

Furthermore, Pojman discusses the amount of money each person received in his analogy as a gift. It is again dubious whether the analogy reflects actual conditions in society. A more successful analogy would involve not burying one's money, but the other person stealing and investing them; this would mean that the remaining sum should indeed be splitted in two, since the priviledged part has made sure that the marginalized one will not receive any benefit; Pojman's analygy seems irrelevant, capable only of supporting one's ignorance. The moral desert argument is too radical to be taken into

[52] Pojman, "The Case," 108.

[53] Ibid., 108-109.

[54] Cohen, and Sterba, 206-212.

account; social engineers in their effort to create a leveled society seek to distribute social resources that belong to the society as a whole, or the society itself avails, as it is with education and employment.

g. Affirmative action requires discriminating against a different group

This argument is supposed to be the most effective against strong affirmative action. According to this, it is assumed that strong affirmative action policies are established as a compensation for previous injustices. The argument rests on that wrongdoings perpetrated by the whites have led blacks, women, and other minority groups to be defenseless when it comes to the distribution of social or economical services and goods.[55] To make up for this, it is necessary to resort to wrongs of the past, and this is what affirmative action does. For instance, whites who exist in the present owe reparations to blacks who exist in the present, not because they are themselves guilty of bringing about disadvantages to them, but because they enjoy advantages that are due to their ancestors' gross past injustices, and particular benefits continue to be enjoyed by innocent whites because of the ongoing prejudice on behalf of other white people. Nevertheless, such a line of reasoning would have no moral relevance since strong affirmative action is not about discriminating in favor of a wealthy black people or females who have the opportunity to get the best possible education and services available against poor whites; white people should also be treated as individuals, as ends-in-theirselves. Hence, respect for individuals is essential, and this entails treating each individual as an end in itself, not merely as a means for some social end. To quote Pojman:

> What is wrong about the discrimination against Black is that it fails to treat Black people as individulas, judging them instead by their skin color and not their merit; what is wrong about discriminating against women is that it fails to treat them as individuals, judging them by their geneder, not their merit; what is equally wrong about Affirmative Action is that it fails to treat white males with dignity as individuals, judging them by both their race and gender. Present Affirmative Action is both racist and sexist.[56]

*Objections:* A general argument against Pojman's critique is that affirmative action, which is taken to be discriminating against a specific group, is actually far from being guilty of such a charge, at least to the extent that it allows privileged groups to compensate by means of preferential treatment

[55] Pojman, "The Case," 109-110.

[56] Ibid., 110.

those who have unjustly been treated for years as left-outs. Some philosophers might argue against this, as those who had once suffered have long passed away: it seems to be morally objectionable if existing people who belong to once-oppressed groups received compensation by innocent people who belong to the group of the once-oppressors. If this argument is to be challenged, one would need to understand that such a compensation on behalf of white people or other privileged groups is an acknowledgment of the wrongdoings perpetrated against vulnerable populations in the past, a *moral debt* collectively owed by classes or groups to classes or groups; this debt has to be paid not on purpose of empowering underprivileged classes, but of atoning the wrong inflicted upon them.[57]

Pojman in his effort to disprove strong affirmative action moves from communities to individuals, as if all the members of a community need to face the same conditions; the fact is that, instead, some of them might be well off, while others might be worse off. The same applies to smaller communities within larger ones: for example, many communities in Indian society are forced to face social exclusion to such an extent, that their only way to earn a living is by carrying on their heads baskets containing human feces collected from traditional-style toilets that use no water.[58] Furthermore, Pojman's argument – contrary to his general tendency to generalize and universalize – seems to be favoring *poor white males*, who nevertheless constitute a minor percentage compared to blacks, hispanic, native americans, asians, and women; this results in a morally weak line of reasoning. In addition, this small percentage of the population Pojman mentions, poor whites, is neither that backward nor oppressed, either racially, or sexually, or socially.

On the other hand, each marginalized community has to deal with different sets of problems: blacks, for example, are facing social exclusion, whereas Asians have to overcome cultural and regional exclusion. The minority of poor whites Pojman refers to has never been socially marginalized, at least not to such an extent as to be exposed to sheer discrimination and a plethora of other setbacks. This line of reasoning often serves as an excuse, as it recently has the case been in India: the concept of *innocent poor whites* was used as a pretext in the Economically Weaker Sections (EWS) Bill to acquit the general group of the castes, mainly whites and majority groups of the Indian society,[59] and save them from having to contribute to affirmative

---

[57] Cohen, and Sterba, 206-212.

[58] Roy, 30.

[59] Abusaleh Shariff, and M. Mohsin Alam Bhat, "Economically Weaker Section Quota in India: Realistic Target Group and Objective Criteria for Eligibility," May 5, 2019, https://www.researchgate.net/publication/333699612_Economically_Weaker_Section_quota_in_India_Realistic_Target_Group_and_Objective_Criteria_for_Eligibility).

action policies. Economic suffering, however, is not the only trouble for unprivileged classes; they have to fight also with social, religious, and political discrimination among others. Focusing only on the low income dimension of the issue leaves out of the picture all the above, and most of all the psychological trauma that comes hand in hand with being a member of any marginalized community. It seems that oppressive societies tend first to marginalize some of the groups they consist of, and then play the self-victimization card. Against this, strong affirmative action holds no one back, and seeks to support those that are already marginalized.

Pojman claims that strong affirmative action disrespects white males, and denies them their dignity. This, however, stirkes as somewhat biased on behalf of Pojman, provided that the aim of strong affirmative action is not to undermine anyone's moral status, but to uplift that of oppressed groups or classes. For instance, each particular member in India's scheduled caste communities does not only experience general social setback; they are also excluded from significant social institutions and denied fundamental constitutional rights. All members of the castes – irrespective of their financial condition – are in fact members of oppressed, disgraced minorities, and there is no exception to the rule; therefore, strong affirmative action in India may only aim at de-marginalizing oppressed population regardless of their financial status.

h. Affirmative action encourages mediocrity and incompetence

Strong affirmative action is always concerned with sufficiency and diversity, and focusing mainly on criteria as souch could seriously affect the efficiency of workplaces, since high-level positions could be occupied by unqualified candidates just because they are, let's say, blacks or women.[60] This could totally demerit institutions, offices, etc. Following this line of thought, Louis P. Pojman assumes that there can apply no objective criteria to validate preferential hiring of blacks and women to the best possible position especially with regard to high positions, therefore affirmative action policies oppose meritocracy and competence.

*Objections:* In my view the argument from mediocrity and incompetence seems to be tailor-made to support members of the privileged classes: both these are relative terms, and the extent to which they are relevant is dependent on various factors each time. If one's academic status is at issue, for example, one's excellence can be assessed by one's score in several fields; but when it comes to life experience and better applicability of concepts, the definition of excellence may be totally different.[61] Imagine a case from India's cultural

[60] Arneson, 158-163.

[61] Lawrence C. Becker, "Affirmative Action and Faculty Appointments," in *Affirmative Action*

background, in which two individuals compete for an academic position. The first, *A*, comes from a respected Brahmin community, while the second, *B*, from the unprivileldged Mahar community. *A* was instructed at a convent school in an urban area, has graduated from Oxford, has enjoyed every possible facility, and experienced the best of societal pleasures; on the other hand, *B* has studied at a public school, graduated from a public college, and has faced all possible odds including social exclusion all his life. The question now is, who makes a better candidate in the academic environment of India: *A* who got everything going for him, or *B* who knows exactly how the Indian society functions? Selecting *B* instead of *A* in any other case would be encouraging mediocrity, but in this particular environment excellence may seem to be in *B*'s side. This is why Pojman's argument seems somewhat biased to me: he defines excellence and competence in a way that it may apply only to more or less inclusive societies and communities. Pojman, for example, criticizes the policy in favor of black women adopted by the Harvard Law School on the basis of academic excellence, but fails to assess the various benefits that come hand in hand with hiring black women as faculty, benefits that include having a huge racially marginalized community represented, or even relying on individuals who have experienced injustice and, hence, are much more sensitive and concerned about what really justice is about. From another point of view, admitting black women in a law school could be taken as the epitome of racial justice and, and this could be taken as the heyday and the beauty of justice.[62] By and large, Pojman seems to undermine his own argument by focusing on class, race, and sex, and this becomes evident in phrases such as "clear case of racial over-representation,"[63] that is quite telling of a tendency to overlook possible alternative academic or functional roles, and just focus on the issue of representation instead.

i. An argument from the principle of merit

According to this line of though, all job positions, but especially high-profile ones, should be occupied by the most qualified candidates, since this may be the only guarantee for efficiency and quality. As Pojman claims,

> The Koran states that "A ruler who appoints any man to an office when there is in his dominion another man better qualified for it, sins against God and against the State."[64]

---

*and the University: A Philosophical Inquiry*, ed. Steven M. Cahn, 93-122 (Philadelphia: Temple University Press, 1993).

[62] Beauchamp, 212-216.

[63] Pojman, "The Case," 113.

[64] Ibid.

As I have already argued, when it comes to qualification the whites are in a much more priviledged position than, let's say, the blacks, since they are the direct beneficiaries of past unfairness inflicted on the blacks; this means that if affirmative action policies were implemented, job positions should be channelled to less qualified candidates, blacks and women for example. Pojman supports his vew in favor of meritocracy with two moral arguments: on the one hand there is the Kantian argument that is based on the moral principle that each individual ought to be treated as an end in itself, and not merely as a means to some particular purpose.[65] In the case of strong affirmative action, however, white males, let's say, seem to be used as a means to uplift black people and women.

On the other hand, Pojman also relies on a utilitarian line of reasoning, that is based upon the claim that, since the best choice is the one that maximizes happiness, the wellbeing of the part should be regarded as inferior to that of the whole. This means, Pojman continues, that affirmative action should be rejected as a policy, since the society would be better off with the best available leaders, teachers, police officers, physicians, lawyers.

*Objections:* Since Pojman makes this reference to Qur'an, one could argue that Qur'anic studies, and Shari'ah, the jurisprudential basis of any Islamic society, show that Shari'ah invites modern interpretations according to the changes in a given society. Despite the fact that the Islamic law is often referred to as Shari'ah, these two are distinct: the Islamic law includes Shari'ah, but it also includes the law that has been derived from Shari'ah through human understanding and the application of reason, or *fiqh*.[66] Shari'ah, therefore, opens up the Qur'an for modern interpretation. This means that Qur'an's mention of "the best qualified" man is open to various interpretations according to current environmental conditions.

In that sense, one needs to define the import of excellence, since excellence cannot be restricted just to academic titles; a more nuanced definition of excellence would present it as a derivative of various qualities, as, for example, one's capability of accommodating diversity, and promoting co-existence. To quote Arundhati Roy,

> Merit is the weapon of choice for an Indian elite that has dominated a system by allegedly divine authorization, and denied knowledge – of certain kinds – to the subordinated castes for thousands of years.[67]

---

[65] Ibid., 113-114.

[66] Susan C. Hascall, "Islamic Commercial Law and Social Justice: Shari'ah Compliant Companies, Workers' Rights, and the Living Wage," *St. John's Law Review* 88, no. 1 (2014): 1-36.

[67] Roy, 30-35.

Pojman's view also misses a significant aspect of what *merit* may also consist in, that is, not just what score one succeeds, but what it took one to succeed such a score. Consider the case in which *A* gets a score of 95%, while *B* one of 70%. Now take into account that *A* comes from an extremely supportive, affluent background, while *B* belongs to a marginalized social or racial group totally deprived of opportunities for personal development, education, etc. On whose side does *merit* stand? It would not be a matter of sympathy or emotional attachement, but more a fair moral judgement, to claim that the score one succeeds in this case is irrelevant. So much with the deontological approach; as far as the utilitarian evaluation is concerned, again preferring *B* instead of *A* would seem the best decision to take, since *B*'s lesser success was totally against the odds, while *A*'s was totally anticipated.

## IV. Concluding summary

In this paper I set out to challenge and disprove all nine Pojman's arguments against the moral permissibility of affirmative action policies, and explain why in my view the rejection of strong affirmative action is questionable on various ethical and logical grounds. I agree with Albert Mosley's criticism against Pojman's view that Pojman's primary objections against affirmative action policies may only hold against strawmen.[68] Contrary to what Pojman believes, the implementation of affirmative action policies is a moral *desideratum*, and also a demand of reason. Affirmative action policies promote changes in legislation and human rights enforcement, but more than that changes in attitudes and mentality that aim to the upliftment of uprivileged, under-represented and oppressed people in society. Hence, affirmative action policy is not just policy, but rather the substantial realization by humans that they are humans in favor of fellow human beings. If the elementary unit if society is family, affirmative action could be seen as the the equivalent to solidarity within a family: if a member of the family is not physically competent due to, let's say, having lost a leg or an eye in an accident, it is mere commonsense that other family members will provide all necessary aid.

On the other hand, it is a historical truth that in particular societies several groups have been oppressed for long by other, priviledged groups, and this has deprived them of the possibility to develop equally, while their oppressors have largely benefited by this situation, and the present generations that belong to the oppressors' groups are the direct beneficiaries of the injustice done. If this is so, tagging along with Robert K. Fullinwider I say: "he who willingly benefits from wrong must pay for the wrong."[69] Despite Pojman's arguments to the contrary, I

[68] Mosley, 167.

[69] Card, 22.

strongly believe that there is an urgent need to focus not only on the procedural aspect of justice, but rather to serve justice through its substantial dimension, and consider affirmative action policies as an effective moral toolbox to promote individual welfare regardless of race, ethnicity, religion, caste, and gender.

**References**

Allen, Anita L. "The Role Model Argument and Faculty Diversity." In *The Affirmative Action Debate,* edited by Steven M. Cahn, 153-162. New York: Routledge, 2002.

Anderson, Thomas H. *The Pursuit of Fairness: A History of Affirmative Action*. New York: Oxford University Press, 2004.

Arneson, Richard J. "Preferential Treatment Versus Purported Meritocratic Rights." In *Affirmative Action and the University: A Philosophical Inquiry*, edited by Steven M. Cahn, 157-164. Philadelphia: Temple University Press, 1993.

Becker, Lawrence C. "Affirmative Action and Faculty Appointments." In *Affirmative Action and the University: A Philosophical Inquiry*, edited by Steven M. Cahn, 93-122. Philadelphia: Temple University Press, 1993.

Beauchamp, Tom L. "Quotas by Any Name: Some Problems of Affirmative Action in Faculty Appointments." In *Affirmative Action and the University: A Philosophical Inquiry*, edited by Steven M. Cahn, 212-216. Philadelphia: Temple University Press, 1993.

Card, Robert F. "Making Sense of the Diversity-Based Legal Argument for Affirmative Action." *Public Affairs Quarterly* 19, no. 1 (2005): 11-24.

Chung, Kim-Sau. "Role Models and Arguments for Affirmative Action." *The American Economic Review* 90, no. 3 (2000): 640-648.

Cohen, Carl, and James P. Sterba. *Affirmative Action and Racial Preference: A Debate.* New York: Oxford University Press, 2003.

Francis, Pickering Leslie. "In Defense of Affirmative Action." In *Affirmative Action and the University: A Philosophical Inquiry*, edited by Steven M. Cahn, 9-47. Philadelphia: Temple University Press, 1993.

Fullinwider, Robert K. "Preferential Hiring and Compensation." *Social Theory and Practice* 3, no. 3 (1975): 307-320.

Hascall, Susan C. "Islamic Commercial Law and Social Justice: Shari'ah Compliant Companies, Workers' Rights, and the Living Wage." *St. John's Law Review* 88, no. 1 (2014): 1-36.

Kekes, John. "The Injustice of Strong Affirmative Action." In *Affirmative Action and the University: A Philosophical Inquiry,* edited by Steven M. Cahn, 144-156. Philadelphia: Temple University Press, 1993.

Mosley, Albert. "Policies of Straw or Policies of Inclusion? A Review of Pojman's 'The Case against Affirmative Action.'" *International Journal of Applied Philosophy* 12, no. 2 (1998): 161-168.

Markie, Peter J. "Affirmative Action and the Awarding of Tenure." In *Affirmative Action and the University: A Philosophical Inquiry*, edited by Steven M. Cahn, 275-285. Philadelphia: Temple University Press, 1993.

Nagel Thomas. "John Rawls and Affirmative Action." *The Journal of Blacks in Higher Education* 39 (2003): 82-84.

Paul, Ellen F. "Careers Open to Talent." In *Affirmative Action and the University: A Philosophical Inquiry*, edited by Steven M. Cahn, 250-263. Philadelphia: Temple University Press, 1993.

Pojman, Louis P. "The Case Against Affirmative Action." *International Journal of Applied Philosophy* 12, no.1 (1998): 97-115.

Pojman, Louis P. "The Moral Status of Affirmative Action." *Public Affairs Quarterly* 6, no. 2 (1992): 181-206.

Rawls, John. *A Theory of* Justice. Cambridge, MA: The Balknap Press of Harvard University, 1999.

Roy, Arundhati. *The Doctor and the Saint: Caste, Race, and Annihilation of Caste, the Debate between B. R. Ambedkar and M. K. Gandhi*. New Delhi: Penguin Random House India Private Limited, 2019.

Shariff, Abusaleh, and M. Mohsin Alam Bhat. "Economically Weaker Section Quota in India: Realistic Target Group and Objective Criteria for Eligibility." May 5, 2019. https://www.researchgate.net/publication/333699612_Economically_Weaker_Section_quota_in_India_Realistic_Target_Group_and_Objective_Criteria_for_Eligibility).

Simon, Robert L. "Affirmative Action and the University: Faculty Appointment and Preferential Treatment." In *Affirmative Action and the University: A Philosophical Inquiry*, edited by Steven M. Cahn, 48-92. Philadelphia: Temple University Press, 1993.

Sowell, Thomas. *Affirmative Action around the World: An Empirical Study*. New Haven, NY: Yale University Press, 2004.

A. Pavelich · *Conatus* 5, no. 2 (2020): 115-132
DOI: http://dx.doi.org/10.12681/cjp.24400

# Is it Possible to Be Better Off Dead? An Epicurean Analysis of Physician-Assisted Suicide

**Andrew Pavelich**
*University of Houston - Downtown, USA*
*E-mail address*: pavelicha@uhd.edu
*ORCID iD:* https://orcid.org/0000-0003-4191-7360

**Abstract**

*Epicurus wrote that death cannot be bad for a person who dies, since when someone dies they no longer exist to be the subject of harm. But his conclusion also applies in the converse: Death cannot be good for someone, since after their death they will not exist to be the subject of benefit. This conclusion is troubling when it is brought to bear on the question of physician assisted suicide. If Epicurus is right, as I think he is, then it means that even when someone is dying of a long and painful illness, we cannot say that they would be better off dead. I defend this conclusion by first presenting Epicurus's argument, and defending it against some of its more important contemporary critics. I then re-examine the conclusion that someone cannot be better off dead by looking at the issue of mercy killing and euthanasia. Drawing on the work of philosophers who examine the ethics of animal euthanasia, I argue that killing someone who is suffering severe agony can be good, but it cannot be good for the person who suffers—it is just good in itself. This, I think, is why we have the intuitions that we do around physician assisted suicide: we are mistaken about the idea that someone can be better off dead, but we can be correct in thinking that sometimes someone's death is good.*

**Keywords:** *Epicurus; death; assisted suicide; euthanasia, mercy killing*

In the debate about the morality of physician-assisted suicide, it is often taken for granted that for some people death would be preferable to life- people who would be better off dead. In the usual debate, the question is whether such a good is worth the potential evils that might accompany it (such as the potential devaluation of life, or loss of trust in the medical profession), however, the basic idea that some people could benefit from their

own deaths is accepted by all sides. And yet, there is also the idea, going back to Epicurus, that death cannot hold any value for the person who dies, positive or negative. After death, there is no person left to be the subject of benefits or harms. If this is correct, then no matter how painful my life is, my death cannot ever be good for me. This paper will attempt to defend the Epicurean argument that death cannot be a benefit for the one who dies. Regardless of the amount of suffering, and how close someone is to the natural end of life, I will argue that it is not possible to be better off dead. This will have some obvious consequences for the ethics of physician-assisted suicide.

After presenting the Epicurean position, I will attempt to defend it against some of its most important modern critics. Most of these critics argue against the Epicurean point that death cannot be bad for the person who dies; I will reorient these objections in order to argue that death cannot be good for the one who dies. Even if physician assisted suicide seems like a humane act of mercy, in fact it is not. This is the primary conclusion of my paper, and I think that the arguments are valid. However, there appears to be a counter-example to my conclusion in cases where people are suffering so much that it would seem immoral not to end their lives. Such cases of mercy killing, are, thankfully, rare among people, but common in the relationship between people and animals. In the last part of the paper, I will look closer at cases of animals and human mercy killings in order to check what they mean for my primary Epicurean point. There is, I will argue, a way to retain the idea that mercy killings are sometimes beneficial while holding on to the Epicurean idea, according to which they are not good for the person who dies.

I should note before beginning, that in this paper I am assuming that death is really the end of our existence, and that there is no afterlife where we will face judgement for our actions in this life. Death, at least for the purposes of this paper, is really the end.

## I. Epicurus on suicide

Few letters and fragments of text preserve of Epicurus' original writings, however, they are enough to establish what I will call the Epicurean position (his actual position is not really a concern here, although it could be an interesting question for historians.)[1] In the famous *Letter to Menoeceus*, Epicurus wrote:

[1] Part of the problem with calling this the "Epicurean" view is that later Epicureans seem to have interpreted it differently. Cicero, in *De finibus* (1:49), presents the Epicurean view of death in this way: "The greatest [pains] are curtailed by death, the small ones are punctuated by long intervals of peace, and we are in control of those of a medium strength so that if they can be endured we endure them and if not we may leave life calmly if it does not please us, just as we may leave the theatre." James Warren, *Facing Death: Epicurus and his Critics* (Oxford: Clarendon Press, 2004), 206. So, Cicero's version of Epicurus differs from mine, since he endorses suicide as an alternative to a bad life. I will set the issue aside here, since this paper

> For that which while present causes no distress causes unnecessary pain when merely anticipated. So death, the most frightening of bad things, is nothing to us; since when we exist, death is not yet present, and when death is present, then we do not exist. Therefore, it is relevant neither to the living nor to the dead, since it does not affect the former, and the latter do not exist. But the many sometimes flee death as the greatest of bad things and sometimes choose it as a relief from the bad things in life. But the wise man neither rejects life nor fears death. For living does not offend him, nor does he believe not living to be something bad. [2]

When philosophers write about this passage, they typically focus on his claim that death is not bad for the person who dies. My death cannot be bad for me, since, when I die, I will not exist to be the subject of any harm. It is understandable why philosophers tend to focus on the idea that death is not bad for us, since most of us fear death and find it strange to be told that such fears are irrational. However, the Epicurean point is actually bigger: death is nothing to us, which also means that death cannot be good for one who dies. Importantly, Epicurus' point is unqualified: it does not matter what the quality of life is if life is good, death is still not an evil, and if life is bad, death is not a relief. Life, even a painful one, is "no offense" to an Epicurean. My own death (and by extension my own suicide) can never serve my own self-interest.

Although not making explicit reference to Epicurus, Christopher Cowley describes quite vividly the Epicurean view of suicide: "*there is something unique in the nature of suicide that makes any attempted ascription of the concepts of either rationality or irrationality otiose*."[3] Cowley wants to point out that it depends on me to decide whether an action would be good for me, taking into account that I compare two possible outcomes; if I act according to a correct assessment of the relative values of the two outcomes, then I am rational, and if I am incorrect (or ignore the relative values of the possible outcomes) then I am irrational. If I do not exist in one of the possible worlds

---

is not based on historical analysis, but on the different aspect between Epicurus' view, as I approach him here, and Cicero's analogy that we can "leave the theater." The theater is our life, and we only exist in it.

[2] Epicurus, *Letter to Menoeceus*, in *The Epicurus Reader*, eds. Brad Inwood, and Lloyd Gerson (Indianapolis: Hackett Publishing Co., 1994), 29; 125-126.

[3] Christopher Cowley, "Suicide is Neither Rational nor Irrational," *Ethical Theory and Moral Practice: An International Forum* 9, no. 5 (2006): 469.

that would result from my action, then I cannot compare their values for me. I can contemplate a world without me, but such a world cannot have a value for me. Non-existence is not value-neutral, it is value-less. Suicide, Cowley argues, simply cannot be rational. I cannot judge a decision as valuable for me, if I do not exist in the world that would result from that decision.[4]

Compare the question of suicide with that of killing another person. When we contemplate killing someone, we can genuinely compare two possible futures – one with the person in it, and another without them. The agent contemplating the killing can then decide which is better for them. The asymmetry here is that the person contemplating killing another will exist in both worlds, but the person contemplating suicide will not. Of course, someone contemplating suicide can ask what the world would be like without them, and if they were consequentialists, this might be enough for them to decide if their suicide would be moral. You may, for example, choose suicide to spare your family the expense of medical treatment; or, to use Hume's example,[5] someone may decide that suicide is the best if they are under arrest and aware that they will spill their secrets under interrogation. However, these kinds of reasons for committing suicide, whether they are good or bad, do not really refer to the Epicureans' point. These reasons for suicide concern goods for others (family, friends, or compatriots) and not the suicidal person's well-being. Desiring suicide for the sake of your loved ones is not to say that suicide is good for you, but that it is good for them, which is outside the scope of this paper.[6]

As mentioned above, my intention is not to focus on the historical Epicurean movement. However, it might be noteworthy to compare my arguments with the Epicurean position. Epicureans often said that if one lives well, then one can always find pleasures in life (or at least in memories of happiness) and that no right-living person should want to hasten death, even if they are dying in a painful condition.[7] At first glance, this seems to support my position that death can never be good for the person who dies, but it does not seem so simple. After all, if life is bad enough that there is no way

---

[4] Although Herstein does not discuss the matter in terms of death (or suicide), he argues, essentially, the same conclusion: non-existent people (in terms of possible but not actual people) do not have neutral value, but entirely lack of any well-being. Ori J. Herstein, "Why 'Nonexistent People' Do Not Have Zero Wellbeing but No Wellbeing at All," *Journal of Applied Philosophy* 30, no. 2 (2013): 136-145.

[5] David Hume, "Of Suicide," in *Essays: Moral, Political and Literary*, ed. Eugene F. Miller (Indianapolis, Liberty Classics, 1985), 587.

[6] Lori Gruen discusses commendably the social aspect of death which is often ignored in the literature on Philosophy of Death (including the present paper). Lori Gruen, "Death as a Social Harm," *The Southern Journal of Philosophy* 52, S1 (2014): 53-65.

[7] Warren, 137.

to escape to a happy memory, or if one did not have any such memories to call on, then an Epicurean might say that death would be a relief. This would be rare, but it could happen.[8] This line of thought leans on the Epicurean idea that life is about pleasure and avoidance of pain. Since there will be no pleasure or pain in death, a life with any pleasure is better than death, and conversely that death is better than a life of pain. But this clearly runs up against the mistake that Cowley identified of confusing death with a neutral state, when, in fact, it is a non-state. Then, at least some Epicureans do not adhere to the Epicurean position as I am presenting it here.

I think that my version of the Epicurean position on suicide can be fruitfully elucidated by considering Kant's critique of the ontological argument about God's existence. Kant agreed that there were qualities that make a being God-like (omniscience, omnipotence, etc.), however, existence is not one of them.[9] Existence is not itself a property but the condition under which a thing can coherently be said to have properties. So, while God must have all the properties that it is better to have than not to have, we cannot thereby conclude that God exists. This strategy has an obvious parallel to the question of death. There are qualities that make a life good, and those that make a life bad, but life itself cannot be one of those qualities. It sits before them, and as such, its presence or absence cannot be counted as positive or negative. While the presence of pleasure can be good (and the removal of pleasure can be bad), the absence of life cannot have any value. Likewise, it is, on this view, analytically true that death can never be beneficial to me. After suicide, I do not suffer, but not because of pain's relief. There is no me left to be the recipient of benefit. Suicide, then, cannot be in my own rational self-interest, any more than non-existence can be bad for the goodness of God. This is a categorical claim and does not depend on what kind of life you are leading.

It is worth to examine briefly how this Kantian argument against suicide relates to Kant's actual argument against suicide.[10] It turns out to be similar, but perhaps more powerful. Suicide, for Kant, is a betrayal of that which is most important: our rational, self-directed consciousness. Or, to put it another way, Kant thought that by committing suicide, I am treating myself as a means to the end of alleviating suffering.[11] Since it is always immoral to

---

[8] Walter Englert, "Stoics and Epicureans on the Nature of Suicide," *Proceedings of the Boston Area Colloquium on Ancient Philosophy* 10, no. 1 (1994): 95.

[9] For a detailed analysis of Kant's critique of the Ontological Argument, see Ian Proops, "Kant on the Ontological Argument," *Nous* 49, no. 1 (2015): 1-27.

[10] Immanuel Kant, *Grounding for the Metaphysics of Morals,* eds. Mary Gregor, and Jens Timmermann (Cambridge: Cambridge University Press, 2012), 34.

[11] Michael Chobli reviews these arguments by concluding that sometimes a Kantian should

treat any moral agent as a means to an end, suicide is immoral. Because our worth as rational agents is infinite, it will outweigh any pain or suffering that we may want to avoid.

Kant actual argument against suicide relied on a respect for agency, in a kind of transcendental argument. My version relies only on the ability to have interests, even if they are not rational interests. Since the question is whether death can be in the interest of the one who dies, and not whether suicide can be rationally done out of a sense of self-love, my conclusion is wider than Kant's. It does not require a grounding in respect for autonomy or free will, and it would also apply to non-human (and hence non-rational) animals. No being that can possess good can benefit by their own death. I will return to the issue of animal death below, but first, I turn to few criticisms of the Epicurean position.

## II. Objections and replies

Thomas Nagel, in a paper published in 1970,[12] argued that the Epicurean position on death is wrong. Since then a number of philosophers have attempted to refine or expand Nagel's argument. In this section. I will defend the Epicurean position against both Nagel's arguments and some of those that have followed. Most of the critics of the Epicurean position criticize the idea that death is not bad for the person who dies, so when necessary I will translate these arguments to speak directly to my point that death cannot ever be good for the person who dies. In most cases this will be straightforward.

Nagel's criticism of the Epicurean position has come to be called the "deprivation view." In brief, the argument is that since life is goodand death deprives us of life, our death is bad for us. Of course, if this line of reasoning is valid, then this would be the complementary conclusion: if life is bad enough, then since death eliminates life, death would be good. Nagel attempted to solve the problem by arguing that things can be atemporally bad,that is, bad without reference to a time at which a thing is bad. If I am deprived of something that I did not know that I possessed in the first place (a relative secretly stealing an inheritance, for instance), it is still a deprivation, and still bad for me. Death is bad for a person because it deprives them of the goodness of the life they could have led had they not died.[13] They are not present when this counterfactual life is missing, but the deprivation still

endorse suicide. In particular, when someone's personhood is compromised by pain or depression. In a way, then, Chobli's conclusion is similar to the one I reach in this paper. Michael Cholbi, "A Kantian Defense of Prudential Suicide," *Journal of Moral Philosophy* 7, no. 4 (2010): 506.

[12] Thomas Nagel, "Death," *Nous* 4, no. 1 (1970): 73-80.

[13] Ibid., 77.

occurs, in a kind of timeless sense:it is not that my death is bad for me when I die, but that my death is just bad for me, even though there will never be a time when I am aware of being deprived by death.

Nagel's argument that death is bad because it is a deprivation has some intuitive appeal, but I think that it actually rests on a mistake: the same mistake that one would make in saying that God exists because existence is a perfection. Existence is the pre-condition for having perfections, but is not itself a perfection. So too, existence is the pre-condition for being deprived of good, but is not itself something that you can be deprived of. It is bad to be deprived of goods, but to be deprived of something, one must exist. And of course, if death cannot be a deprivation harm, it also cannot be a benefit by depriving us of something bad.

Imagine someone who is reading Agatha Christie's *Murder on the Orient Express*, and is also suffering from degenerative vision loss. It makes sense to say that her loss of vision would thwart her desire to read the final chapter and reveal the identity of the killers (set aside, for the purposes of this example, the existence of audio books). But if she were to die before reaching the end of the book, there is no similar loss. We might say, at her memorial, that she would have liked to know the ending of the book, but it is not a tragedy that she did not live long enough. Her desire was not thwarted, it was eliminated, along with the subject of the desire. Similarly, someone who dies with a terrible toothache did not have their desire to get rid of the toothache satisfied. Epicurus's point, at its heart, is that we mistakenly think that we will exist after our deaths, but we will not, and so there is no one to be deprived of anything. I imagine that when we say things at a memorial service like "at least she is no longer suffering from that toothache" we are assuming that the deceased exists in some kind of afterlife. But of course, this paper, as well as Nagel's, is working on the assumption that death is really death.

Eric Olson has tried to avoid Nagel's problem of specifying for whom death is bad by arguing against the Epicurean position on more general grounds.[14] He argues simply that it is good to have pleasure, and it is good to have desires fulfilled, and so it must be good to live long enough to experience pleasures and the fulfillment of desire. Death is therefore bad, since it removes these possibilities. It is not that you suffer after death, but that death is bad because it is the negation of the condition required for anything to be good. It may not be loss for someone to die before reaching the end of a mystery novel, but we still acknowledge that they would have taken pleasure from finishing it, and that death means that they will never have this pleasure. Death means that some things that we think are good will never be achieved. Likewise, presumably, Olson would argue that if something

[14] Eric T. Olson, "The Epicurean View of Death," *The Journal of Ethics* 17, nos. 1-2 (2013): 73.

is bad, then removing it must be good. Something being bad just means that removing it would be good; for Olson is almost analytic: if the death at the end of a long, painful illness is not good, then how can anything be good?

While this may seem like an alternative critique of Epicureanism to Nagel's deprivation account, it really boils down to the same point, and my response is essentially the same as above. There is no incompatibility with saying that it would be good for someone with a toothache to have relief, while saying that it would not be good for that person to die. It is bad to have the power go out in the middle of watching a football game on television, but it is not bad (at least not in the same way) to die in the middle of watching a game. In both cases, it is true that you do not see the game, but in the case of death, you are not missing anything. Life is a prerequisite for value, which explains why things in life can have value, while death cannot. Toothaches are bad, and relieving them is good, but death does not relieve them. Presumably, Olson would agree that suicide is not a solution to a toothache, and this is precisely because things can have value in life, but life (or death) itself cannot.

The problem for critiques of the Epicurean position is a basic one: there is no one for death to be bad for. This, of course, is the essence of Epicurus's point. Nagel and Olson emphasize the loss of whatever we value, but if this is lost in death, then there is no subject to lose it. Both, then, fail to solve the problem of whom death can have value for. Nagel tried to solve the problem by taking an atemporal view of value, but there still must be someone that such things are atemporally valuable for. Harry Silverstone tries to solve this problem by taking an atemporal view of a life itself.[15] He argues that I can make a judgement about the value of my own death because my death exists in the future. Just as there are things that are physically distant from me but that nonetheless can be valued by me here, so too my own death, which is temporally distant from me, can be valued by me now. There are facts about my death (even if I do not know them), and in general it is a fact that I will die. In this way, Silverstone takes himself to have solved the problem of how one can rationally contemplate their own death: it is possible because one's death, like all events, has an objective existence at some point in time.

This line of thought relies on the notion that future claims have truth value now, and while this is debatable, I will not press the issue. Rather, I will argue that even if it is true that my death can be rationally considered by me now, it does not follow that I can conceive of my death as having value for me. Silverstein shows at most that I can coherently consider my own death as something that exists in the future – it is less obvious that I can stand in a value-relationship to it. When I read about a hurricane happening in another place, I can feel sympathy for those who are experiencing it, but

[15] Harry S. Silverstein, "The Evil of Death," *The Journal of Philosophy* 77, no. 7 (1980): 401-424.

it is impossible (or at least not rational) to worry for my own safety because of the storm. So too my future death is something that I can conceive of, and something that I can imagine others experiencing as good or bad, but it is not something that I can have a value relation to, either now or when it happens.

Consider a scenario where I must choose between two courses of medical treatment, one of which prolongs life but increases suffering, and the other minimizes suffering but shortens life. Both choices involve considering death as an end-point, and comparing the two possible lives ahead. Death, then, is an object of thought that exists in some future. If I choose the life of less suffering, my earlier death is not seen as good in itself, but as the price to pay for a less painful life. This seems to be a potentially rational choice, that is to say, one that could be judged as either rational or irrational. But this is not contemplating the value of death, but of the possible lives that precede it. Oslon may be right that I can conceive of my death as existing in the future, but that only marks out a life that can have value.

And yet, if I am correct that one can rationally compare two potential lives of different lengths, then this would seem to imply that in an extreme case, one could rationally commit suicide to avoid a painful experience. If I can make a rational choice to live a shorter life rather than a longer, painful one, cannot I also choose no life instead of a painful one? Suicide, here, just seems like a limiting case of choosing a shorter pain-free life to avoid a longer painful one. But this view of suicide is mistaken, and the very language that attempts to describe it betrays the mistake. One does not avoid anything in death. One could choose a short life over a longer one that includes more suffering such decisions are made every day, and they are made explicitly in order to avoid suffering. But they avoid it only in the sense that there is an alternative life without suffering (albeit a shorter life). Choosing to forego chemotherapy is avoiding suffering, but it is not suicide. Choosing to die a quick death from a cyanide pill rather than die of torture at the hands of the enemy is a different kind of choice: one that does not really compare two futures at all, and hence cannot be a rational comparison.

Ultimately, I think that the problem with all of the above-described critiques of the Epicurean view of death is that they tacitly rely on an assumption that death is not really death. Nagel, Olson, and Silverstein all presume a perspective where I am present at (and after) my death and can assess the loss that death will bring me. This is understandable (the vast majority of human beings throughout history have held a belief in some kind of an afterlife) but this is explicitly not the assumption that we start with when considering the Epicurean position.

## III. Assisted suicide

We are now in a position to see how the general Epicurean point applies to physician-assisted suicide. These account for only a small fraction of the total number of suicides in the United States,[16] but they are the subject of much philosophical and legal debate. If I am right that death cannot be a benefit for the person who dies, it would introduce a new perspective to these debates. The existing arguments against the moral permissibility of physician assisted suicide in the philosophical literature tend to stand on utilitarian grounds, arguing that even if there are some cases where a patient would want assisted suicide, legalizing the practice would have overall negative effects. No published argument that I know of takes the Epicurean stance.[17] It seems obvious to many writing about it that there may be times when suicide is a rational decision, and that it is, at least, sometimes better to die than to continue living.[18]

When thinking about physician-assisted suicide, we must consider the concrete conditions of those who opt for it. There is, of course, physical pain, often uncontrollable even with medication, but patients are also often undergoing physical and psychological traumas that seriously undermine their sense of self. Patients have cited a desire for dignity in death, as well as the desire to avoid the disfigurement or dependency that is often brought

---

[16] There were 44,965 suicides reported in the United States in 2016, and 643 physician-assisted suicides. For data on total suicides in the U.S., see Jiaquan Xu, Sherry L. Murphy, Kenneth D. Kochanek, Brigham Bastian, and Elizabeth Arias, "Deaths: Final Data for 2016," *National Vital Statistics Report* 67, no. 5 (2018): 1-75. The total number of physician-assisted suicides comes from aggregating the individual numbers from three states that allow them (California, Oregon, and Washington). California Department of Public Health, "California End of Life Option Act 2016 Data Report," accessed December 23, 2020, https://www.cdph.ca.gov/programs/chsi/cdph%20document%20library/cdph%20end%20of%20life%20option%20act%20report.pdf; Oregon Health Authority, Public Health Division, "Oregon Death with Dignity Act 2016," accessed December 23, 2020, https://www.oregon.gov/oha/ph/providerpartnerresources/evaluationresearch/deathwithdignityact/documents/year19.pdf; Washington State Department of Health, "2016 Death with Dignity Act Report," accessed December, 2020, https://www.doh.wa.gov/Portals/1/Documents/Pubs/422-109-DeathWithDignityAct2016.pdf.

[17] In a few recent surveys concerning the arguments against Physician Assisted Suicide, nothing relevant to the Epicurean argument was addressed, Jill M. Dietle, "Physician Assisted Suicide: A New Look at the Arguments," *Bioethics* 21, no. 3 (2007): 127-139; Søren Holm, "The Debate about Physician Assistance in Dying: 40 Years of Unrivalled Progress in Medical Ethics?" *Journal of Medical Ethics* 41, no. 1 (2015): 40-43.

[18] "It is possible to see suicide, not merely as reasonable, but even as noble." Jeffrie G. Murphy, "Rationality and the Fear of Death," *The Monist* 59, no. 2 (1979): 200. Another example comes from Stephan Blatti, "Death's Distinctive Harm," *American Philosophical Quarterly* 49, no. 4 (2012): 322: "Death might not be overall bad for some of those who die, not because death is valueless, but because death might be positive."

about by advanced stages of terminal diseases.[19] These desires are almost universally treated as valid, and I will not suggest otherwise, but I do not think that they are not valid reasons for desiring death.

Recall Crowley's argument for the non-rationality of suicide. The core of his argument is that we often make a mistake in thinking about the value of life and death. A life of pain has negative value, and a life of pleasure has positive value, but death is not neutral. Death has no value, positive or negative. Preserving one's dignity is, in general, worth pursuing, and it is generally worth avoiding those situations that would compromise one's dignity. The same can be said for autonomy and independence. We do not want to die dependent and without dignity, but that means that we do not want to live with indignity or dependence. Death cannot be an escape from pain or indignity. It is only an elimination of pain in that it is an elimination of the subject of pain. In other words, death cannot be an improvement for the person who dies, even if their life was almost entirely negative.

Cowley thought that suicide was outside the bounds of rationality, but he did not address physician-assisted suicide. Does the analysis change when we consider that people who request physician-assisted suicide are not just suffering, but are terminal? Although statutes differ from state to state, in order to qualify for legal physician assisted suicide, patients must be certified by more than one physician to be in a terminal state, in addition to being in tremendous physical pain. Such patients are not just incurable, or untreatable; they are terminal. It is not just that they are in pain, or that they are disfigured, but that this is, as far as medicine may know, the last part of their lives. Can the Epicurean position be maintained in this light?

In this regard, it is worth noting, at least briefly, that Epicurus himself is said to have died of an apparently painful condition and did not commit suicide, even though there was no social stigma against the practice.[20] This is especially telling as the Epicurean position is based on the hedonistic idea according to which only pleasure is good, while discomfort is bad. A part of why the Epicureans, in general, seemed to have avoided suicide is that it forestalls any possible future pleasure; if there are no such possibilities, then suicide would seem to be a rationally viable option. And yet, the fundamental point that death is nothing to us is unforgiving. While we are alive, we are not dead, and when we die, we are no longer there to compare its value to our life. Modern technological medicine has extended the period of time between dying and being dead far beyond what would be normal to Epicurus, however, this does not change the underlying rationality that death cannot be anything for us.

---

[19] Michael B. Gill, "Is the Legalization of Physician-Assisted Suicide Compatible with Good End-of-Life Care?" *Journal of Applied Philosophy* 26, no. 1 (2009): 27-45.

[20] Englret, 68.

I argued above that it could be rational to choose between two futures, one of which was shorter than the other. In the context of physician-assisted suicide, this becomes an important distinction, especially in terms of the law: it is the difference between assisted suicide and palliative care that leads to death. It is a difference of intent, which is, I think, exactly in line with what the Epicurean position demands. It makes sense to choose between a shorter life with less pain and a longer life with more pain, but in this calculation, we are comparing two future lives, even if both are short. Neither is tantamount to suicide, even if one future life is radically shorter than the other. Suicide is the choice between a life and non-existence.

In a very personal and moving account of her father's death, Susan Wolf argues that legalizing assisted suicide would only shelter us from our moral duties to comfort and help those who are suffering and dying, and that if we take those duties seriously, we will relish every moment we can spend with our dying loved ones.[21] Her argument is not exactly the one I am making here, but it certainly is in the same ballpark. The Epicurean stance does not deny the reality of our death, instead it reorients us to the task of ensuring that our life is as good as it can be before our death. Ending life intentionally does not help this, but more to the point, the idea that we should spend our time deciding when or whether to end our lives means that we are not putting that energy to ensuring our lives are well lived.

This line of thought leads naturally to the doctrine of double effect, which morally allows one to treat a terminal patient for pain, even at the cost of shortening their life, as long as death is not the goal. The doctrine of double effect is most commonly invoked by those who hold a sanctity of life view, which itself does not fit the Epicurean stance, but the result is largely the same.[22] The Epicurean would be happy with choosing a course of action that would shorten life while alleviating suffering, whereas they would see the idea of ending one's own life to alleviate pain is as incoherent. The sanctity of life view cannot countenance intentionally ending a human life because it is sacred, whereas the Epicurean cannot countenance intentionally ending a life (at least, for its own sake) because life itself cannot have value, only experiences in life can. Removing life from someone who is suffering and dying, does them no harm, but it also does them no good. Removing their

[21] Susan M. Wolf, "Confronting Physician-Assisted Suicide and Euthanasia: My Father's Death," *The Hastings Center Report* 38, no. 5 (2008): 23-26.

[22] Catholic Church's views on euthanasia exemplify this idea: "The use of painkillers to alleviate the sufferings of the dying, even at the risk of shortening their days, can be morally in conformity with human dignity if death is not willed as either an end or a means, but only foreseen and tolerated as inevitable," *Catechism of the Catholic Church*, part III, section II, article IV, 2279, accessed December 23, 2020, https://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a5.htm.

pain does them good, and if the act of doing so shortens their life, it is still good, but only while they are alive.

## IV. Counterpoint: Mercy killings

If a person's death cannot have value for them, then every patient who has desired to hasten their own deaths in the face of unrelenting agony has been irrational. They are perfectly warranted in wanting to alleviate their pain, but the idea that they would be better off dead is simply wrong. But, if this is true of first-person judgements, then it must also be true of third-person judgements as well, and here we see a potential counter-example, since we often find cases of mercy killings to be morally unimpeachable. If this judgement is correct, then my argument would be in trouble. We will look at human cases shortly, but I will begin working through this issue with the case of animal euthanasia.

When an animal is suffering and dying, we often think that killing them is permissible, or even that mercy killing is morally required of us. A pet owner, who prolongs their companion animal's life when it is physically suffering, can be seen as causing needless pain. Of course, it is difficult to know when a pet reaches the point when humane euthanasia is called for, but pet owners,and animal health care workers in general, are well aware that such a point exists. Pet owners often struggle to know if their pet has reached the point of suffering where euthanasia is called for, but nearly all pet owners agree that there is a level of suffering at which it is in the animal's interest to die rather than to live with pain.[23]

How would an Epicurean understand this claim? There is nothing in Epicurus' surviving writings to suggest that he was at all concerned with the deaths of animals (animal death is rarely mentioned even in contemporary philosophical discussions of death). Still, it seems easy to apply the Epicurean idea to the case of animals. A horse who is suffering and dying, after all, does not exist after its death, so, we cannot compare two possible futures for the horse by saying that it would be better off dead. If you agree that a horse can have interests, then it would seem that we must conclude both that a horse has an interest in not suffering, but also that the horse cannot benefit from its own death, even if it is suffering. Thus it seems that the Epicurean must conclude that the practice of animal euthanasia is irrational. And if we decide that killing a suffering animal really is morally required, then it seems that my Epicurean argument must be wrong.

There is, however, another way of viewing animal euthanasia. Sarah Bachelard argues that the suffering of an animal in severe pain is just brute

[23] James W. Yeats, "Death is a Welfare Issue," *Journal of Agricultural and Environmental Ethics* 23, no. 3 (2010): 236.

suffering, and that removing this suffering is itself good.[24] It is not good for the animal to die, but good in general. Bernard Rollin puts the point in a slightly different way: a suffering animal is nothing more than its pain, since animals cannot distance themselves from their pain through abstraction.[25] It is probably the case that non-human animals (or at least most of them) do not conceive of their future as a unified whole as people do. That is to say, that for animals there is only a succession of experiences and not a continuing self. If this is correct, then an animal in severe pain really is nothing other than its pain.

Thinking about the suffering of animals in this way sidesteps the question of whether death is good for the animal; the animal's death is just good simpliciter. Suffering, on this view, is just bad in itself. Hence, acknowledging that killing animals that are in severe pain is good does not imply that Epicurus is wrong, just as he would not be made wrong by my death being good for someone else. Of course, one would still have to decide how much an animal has to be suffering before its death becomes good, but I do not think that we have to decide this in order to go forward; it is enough to acknowledge that there is a line. The Epicurean stance is, so far at least, secure. The question that remains is whether, and to what extent, this model may apply to people. To get a handle on the subject, we will turn to a kind of case where it seems most clearly to do so: war.

Mercy killings have been a part of warfare since antiquity. Battlefield injuries, especially in pre-modern times, often resulted in fellow soldiers putting a quick end to their fallen comrades. The practice is less common than it used to be, but still remains common enough to be the subject of debate among military ethicists.[26] Here, we will focus on just one example from the 1982 Falklands war. The case involved an Argentine soldier that was caught in a jet fuel explosion while on a British base.[27] Unable to rescue the burning man from the fire (and having already rescued another victim) a British Medical Corps sergeant shot and killed the Argentinian soldier, rather than allowing him to burn to death. Such killings should sit uneasily with us, as they do, no doubt, for those who commit them, but they are clearly motivated by a concern for easing pain and suffering. What does this say about the possible benefit of death for a person that is suffering? Does this offer a counter-argument to my Epicurean claim?

---

[24] Sarah Bachelard, "On Euthanasia: Blindspots in the Argument From Mercy," *Journal of Applied Philosophy* 19, no. 2 (2002): 138.

[25] Bernard E. Rollin, "Animal Pain: What It is and Why It Matters," *The Journal of Ethics* 15, no. 4 (2011): 431.

[26] For a thorough review of many cases, including the one to follow, Stephen Deakin, "Mercy Killing in Battle," *Journal of Military Ethics* 12, no. 2 (2013): 162-180.

[27] Ibid., 169.

It would be extremely difficult to argue that it was not good for the person who is burning alive to be shot and killed (the medic who shot him was acquitted at his court martial, likely for this reason.)[28] Just as with animals, it would seem to be immoral to allow the suffering to continue. But, I also think that this view can be consistent with the Epicurean argument that death has no value for the person who dies. While the act of killing a suffering person relies on the judgment that their life is ending, it is not, I think, about weighing possible futures against each other. It is much more immediate than that. They are burning alive, their life has been reduced to pure suffering.

Consider why the medic in the Falkland's case did not simply hand the burning man his rifle and leave the decision about whether to live or die up to him. It seems to me that they would simply not be able to act rationally. I would suggest that in an important sense, the person had been eclipsed by the suffering; the burning soldier had been reduced to the state of grievously suffering animals. For what it's worth, animals that are in a state in which we would deem their deaths to be a mercy do not try to kill themselves.[29] Of course, animals cannot reflect on their lives and their futures, or use tools to end their own lives, but this is exactly the point: a person who is in such a state of suffering seems to be reduced to this animal state as well. Mercy killing, at least in these situations, is just the removal of brute suffering, and not the removal of a person. It is, as with animal euthanasia, good, but not good for the person who is killed. It is just good simpliciter. And if this is true, then by the time an act of mercy killing becomes rational, there is no person who would be better off dead, any person has already been destroyed by suffering.

Mercy killing poses truly difficult moral problems. I must confess that the way of thinking about mercy killings described in this section may not be correct. It seems plausible, but it is predicated on the supposition that mercy killing both for animals and people is actually moral. Certainly, the morality of mercy killing seems intuitive, but it might be the case that our intuitions here are just off. It is likely that our intuitions (or at least mine) are not to be trusted, since they have not been put to anything like a real-world test. But if this intuition is to be trusted, then I think we can explain why an act of mercy killing is rational, while an act of assisted suicide is not.

---

[28] These cases are interesting in part because military judicial systems typically do not differentiate mercy killings from murder Many military ethicists have made the case that there should be such a distinction, Jean-François Caron, "An Ethical and Judicial Framework for Mercy Killing on the Battlefield," *Journal of Military Ethics* 13, no. 3 (2014): 228-239.

[29] Antonio Preti, "Suicide Among Animals: A Review of Evidence," *Psychological Reports* 101, no. 3 (2007): 831-848.

## V. Conclusion

When someone dies after a protracted period of suffering, whether their death comes naturally or with assistance, it is perhaps understandable that their loved ones would have some relief that their suffering was over. The expression "at least they are no longer suffering" is expected in such cases. What I have argued for here is that one way of understanding this sentiment is simply wrong. If one says that it is good for the person who was suffering that they are now no longer suffering, then this sentiment is actually meaningless. Of course, there are other meanings to the utterance "at least they are no longer suffering" that are meaningful. For one (and not a trivial or selfish one, I think), one could mean "at least I and others no longer have to witness this suffering." For another, one could mean "at least the world no longer contains such suffering." There may be times when death is good, but it can never be a benefit to the one who dies.

It is also worth remembering that this entire argument (and any Epicurean argument) is predicated on the idea that death is really the end of the person who dies. If there is an afterlife, then what we call 'death' is not really death, and one really could exist in a post-mortem state and be either harmed or benefitted by one's own death.

**References**

Bachelard, Sarah. "On Euthanasia: Blindspots in the Argument From Mercy." *Journal of Applied Philosophy* 19, no. 2 (2002): 131-140.

Blatti, Stephan. "Death's Distinctive Harm." *American Philosophical Quarterly* 49, no. 4 (2012): 317-330.

California Department of Public Health. "California End of Life Option Act 2016 Data Report." Accessed December 23, 2020. https://www.cdph.ca.gov/programs/chsi/cdph%20document%20library/cdph%20end%20of%20life%20option%20act%20report.pdf.

Caron, Jean-François. "An Ethical and Judicial Framework for Mercy Killing on the Battlefield." *Journal of Military Ethics* 13, no. 3 (2014): 228-239.

*Catechism of the Catholic Church*. "Catechism of the Catholic Church, part III, section II, article IV, 2279." Accessed December 23, 2020. https://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a5.htm.

Cholbi, Michael. "A Kantian Defense of Prudential Suicide." *Journal of Moral Philosophy* 7, no. 4 (2010): 489-515.

Cowley, Christopher. "Suicide is Neither Rational nor Irrational." *Ethical Theory and Moral Practice: An International Forum* 9, no. 5 (2006): 495-504.

Deakin, Stephen. "Mercy Killing in Battle." *Journal of Military Ethics* 12, no. 2 (2013): 162-180.

Dietle, Jill M. "Physician Assisted Suicide: A New Look at the Arguments." *Bioethics* 21, no. 3 (2007): 127-139.

Englert, Walter. "Stoics and Epicureans on the Nature of Suicide." *Proceedings of the Boston Area Colloquium on Ancient Philosophy* 10, no. 1 (1994): 67-96.

Epicurus. *The Epicurus Reader: Selected Writings and Testimonia*. Translated, and edited by Brad Inwood, and Lloyd P. Gerson. Indianapolis: Hackett Publishing Co., 1994.

Gill, Michael B. "Is the Legalization of Physician-Assisted Suicide Compatible with Good End-of-Life Care?" *Journal of Applied Philosophy* 26, no. 1 (2009): 27-45.

Gruen, Lori. "Death as a Social Harm." *The Southern Journal of Philosophy* 52, S1 (2014): 53-65.

Herstein, Ori J. "Why 'Nonexistent People' Do Not Have Zero Wellbeing but No Wellbeing at All." *Journal of Applied Philosophy* 30, no. 2 (2013): 136-145.

Holm, Søren. "The Debate about Physician Assistance in Dying: 40 years of Unrivalled Progress in Medical Ethics?" *Journal of Medical Ethics* 41, no. 1 (2015): 40-43.

Hume, David. *Essays: Moral, Political and Literary*. Edited by Eugene F. Miller. Indianapolis, *Liberty Classics*, 1985.

Kant, Immanuel. *Grounding for the Metaphysics of Morals*. Edited by Mary Gregor, and Jens Timmerman. Cambridge: Cambridge University Press. 2012.

Murphy, G. Jeffrie. "Rationality and the Fear of Death." *The Monist* 59, no. 2 (1979): 187-203.

Nagel, Thomas. "Death." *Nous* 4, no. 1 (1970): 73-80.

Olson, Eric T. "The Epicurean View of Death." *The Journal of Ethics* 17, nos. 1-2 (2013): 65-78.

Oregon Health Authority, Public Health Division. "Oregon Death with Dignity Act 2016." Accessed December 23, 2020. https://www.oregon.gov/oha/ph/providerpartnerresources/evaluationresearch/deathwithdignityact/documents/year19.pdf.

Preti, Antonio. "Suicide Among Animals: A Review of Evidence." *Psychological Reports* 101, no. 3 (2007): 831-848.

Proops, Ian. "Kant on the Ontological Argument." *Nous* 49, no. 1 (2015): 1-27.

Rollin, Bernard E. “Animal Pain: What It is and Why It Matters.” *The Journal of Ethics* 15, no. 4 (2011): 425-437.

Silverstein, Harry S. “The Evil of Death.” *The Journal of Philosophy* 77, no. 7 (1980): 401-424.

Warren, James. *Facing Death: Epicurus and his Critics*. Oxford: Clarendon Press, 2004.

Washington State Department of Health. “2016 Death with Dignity Act Report.” Accessed December, 2020. https://www.doh.wa.gov/Portals/1/Documents/Pubs/422-109-DeathWithDignityAct2016.pdf.

Wolf, Susan M. “Confronting Physician-Assisted Suicide and Euthanasia: My Father’s Death.” *The Hastings Center Report* 38, no. 5 (2008): 23-26.

Xu, Jiaquan, Sherry L. Murphy, Kenneth D. Kochanek, Brigham Bastian, and Elisabeth Arias “Deaths: Final Data for 2016.” *National Vital Statistics Report* 67, no. 5 (2018): 1-75.

Yeats, James W. “Death is a Welfare Issue.” *Journal of Agricultural and Environmental Ethics* 23, no. 3 (2010): 229-241.

D. A. Vasilakis · *Conatus* 5, no. 2 (2020): 133-142
DOI: http://dx.doi.org/10.12681/cjp.23490

# From Writing to Philosophizing: A Lesson from Platonic Hermeneutics for the Methodology of the History of Philosophy

**Dimitrios A. Vasilakis**
*University of Erfurt, Germany*
*E-mail address*: dimitrios.vasilakis86@gmail.com
*ORCID iD:* http://orcid.org/0000-0003-1888-9832

**Abstract**

*In this paper, I exploit some lessons drawn from reading Plato in order to comment on the methodological 'meta-level' regarding the relation between philosophizing and writing. After all, it is due to the medium of written word that we come to know past philosophers. I do this on the occasion of the ostensible conclusion in Plato's* Meno. *This example illuminates the 'double-dialogue' hermeneutics of Plato and helps to differentiate Plato's dialogues from dialogical works written by other philosophers, such as Berkeley. As a result, it becomes clear that, like with Plato's case, a historian of philosophy must not only have a philosophical training, but also a subtle philological background, when attempting to come into dialogue with dead philosophers.*

**Keywords:** *author; (double-)dialogue; interpretation; history (of philosophy); literature; self-consciousness; writing*

Time flows ceaselessly. What has always been a present moment has been eternally removed to the sphere of the past. How then can we communicate with history? There are various ways in which history can depict its former existence to the posterity. For instance, it has been proposed that Architecture and archaeological monuments form a kind of 'fossilized' history. The extant written works, then, should be regarded as another instance of 'imprinted' history. Despite their death, it is certain that

we can come into dialogue with the dead philosophers[1] via their writings. Even in the case of philosophers who did not write anything throughout their lives, like the notorious example of Socrates, we have other testimonies that can enable us to have at least an indirect contact with them.

In relation, to the powerful medium of written word, however, we should constantly bear in mind that the task of interpretation of the past writings seems to be entrenched in a 'circle of justification.'[2] Apart from the interpreter's historical presuppositions and the secondary testimonies about a philosopher's life and teaching, we get informed of the main views of a past philosopher by reading his/her writings. On the other hand, the already shaped view regarding the work of a dead philosopher (via his/her writings) forms the interpreter's way of approaching that thinker's written work. Whereas this is not necessarily a negative aspect, it can reveal the significance and the burden of the medium of writing for the philosophical understanding. That is, the way a philosopher writes can have a great impact on the reader's understanding of a philosophical work. There are numerous examples of philosophers whom we remember due to their special and/or peculiar literary style, as well.[3]

A pre-eminent example among this group of philosophers is Plato. One of the most important conclusions of recent literature on Plato[4] is that his philosophical positions should by no means be approached separately from his literary techniques, which are indeed innumerable. Of course, the problems concerning Platonic scholarship are manifold: "Why did Plato write dialogues? Did he have any specific aims for doing so? What is his attitude towards the written word?[5] Which is the right dating of the dialogues? How to

---

[1] See also Edwin Curley, "Dialogues with the Dead," *Synthese* 67, no. 1 (1986): 33-49.

[2] The term of the "hermeneutical vicious circle" has been used within the context of Hermeneutics influenced by Martin Heidegger. Cf. also Άννα Τζούμα, *Ερμηνευτική: Από τη Βεβαιότητα στην Υποψία* (Αθήνα: Μεταίχμιο, 2006), 136-137, as well as 132-133.

[3] See e.g. Aristotle, Kierkegaard, Nietzsche, Sartre, Adorno and Derrida.

[4] See Mary Margaret McCabe, "Form and the Platonic Dialogues," in *A Companion to Plato*, ed. Hugh H. Benson, 39-54 (Malden, MA: Blackwell Publishing, 2006), and Mary Margaret McCabe, "Plato's Ways of Writing," in *The Oxford Handbook of Plato*, ed. Gail Fine, 88-113 (Oxford: Oxford University Press, 2008). Another interesting approach is that of Will Rasmussen, *The Enigma of Socratic Wisdom: Resolving Inconsistencies in Plato* (Saarbrücken: VDM Verlag Dr. Müller Aktiengesellschaft & Co, 2008).

[5] Regarding the critique against the written word in the *Phaedrus* (274b6-278e3) see the combating suggestions of Thomas A. Szlezák, *Platon Lesen* (Stuttgart: Frommann-Holzboog, 1993) and Christopher Gill, "Platonic Dialectic and the Truth-status of the Unwritten Doctrines," *Méthexis* 6 (1993): 55-72. For some examples, which are admittedly scarce, of the reception of this problem in late antiquity see Alexei V. Zadorojnyi, "Transcribing Plato's Voice: The Platonic Intertext between Writtenness and Orality," in *Gods, Daimones, Rituals, Myths and History of Religions in Plutarch's Works: Studies Devoted to Professor Frederick E. Brenk by the International Plutarch Society*, eds. Luc van der Stockt, Frances Titchener, Heinz Gerd Ingenkamp, and Aurelio Pérez Jiménez, 467-492 (Malaga, and Logan, UT: International Plutarch Society, 2010).

cope with the several doctrinal inconsistencies found throughout the Platonic corpus? Is 'developmentalism' the right response to the previous question, or 'unitarianism' is also plausible?[6] What about the 'aporetic' works? Did Plato ever intend to impart fixed doctrines to his readers? Is Socrates Plato's mouthpiece? Why is Plato absent from the frames of all dialogues?" All these are only some of the general problems that have preoccupied various Plato scholars throughout centuries, have triggered great conflicts, but still have not met any definite answer.

In any case, the above questions concern problems regarding the relationship between the philosophical and the literary aspects of Plato's written works.[7] Moreover, the controversy they have generated, owing

[6] According to the 'developmentalist' thesis, Plato progresses to different philosophical understandings and positions along his writing career. Contrariwise, 'unitarianism' suggests that Plato presents a steady body of unaltered doctrines in his entire corpus, illuminating different aspects in each work.

[7] On this issue, see also the following variety of approaches (all with further bibliography): Gerald A. Press, ed., *Plato's Dialogues: New Studies and Interpretations* (Maryland: Rowman and Littlefield Publishers, 1993); James A. Arieti, *Interpreting Plato: The Dialogues as Drama* (Savage, MD: Rowman & Littlefield, 1991); Harvey Yunis, "Writing for Reading: Thucydides, Plato, and the Emergence of the Critical Reader," in *Written Texts and the Rise of Literate Culture in Ancient Greece*, ed. Harvey Yunis, 189-212 (Cambridge: Cambridge University Press, 2003); Christopher Rowe, *Plato and the Art of Philosophical Writing* (Cambridge: Cambridge University Press, 2007); Christopher Gill, and François Renaud, eds., *Hermeneutic Philosophy and Plato: Gadamer's Response to the* Philebus (Sankt Augustin: Academia Verlag, 2010); Nikos G. Charalabopoulos, *Platonic Drama and its Ancient Reception* (Cambridge: Cambridge University Press, 2012); Andrea Nightingale, "The Orphaned Word: The Pharmakon of Forgetfulness in Plato's *Laws*," in *Performance and Culture in Plato's* Laws, ed. Anastasia-Erasmia Peponi, 243-264 (Cambridge: Cambridge University Press, 2013); Dimitrios A. Vasilakis, "Platonic Hermeneutics from the Socratic View-point in Plato's *Meno*," *Πλάτων. Περιοδικό τῆς Ἑταιρείας Ἑλλήνων Φιλολόγων* 59 (2013-2014): 156-166; Debra Nails, "Platonic Interpretive Strategies, and the History of Philosophy, with a Comment on Renaud," *Plato Journal* 16 (2017): 109-122; Alessandro Stavru, and Christopher Moore, eds., *Socrates and the Socratic Dialogue* (Leiden, Boston: Brill, 2017); Dominic J. O'Meara, *Cosmology and Politics in Plato's Later Works* (Cambridge, NY: Cambridge University Press, 2017), 1-10; Sara Ahbel-Rappe, *Socratic Ignorance and Platonic Knowledge in the Dialogues of Plato* (Albany: State University of New York Press, 2018); Monique Dixsaut, *Plato-Nietzsche: Philosophy the Other Way*, trans. Kenneth Quandt (London, and Washington, DC: Academica Press, 2018); Lloyd P. Gerson, "Plato, Platonism and the History of Philosophy," in *What Makes a Philosopher Great? Thirteen Arguments for Twelve Philosophers*, ed. Stephen Hetherington, 12-29 (New York, London: Routledge, 2018); Gerald A. Press, "The State of the Question in the Study of Plato: 20-year Update," *Southern Journal of Philosophy* 56, no. 1 (2018): 9-35; Eleni Kaklamanou, Maria Pavlou, and Antonis Tsakmakis, eds., *Framing the Dialogues: How to Read Openings and Closures in Plato* (Leiden, and Boston: Brill, 2020). See also Michael Erler, "Plato's Religious Voice: Socrates as Godsent, in Plato and the Platonists," in *The Author's Voice in Classical and Late Antiquity*, eds. Anna Marmodoro, and Jonathan Hill, 313-340 (Oxford: Oxford University Press, 2013); Adrian Pirtea, Review of *Brill's Companion to the Reception of Plato in Antiquity*, by Harold Tarrant, Danielle A. Layne, Dirk Baltzly, and François Renaud, *Bryn Mawr Classical Review*, June 31, 2019; Jonathan Greig, "Plato's Open Philosophy," in *Moses Atticizing*, accessed September 25, 2020, https://mosesatticizing.com/blog/platos-open-philosophy, and

to Plato's abundant possibilities of interpretation, can partly account for the immense influence that the Athenian philosopher has had throughout the history of humankind.[8] In this paper, I want to make some comments on the occasion of *Meno*'s final conclusion. Because I have dealt with the hermeneutics of the *Meno* elsewhere, here I will only give a synopsis, so that I directly come to the point I want to raise.[9]

According to Meno's opening question the dialogue is a survey concerning the nature of excellence (or virtue: ἀρετή) and the possibility of its being teachable. In response, Socrates expounds the theory of Recollection. The discussion leads to the following assumption: if excellence is knowledge, then it must be teachable. Still, Socrates claims not being able to find any teacher of virtue. Hence, in order to account for the existence of virtuous personalities, Socrates suggests that these do not possess knowledge, but 'true opinion' (ἀληθὴς δόξα), due to divine dispensation (θείᾳ μοίρᾳ). Still, in the end Socrates thinks he and Meno should begin a new survey without hypotheses. My question is the following: do they really need to begin the enquiry again? It is worth citing Cornford's thorough answer given on the occasion of the 'recalcitrant' interpretation of Plato's *Parmenides*:

> The device occurs again in the *Meno*, where the Socratic definition of Virtue as knowledge is actually reached about half-way through (89a), and yet the conversation ends with the remark that we shall never be sure how virtue is acquired until we have found out what virtue is. The concealment is so cunningly effected that many readers of the *Meno* do not realize that we have found out what virtue is, and that by reflection on the difference between teaching in the ordinary sense and recollection we can infer how it is acquired. In all these cases Plato's object is to compel the reader to think, and think hard, for himself, instead of presenting him with conclusions which he might indolently accept without making them his own. If he does not make this effort, he will at least have gained the consciousness of his own ignorance.[10]

---

fr. John Panteleimon Manoussakis, *A Polygraph on Plato* (forthcoming).

[8] Whitehead's statement is classic in its formulation: "The safest general characterization of the European philosophical tradition is that it consists of a series of footnotes to Plato." Alfred North Whitehead, *Process and Reality. An Essay in Cosmology: Gifford Lectures delivered in the University of Edinburgh during the Session 1927-28*, corr. ed. David Ray Griffin, and Donald W. Sherburne (New York: The Free Press, 1978), 39.

[9] See also the approach of Vasilakis, "Platonic Hermeneutics," 159-162.

[10] Francis MacDonald Cornford, *Plato and Parmenides: Parmenides'* Way of Truth *and Plato's*

Even if stemming from an older generation, Cornford's remark about Plato's aim in the *Meno* can be compared to the so-called "double dialogue" method of interpreting the Platonic dialogues.[11] According to this model, in the Platonic corpus, where we read mainly about Socrates having discussions with other people, there underlies Plato's "challenge" or invitation to the reader to engage with him in the inquiry. In some cases, though, Plato seems not only to challenge, but also to put obstacles to the understanding of the reader! In this way, the reader who wants an answer to the problems posed in the dialogues is compelled to reflect on the whole unity of content and form of the work, e.g. find potential fallacies, hidden hints, or ambiguous uses of words, and therefore inevitably take part in the philosophical discussion, without relying on any authorial authority.[12]

Moreover, this literary strategy of presenting the reader with an ostensible conclusion serves Plato's purely philosophical aim of making his reader critical. As M. M. McCabe puts it, "views are indeed put forward in the dialogues, and for some of those views, the author must take responsibility. But in writing the way he does, he engages his readers, too, in active scrutiny of what is said: a large part of the philosophical work, therefore, is done by us, the readers of what Plato writes."[13] Thus, the literary techniques of Plato, like the one used in the *Meno*, are not only the exoteric form/frame that accompanies a philosophical content/framed, but they are well integrated and interwoven with the philosophical enterprise itself, so that they can fertilize the reader's philosophical thinking. It is perhaps this observation that accounts for the difference in style between the dialogues of Plato and e.g. those of Berkeley.

There is no skepticism about the fact that Berkeley is a significant philosopher. It would be also unfair to discredit the literary techniques used in his well-known dialogues, because they differ from Plato's ones. In these works, the early modern philosopher presents positions and counter-positions in a literarily apt way. Nonetheless, the reader can relatively easily discern Berkeley's philosophical stance in Philonous' rejoinders to Hylas. It is exactly such a clarity that is frequently absent in the techniques of the Platonic dialogues, and therefore the reader's interpretive and philosophical task becomes much more arduous, but,

---

Parmenides *Translated with an Introduction and Running Commentary* (London: Routledge & Kegan Paul, 1964[5]), 244-245. Whereas nowadays scholars would be eager to agree with Cornford's conclusion, the scope of his specific application to the *Meno* (e.g. the insistence on the theory of Recollection as the only way to escape "Meno's paradox," or even "*Parmenides'* greatest difficulty") would not satisfy all of them, at least to the same extent.

[11] See Eugène Napoleon Tigerstedt, *Interpreting Plato* (Uppsala: Almqvist & Wiksell, 1977), 96-101, and Rasmussen, esp. 104-110.

[12] Cf. also McCabe, "Plato's Ways," 94. Additionally, for her notion of "detachment," which characterizes Plato's literary techniques, see ibid., 104-106.

[13] Ibid., 111.

perhaps in the end, more beneficial for the philosophical self-consciousness of Plato's reader.[14]

There also remains a legitimate question concerning the aforementioned Platonic literary attitude, an aspect of which is expressed in the conclusion of the *Meno*.[15] In the case of the Platonic philosophical theories and doctrines developmentalism seems to be a plausible account, due to the inconsistencies found in the whole Platonic corpus. Could we, then, say that his literary attitude remains one and the same, whereas its instantiations in the several dialogues differ, or b) we should talk about the middle and later periods of Plato as more 'dogmatic' and 'rigid,' i.e. less dialectical and dialogical, respectively? No consensus is to be found among various interpreters.[16] Still, a reading of the whole Platonic corpus, of which I have presented here only one small example, tells in favor of the view that the internal and intimate relationship between the literary aspect and the philosophical one, as a means for inviting the reader to take part in the philosophical enquiry, remains salient in at least most of the works of Plato throughout his philosophical journey, even if the outcome is different among every single dialogue.

To conclude, I hope that Plato's case serves as an elucidating example of how powerful and peculiar the medium of writing is for the communication of a philosopher's ideas. According to the abovementioned 'hermeneutical circle of justification' it is true that, among other presuppositions, to a considerable extent one's initial readings of a philosopher's oeuvre can stipulate the way that (s)he is going to approach other works of the same philosopher. Nevertheless, we must be aware that in the shaping of such a picture it is not only the

[14] Whether Berkeley, or for this matter all the post-Platonic philosophers who used the dialogue-form, aimed to imitate the specific techniques used in the Platonic dialogues is a matter of another consideration.

[15] We remind the reader that the *Meno*, concerning some of its aspects, looks back to the 'early' works, whereas with respect to the positive doctrines it expounds it is directed towards the 'middle' dialogues (especially the *Republic*).

[16] E.g. whereas Kahn, especially in the Preface of Charles H. Kahn, *Plato and the Socratic Dialogue: The Philosophical Use of a Literary Form* (Cambridge: Cambridge University Press, 1996), seems to hold a 'flexible' unitarian view concerning the Platonic theories, his view about Plato's literary enterprise is that the so-called 'early' Socratic *Logoi* (apart from the even earlier *Apology* and the *Gorgias*) form a single unified group along with the 'middle'-period works. Cf. also Charles H. Kahn, "Did Plato write Socratic Dialogues?" *Classical Quarterly* 31, no. 2 (1981): 305-320. In particular, the 'early' works are those that pave the way to Plato's audience for the elaboration of the 'middle' works. However, according to Kahn, such a literary stance starts to differ from the *Phaedrus* and onwards. Therefore, concerning the literary production of Plato, if it is not accurate to call Kahn a developmentalist, still he holds a non-unitarian view. On the other hand, whereas McCabe seems to hold a 'mild' developmentalistic view concerning Plato's thought, e.g. in the relevant Appendix of Mary Margaret McCabe, *Plato's Individuals* (New Jersey: Princeton University Press, 1994), the abovementioned conclusion of her approach to Plato's innumerable ways of writing seems to be unitarian with respect to the philosophical aims that Plato's several literary techniques serve.

philosophical ideas themselves that are responsible, but also the literary style of each philosopher as an author, i.e. the specific way in which each philosopher presents his/her thought in their writings. Therefore, it becomes clear that every historian of philosophy or philosopher should possess developed philological sensitivity and skills, among others, even if (s)he does not study artistic works of 'pure' literature. The realization of this requisite can help at least every historian of philosophy to achieve more adequate approaches not only of Plato, where the philological approach is indispensable, but also of every other philosopher of the past,[17] whether remote or not, whom we unavoidably know via his/her writings.[18] The fact that the founder of the Athenian Academy assists us also in realizing this need to the highest degree is another reason which makes him not necessarily a dead philosopher whose writings we have to agree with, but rather an immortal interlocutor who, in late M. Burnyeat's words, is "good to think *with*."[19]

**Acknowledgement**

The idea for this paper stems from an essay I wrote as a graduate student at King's College London for a module (on the Methodology of the History of Philosophy) led by Professor John Milton.

**References**

Ahbel-Rappe, Sara. *Socratic Ignorance and Platonic Knowledge in the Dialogues of Plato*. Albany: State University of New York Press, 2018.

Arieti, James A. *Interpreting Plato: The Dialogues as Drama*. Savage, MD: Rowman & Littlefield, 1991.

Burnyeat, Myles. Review of *Interpreting Plato*, by Eugène N. Tigerstedt. *The Classical Review* 29 (1979): 161-162.

---

[17] Unfortunately, various philosophers and historians of philosophy especially of the analytic tradition have disregarded this important dimension in their approaches. Cf. also Williams' fair criticism in Bernard Williams, *Philosophy as a Humanistic Discipline*, ed. Adrian W. Moore (Princeton: Princeton University Press, 2006), 181.

[18] This is just one among many other methodological considerations about the enterprise of the history of philosophy. For an introduction to this field see Σωτήρης Μπραλέξης, *Μεθοδολογία και Θεωρία της Ιστορίας της Φιλοσοφίας* (Αθήνα: Καρδαμίτσας, 2017).

[19] As attested by Richard Sorabji, "Ideas Leap Barriers: The Value of Historical Studies to Philosophy," in *Maieusis: Essays on Ancient Philosophy in Honour of Myles Burnyeat*, ed. Dominic Scott, 374-390 (Oxford: Oxford University Press, 2006), 384, despite Burnyeat's negative evaluation of Tigerstedt in Myles Burnyeat, review of *Interpreting Plato*, by Eugène N. Tigerstedt, *The Classical Review* 29 (1979): 161-162. Cf. also Δημήτριος Α. Βασιλάκης, «Περί των σχέσεων Φιλοσοφίας και Ιστορίας της Φιλοσοφίας με ιδιαίτερη αναφορά στην προβληματική του B. Williams,» *Διά-Λογος* 3 (2013): 21, and n. 63.

Charalabopoulos, Nikos G. *Platonic Drama and its Ancient Reception*. Cambridge: Cambridge University Press, 2012.

Cornford, Francis MacDonald. *Plato and Parmenides: Parmenides'* Way of Truth *and Plato's* Parmenides *translated with an Introduction and Running Commentary*. London: Routledge & Kegan Paul, 1964[5].

Curley, Edwin. "Dialogues with the Dead." *Synthese* 67, no. 1 (1986): 33-49.

Dixsaut, Monique. *Plato-Nietzsche: Philosophy the Other Way*. Translated by Kenneth Quandt. London, and Washington, DC: Academica Press, 2018.

Erler, Michael. "Plato's Religious Voice: Socrates as Godsent, in Plato and the Platonists." In *The Author's Voice in Classical and Late Antiquity*, edited by Anna Marmodoro, and Jonathan Hill, 313-340. Oxford: Oxford University Press, 2013.

Gerson, Lloyd P. "Plato, Platonism and the History of Philosophy." In *What Makes a Philosopher Great? Thirteen Arguments for Twelve Philosophers*, edited by Stephen Hetherington, 12-29. New York, and London: Routledge, 2018.

Gill, Christopher. "Platonic Dialectic and the Truth-status of the Unwritten Doctrines." *Méthexis* 6 (1993): 55-72.

Gill, Christopher, and François Renaud, eds. *Hermeneutic Philosophy and Plato: Gadamer's Response to the* Philebus. Sankt Augustin: Academia Verlag, 2010.

Greig, Jonathan. "Plato's Open Philosophy." *Moses Atticizing*. Accesed September, 25, 2020. https://mosesatticizing.com/blog/platos-open-philosophy.

Kahn, Charles H. "Did Plato Write Socratic Dialogues?" *Classical Quarterly* 31, no. 2 (1981): 305-320.

Kahn, Charles H. *Plato and the Socratic Dialogue: The Philosophical Use of a Literary Form*. Cambridge: Cambridge University Press, 1996.

Kaklamanou, Eleni, Maria Pavlou, and Antonis Tsakmakis, eds. *Framing the Dialogues: How to Read Openings and Closures in Plato*. Leiden, and Boston: Brill, 2020.

Manoussakis, John Panteleimon. *A Polygraph on Plato*. Forthcoming.

McCabe, Mary Margaret. *Plato's Individuals*. New Jersey: Princeton University Press, 1994.

McCabe, Mary Margaret. "Form and the Platonic Dialogues." In *A Companion to Plato*, edited by Hugh H. Benson, 39-54. Malden, MA: Blackwell Publishing, 2006.

McCabe, Mary Margaret. "Plato's Ways of Writing." In *The Oxford Handbook of Plato*, edited by Gail Fine, 88-113. Oxford: Oxford University Press, 2008.

Nails, Debra. "Platonic Interpretive Strategies, and the History of Philosophy, with a Comment on Renaud." *Plato Journal* 16 (2017): 109-122.

Nightingale, Andrea. "The Orphaned Word: The Pharmakon of Forgetfulness in Plato's *Laws*." In *Performance and Culture in Plato's* Laws, edited by Anastasia-Erasmia Peponi, 243-264. Cambridge: Cambridge University Press, 2013.

O'Meara, Dominic J. *Cosmology and Politics in Plato's Later Works*. Cambridge, NY: Cambridge University Press, 2017.

Pirtea, Adrian. Review of *Brill's Companion to the Reception of Plato in Antiquity*, by Harold Tarrant, Danielle A. Layne, Dirk Baltzly, and François Renaud. *Bryn Mawr Classical Review*, June 31, 2019.

Plato. *Phaedrus*. Translated and commented by Christopher J. Rowe, Oxford: Aris & Phillips Classical Texts, 1988[2].

Press, Gerald A. ed. *Plato's Dialogues: New Studies and Interpretations*. Maryland: Rowman and Littlefield Publishers, 1993.

Press, Gerald A. "The State of the Question in the Study of Plato: 20-year Update." *Southern Journal of Philosophy* 56, no. 1 (2018): 9-35.

Rasmussen, Will. *The Enigma of Socratic Wisdom: Resolving Inconsistencies in Plato*. Saarbrücken: VDM Verlag Dr. Müller Aktiengesellschaft & Co, 2008.

Rowe, Christopher. *Plato and the Art of Philosophical Writing*. Cambridge: Cambridge University Press, 2007.

Sorabji, Richard. "Ideas Leap Barriers: The Value of Historical Studies to Philosophy." In *Maieusis: Essays on Ancient Philosophy in Honour of Myles Burnyeat*, edited by Dominic Scott, 374-390. Oxford: Oxford University Press, 2006.

Stavru, Alessandro, and Christopher Moore, eds. *Socrates and the Socratic Dialogue*. Leiden, and Boston: Brill, 2017.

Szlezák, Thomas A. *Platon Lesen*. Stuttgart: Frommann-Holzbog, 1993.

Tigerstedt, Eugène Napoleon. *Interpreting Plato*. Uppsala: Almqvist & Wiksell, 1977.

Vasilakis, Dimitrios A. "Platonic Hermeneutics from the Socratic View-point in Plato's *Meno*." *Πλάτων. Περιοδικό τῆς Ἑταιρείας Ἑλλήνων Φιλολόγων* 59 (2013-2014): 156-166.

Whitehead, Alfred North. *Process and Reality: An Essay in Cosmology. Gifford Lectures delivered in the University of Edinburgh during the Session 1927-28*. Corrected edition by David Ray Griffin, and Donald W. Sherburne. New York: The Free Press, 1978.

Williams, Bernard. *Philosophy as a Humanistic Discipline*. Edited by Adrian W. Moore. Princeton: Princeton University Press, 2006.

Yunis, Harvey. "Writing for Reading: Thucydides, Plato, and the Emergence of the Critical Reader." In *Written Texts and the Rise of Literate Culture in Ancient Greece*, edited by Harvey Yunis, 189-212. Cambridge: Cambridge University Press, 2003.

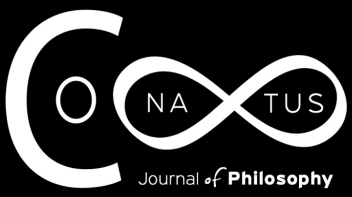
Zadorojnyi, Alexei V. "Transcribing Plato's Voice: The Platonic Intertext between Writtenness and Orality." In *Gods, Daimones, Rituals, Myths and History of Religions in Plutarch's Works: Studies Devoted to Professor Frederick E. Brenk by the International Plutarch Society*, edited by Luc van der Stockt, Frances Titchener, Heinz Gerd Ingenkamp, and Aurelio Pérez Jiménez, 467-492. Malaga, and Logan, UT: Logan, International Plutarch Society, 2010.

Βασιλάκης, Δημήτριος Α. «Περί των σχέσεων Φιλοσοφίας και Ιστορίας της Φιλοσοφίας με ιδιαίτερη αναφορά στην προβληματική του Β. Williams.» *Διά-Λογος* 3 (2013): 9-24.

Μητραλέξης, Σωτήρης. *Μεθοδολογία και Θεωρία της Ιστορίας της Φιλοσοφίας*. Αθήνα: Καρδαμίτσας, 2017.

Τζούμα, Άννα. *Ερμηνευτική: Από τη Βεβαιότητα στην Υποψία*. Αθήνα: Μεταίχμιο, 2006.

CONATUS 5, NO. 2 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