

# Acta Cogitata: An Undergraduate Journal in Philosophy

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## Acta Cogitata - Volume 7

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# Acta Cogitata

*A Journal of Undergraduate Philosophy*

Issue 7, Autumn 2019





Department of History and Philosophy

**Call for Papers**  
**Eastern Michigan University's 10th Annual Undergraduate Conference in Philosophy March 7th and 8th, 2020**

The Eastern Michigan University Undergraduate Conference in Philosophy is now accepting papers for its conference to be held at EMU on Saturday and Sunday, March 7th and 8th, 2020. Papers selected for presentation will be allotted 20 minute presentation times, followed by formal comments and Q & A. All papers in philosophy, broadly construed, will be considered for the conference; since this is an undergraduate conference, no papers by professionals, graduate students, or others holding an advanced degree (in philosophy) will be considered.

**Papers submitted for the conference should be 8-12 pages (2200-3600 words) in length and include an abstract approximately 250 words in length.**

The deadline for submission is **Thursday, January 9th, 2020**, and only completed papers accompanied by an abstract will be reviewed. We expect to announce the papers selected for presentation before the end of January.

We will also be using a formal commenter system; so, even if your paper is not selected for presentation, you may be considered for such a role. Please let us know, along with your paper submission, if you are willing to comment. This also means that all selected papers will receive formal feedback at the conference.

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# Acta Cogitata

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Issue 7

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*A Journal of Undergraduate Philosophy*

Editor in Chief: Dr. W. John Koolage

Student Editor: C. Áine Keefer

*Acta Cogitata* is a publication of the History and Philosophy Department at Eastern Michigan University.

*Acta Cogitata* is dedicated to providing a venue for undergraduate authors of original philosophical papers to have their work reviewed and, possibly, published. Publication acknowledges the work of outstanding undergraduate authors, rewards their efforts, and provides a home for some thought-provoking projects. In line with this purpose, *Acta Cogitata*'s authors retain their copyright so that they may continue to develop these projects. The journal, however, does not publish work that has previously been published elsewhere.

The journal accepts philosophical papers from all areas of philosophy and seeks to promote philosophical discourse in any area where such discourse may be illuminating.

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# Cover Art

*Growth*, by Katharine Penrose

Colored pencil and ink on paper, 8.5" x 10"

## Visual description

The cover art for this journal depicts a two-dimensional drawing in predominantly black and white, with grey, ochre, oranges, yellows, and earthy red tones. The artist has combined images of a stylized partial skeleton, with the pelvis at the bottom left, and vertebrae curving up the right side extending out of the frame. Behind the bones is a stylized beehive in undulating shapes, showing a few cells of the hive, one containing an egg. A large bee rests against the right hip of the skeleton, occupying the bottom right corner of the work, facing the top of the piece.

## Artist's Statement

The human eye is an extraordinary part of the human body. Through the eye, we can experience pleasure from the visual perspective when looking upon the world. Because of the arrangement of rods and cones within the eye, we are able to see the beauty and experience different visual pleasures when confronted with various colors or the contrasting shades of black and white.

As an artist, I tend to find myself drawing primarily in black and white in order to highlight the importance of light and darkness within our world. My works often are based upon the human body and I incorporate the natural world around in it strange and odd yet interesting and exciting ways. While the human body is complex and beautiful in its own right, I try and introduce nature alongside it to create an even more complex and beautiful piece that our eyes can enjoy.

## **Letter from the Editor**

We find ourselves in turbulent times with a deeply divided society, public discourse that can often seem to be irretrievably broken, and fundamental failures to connect with the basic humanity of people on opposite sides of ideology from ourselves. In a time of “fake news,” “alternative facts,” and social media giants as a primary “news” source, it sometimes feels like critical thinking is an endangered species. Undergraduate philosophy brings me hope for our future.

EMU’s Undergraduate Conference in Philosophy brings together diverse students from around the globe to spend a weekend sharing their ideas and thoughts about the issues we collectively face, and these students do so through sincere, engaged dialogue. Questions and critiques are brought forward in the spirit of collegiality, discussions are thoughtful and nuanced, and even when students find themselves on opposite sides of a significant social divide, they strive together to reach understanding. I have seen this spirit of collegiality at a number of conferences around the country. And so, it is with great fondness and enduring hope that I present this seventh volume of *Acta Cogitata*, showcasing the best work submitted for our consideration by undergraduate philosophers.

On a personal note, this issue also brings the end of my tenure as student editor. I am proud and to have been part of this journal’s mission, in one way or another, for the last four years – two as author and two as editor. I hope that my successor finds as much joy in this work as I do. I would like to thank Dr. W. John Koolage, our Editor in Chief, for his work on this journal, for the example he sets, and the inspiration he provides to so many of his students. I am honored to have been one of them, and forever changed by the experience.

Finally, I thank our authors and artists for sharing their work, their professors and mentors for their efforts in support of their development, and their institutions for encouraging these students and so many others in their work. The creativity, clarity, and depth of thought developed in the work presented in this volume are exactly what we so desperately need to move toward a brighter future.

C. Áine Keefer

### **Editor in Chief**

Dr. W. John Koolage

### **Student Editor**

C. Áine Keefer



## RAWLS, CLIMATE CHANGE, AND ESSENTIAL GOODS

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*University of Florida*

### Abstract

Climate change is one of the most important social and environmental justice issues of the 21st century. As such, it deserves serious treatment by John Rawls, perhaps the most important social justice theorist of the 20th century. In this paper, I first discuss Rawls' conception of a well-ordered society presented in *A Theory of Justice* and how climate change may be incorporated in his principles of justice as an intergenerational savings problem. Then, I present a characterization of environmental goods like clean air and clean water as a special kind of good in Rawlsian justice and argue that this is a more effective way of incorporating environmental considerations into the framework of a well-ordered society. Essential goods, as I call them, can be distinguished by two particular traits: 1) their status as a public good, and 2) their status as preconditions for the usage of our primary goods.

By recognizing that environmental goods are preconditions for the proper exercise of our social primary goods, we establish a precedent for the incorporation of environmental and climate considerations into the fundamental structure of a Rawlsian framework. This approach is unique in the literature because past papers addressing a Rawlsian reply to climate change and environmental concerns have focused primarily on the original position, the just savings principle, or the two principles of justice. My conception of essential goods accounts for environmental goods as a necessary, and not merely peripheral, element in Rawlsian political philosophy.

### I. Introduction

Anthropogenic Global Warming (AGW), the theory explaining the climate change phenomenon that causes rising temperatures and rising waters around the globe, is endorsed by 97% of climate scientists (Cook et al., 2013). As a process that affects every country in the world, climate change is the most important social and environmental justice issue of the 21st century.<sup>1</sup> As such, it deserves serious treatment by philosophers like John Rawls, the most important social justice theorist of the 20th century.

Warmer temperatures and rising sea levels will combine to develop into serious consequences for coastal communities in terms of storm surge and sustained flooding. In *A Theory of Justice* (TOJ), Rawls introduces two well-known principles of justice that are concerned with improving the positions of the least advantaged in society. The poor, or the 'least advantaged', in Rawlsian terms, are especially vulnerable to the aforementioned environmental stressors (Hallegatte, Fay & Barbier, 2018, p. 225). Thus, climate change, as a subset of background environmental justice, must be accounted for by the principles of justice in a well-ordered society. In this paper, I first

<sup>1</sup> For the purposes of this paper, 'climate change' can be viewed as a proxy for other closely related environmental issues, like resource depletion, air and water pollution, and deforestation. Though they are different issues, the nature of their causes and consequences are similar enough for them to warrant the same treatment under a Rawlsian framework.

briefly explain Rawls's conception of a well-ordered society and how he attempts to solve the problem of intergenerational justice using the just savings principle. Then, I present an argument characterizing environmental goods as a special kind of good and discuss how they may provide a more effective entry point for climate change into this discussion.

## II. Rawls' Well-Ordered Society and the Just Savings Principle

John Rawls believes that a well-ordered society is the one best situated to satisfy the precepts of justice as fairness; that is, to demonstrate a fair basic structure with institutions that support lasting justice for its constituents. Rawls' principles of justice, which are derived from a conceptual decision-making process, regulate this society by protecting equal liberties and creating a fair distribution of 'social primary goods'—a fair distribution being to the greatest benefit of the least advantaged in society. Social primary goods are opportunities, income and wealth, and the bases for self-respect. They are goods that everyone, regardless of their individual life plans, is presumed to desire. Most importantly, they allow for the proper exercise of our two moral powers: 1) judging and upholding just institutions, and 2) pursuing our rational plan of life.

In TOJ, decision-making begins in the original position, a state in which free and equal actors arrive at some sort of consensus under the veil of ignorance. The veil limits their knowledge of identifying particulars as an attempt to nullify any bias in the decision-making process that could result from natural or social contingencies (Rawls, 1971, p. 137). Also excluded under the veil is the generation in which the bargainers reside. This is because Rawls is concerned with a stable basic structure that can support itself in perpetuity, but there is no easy way to ensure that contemporary bargainers will commit to principles that benefit future generations at the cost of their sacrifice in the present.

This is the first challenge that TOJ presents for climate change. Even when temporal information is removed under the veil, there is still no discernible moral duty that demands the parties make sacrifices for posterity. Rawls (1971) claims to solve this "savings problem" between generations by altering the motivation assumptions in the original position (p. 140). He paints a picture of the bargainers as individuals that care deeply for the next generation — "as fathers say care for their sons" (1971, p. 288).

If we are to entertain this conception of the bargainers, then it is reasonable to assume that they would naturally act to promote the well-being of the generations that come after them. A cooperative attitude arises in which the parties weigh how much they are willing to save against how much they expect those previous to have saved for them. This correct balance is institutionalized in what Rawls calls the Just Savings Principle (JSP), which tracks the optimum level of societal investment to better the outcomes of the least advantaged in both the current *and* future generations. The threat of climate change, which entails gradual and irreversible environmental damage across multiple generations, underscores the necessary universality of this JSP. The JSP must protect the environment insofar as it is necessary to support the functioning of just institutions now and in perpetuity.

The alteration of the motivation assumption to include these sentimental ties between generations affects the designation of the JSP at the stage of its inception within the original position. Consequently, each generation and its members has a natural duty to save for future generations insofar as it is required to achieve the "conditions necessary for just institutions and fair value of liberty"<sup>2</sup> (Rawls, 1971, p. 298). The JSP becomes a constraint in choosing the two

2 "We can now see that persons in different generations have duties and obligations to one another just as

principles of justice.

Though Rawls believes that this combination is robust enough to resolve the issues of intergenerational justice, he himself agrees that the rate of savings the JSP licenses would be very difficult to determine. Importantly, it only works if we accept a conception of human nature guided by those sentimental ties. Any environmental protection measures demanded of the members in a society are contingent upon an increasingly ambiguous rate of savings determined within the original position and an unrealistic portrayal of human nature; thus, the JSP leaves us without a clear sense of what can be done to combat climate change.

This leads us to inquire whether or not there is a more effective way to work the protection of the environment for posterity into an existing Rawlsian framework. In the next section of the paper, I present an idea for incorporating environmental considerations into a Rawlsian framework that more closely tracks his idea of primary goods, which are the true driving force behind his two principles of justice. This idea responds more effectively to climate and environmental issues than existing literature.

### III. Characterization of Essential Goods

Rawls explains how the principles of justice are meant to distribute the social primary goods fairly, which support the development of one's moral powers. In contrast with the social primary goods, natural primary goods like intelligence and strength cannot be distributed interpersonally and exist as arbitrary contingencies to be tempered by the principles of justice. Rawls does not discuss these natural goods at length, but he does mention that they are indirectly impacted by the basic structure of society (Rawls, 1971, p. 62). As we can see, there is no easy place for environmental goods (say, clean air and clean water) to fit in.

Certain environmental goods should be considered under the Rawlsian framework as a special kind of good distinct from the other kinds of goods Rawls discusses because of their particular importance to a well-ordered society. These environmental goods, which I call essential goods, are characterized by two distinct traits: 1) their status as a public good, and 2) their status as preconditions for the usage of our primary goods. The primary example I will employ to motivate this characterization is clean air.

The first trait has already been discussed by Rawls in TOJ in reference to economic systems, which involve the JSP. Rawls (1971) defines a public good by its indivisibility and its "publicness" (p. 266). Public goods are distinct from private goods in that they cannot be easily divided and distributed between people in the way that market products can be. Economics and political theorists have long referred to these qualities as "non-rivalrous consumption" and

"non-excludability" (Anomaly, 2013, p. 109-111). Non-rivalrous consumption is exhibited when the use of a good by one person does not prevent its use by another person. Non-excludability, on the other hand, tracks the (theoretical) availability of a public good to all people within a society. This non-excludability also gives rise to the oft-discussed free rider effect, where those who are not contributing towards the production or preservation of a public good may nonetheless derive benefits from it.

A clear example of a public good would be clean air. It is indivisible and available to

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contemporaries do. The present generation cannot do as it please but is bound by the principles that would be chosen in the original position to define justice between persons at different moments in time. In addition, men have a natural duty to uphold and further just institutions..." (Rawls, 1971, p. 293).

the entire public. It is non-rivalrous; my breathing of clean air does not limit your ability to simultaneously enjoy clean air. It is non-excludable, because all the people in an area have equal access to the clean air and can breathe it, as they so desire. Another prominent example of a non-environmental public good that has been employed, including by Rawls, is national defense. When the U.S. Department of Defense carries out its military and surveillance operations to protect the citizens of the United States, it creates a public good that is indivisible, non-rivalrous, and non-excludable in the ways previously described. All citizens within the borders of our society derive benefits from national defense, and the enjoyment of it by one does not limit its enjoyment by another.

National defense and clean air are often used in the same breath when it comes to public goods. However, there are distinctions between the two that merit recognition. For example, they come to be in very different ways. Both national defense and clean air can be promoted through government legislation and directional investment of public resources, such as taxes; this could be exemplified by publicly funded research in surveillance drone technology and cleaner burning fuels, respectively. However, while national defense is at its core a product of social cooperation, clean air is provided by nature and can only be preserved or regulated by social cooperation. If humans ceased to exist, national defense would not exist, but clean air would still exist.

It seems that, while environmental public goods are not created by social cooperation, they are still connected to it in an important way. In fact, the nature of these goods makes them necessary for the well functioning of society. This leads me to the second trait that I pose for essential goods: the status as a precondition for the usage of one's social primary goods. Recall that every rational person is presumed to want more of the primary goods, and that they are enable people to develop their capacities for a sense of justice and an operating conception of the good. This is why the principles of justice chosen within the original position are based around their fair distribution.

Rawls' first principle of justice concerns itself with the distribution of equal liberties. Regardless of which liberties we take these to be, it would be incredibly difficult to exercise them if we did not have clean air to breathe. It is easy to imagine how one's exercise of the liberties afforded to them by their society may be greatly restricted, or even rendered impossible, by the lack of certain environmental goods such as clean air and clean water. These essential goods make possible the usage of not only equal liberties, but also fair equality of opportunity and material wealth. One cannot utilize these social primary goods to advance their rational ends without having access to clean air.

On the other hand, without national defense, it would still be possible to use these social primary goods. While national defense is a public good that ensures the security of the citizens in a country, it is not a necessary precondition for the proper usage of one's primary goods in the way that clean air may be and, therefore, it is not required for the proper exercise of one's moral powers. Clean air is an essential good; national defense is not.

Some may argue that national defense *can* be necessary for the usage of one's primary goods, such as in the case when a country is attacked and the basic liberties of its people are threatened. However, that would mean that its significance is contingent on the presence of a foreign threat of this nature. Without such a threat, national defense becomes unnecessary in a way that clean air will never be. This is because the essentiality of clean air is not contingent upon any circumstance external to that of our biological nature. It will always be necessary for the proper

use of our primary goods, ergo, the exercise of our moral powers.

If this distinction is not intuitive enough, due to the contingency point, take another commonly cited example of a public good: fireworks. Public firework displays are enjoyed in a non-rivalrous and non-excludable fashion; often, in fact, most people enjoying them are “free riders” in that they themselves have not contributed towards the manufacture, purchase, or operation of those particular fireworks. Yet the difference in essentiality between fireworks and clean air is even more pronounced. Fireworks are not necessary for the exercise of one’s moral powers under the two principles of justice, and they do not contribute towards the maintenance of a well-ordered society. Without clean, breathable air and clean, drinkable water, it would not be so easy to maintain a society at all — much less a well-ordered one.

It is increasingly clear now that essential goods also bear a close connection to the natural primary goods I mentioned previously. In fact, the reason essential goods are so necessary for the usage of one’s social primary goods may be tied precisely to their impact on the usage of one’s natural primary goods. This effect is most prominent when we look at the natural good of health, which is directly impacted by environmental conditions like clean air and clean water. Polluted air may cause a variety of respiratory diseases, and if someone is suffering from these health issues, they will hardly be able to exercise full use of their social primary goods. Thus, we can also draw the logically prior conclusion that natural primary goods are critical for the proper use of the social primary goods, and they are indeed important in this way. However, due to their nature as arbitrary and personal traits, the government cannot regulate natural primary goods as it as effectively as it can essential goods. This is why my focus is on the latter type of good as the precedence for environmental protection.

A difficulty now arises after one accepts this characterization of essential goods; since clean air is shown to have such a critical role in preserving just institutions, there must be a way to determine what constitutes ‘clean air’ in the first place. After all, if it is a precondition for the use of one’s primary goods and therefore the full exercise of their moral powers, it would seem that people living in impoverished, polluted areas are not able to achieve either of these given unhealthy environmental conditions. The inability to easily define such a “clean air minimum” may be advanced as a critique of the characterization of essential goods themselves, but this would be a mistake.

The reason for this is that we do not actually need to define a minimum in order for the essential goods to do their necessary work. One way to understand this is by examining how Rawls writes about the social primary good of self-respect, which bears many similarities to the conception of essential goods in this paper. There is no particular minimum level of self-respect that would allow for the continued justice of a well-ordered society. However, self-respect is integral for the exercise of one’s moral powers in the same way that other social primary goods are. Rawls (1971) writes, “a sense of [one’s] own worth is necessary if they are to pursue their conception of the good with zest and to delight in its fulfillment” (p. 178). Though self-respect cannot be redistributed like wealth, Rawls implies that it can nonetheless be regulated. Institutions in society can be designed so as to promote and maintain the social bases for self-respect. As such, institutions in society can also be designed so as to promote and maintain the essential goods such as clean air and clean water.

One may also wonder why the essential goods were not just classified as social primary goods themselves, seeing as though they fulfill similar functions. This classification would not feel

quite right, as essential goods are not social in nature. This idea has been discussed before: without humans, social primary goods would not exist, but essential environmental goods would still exist. While the social primary goods operate solely within a human system, the natural environment is a complex system distinct from human social life — yet bears important implications for and connections to it.

I have now completed my characterization of essential goods. The next relevant question to ask is how the Rawlsian framework for a well-ordered society should incorporate this new class of goods. The answer is that the duty of a well-ordered society to protect essential goods is beyond that required of an ordinary public good. This society may not be morally required to promote public firework displays, but it is morally required to promote clean air and water. This duty arises by virtue of the society's *existing* duty to uphold the principles of justice in fair institutions, which was mentioned in our original discussion of intergenerational savings and the JSP. As a reminder, Rawls wrote that each generation has a duty to save for future generations insofar as it is required to achieve the “conditions necessary for just institutions and fair value of liberty” (Rawls, 1971, p. 298). With the knowledge of essential goods, we can reason now that a healthy environment (with clean air and clean water) *is* one of the conditions necessary for these just institutions to flourish. Therefore, each generation is morally required to make sacrifices to uphold the institutions that ensure the continued health of the environment for future generations.

I have not yet addressed the latter half of this duty, or what Rawls refers to as “the fair value of liberty”. The principles of justice are distributive in nature and seek to maintain an appropriate level of equality in society in regard to the social primary goods. Yet, the absolute magnitude of a single good may be of different value, or worth, to different individuals. Rawls argues that the worth of social primary goods under his conception of justice would be greater than under any other conception, but this is a difficult claim to substantiate, given the reality that the goods in a society may have vastly divergent worth. For example, a farmer living thirty miles from the nearest polling location may have the same nominal liberty to political participation as a city-dwelling executive with a polling location within walking distance. The executive's ability to exercise her liberty, and therefore the value she derives from it, may in reality be far greater than that of the farmer's. This issue of relative worth is heightened in cases of income and wealth, distributed under the difference principle; as the saying goes, the rich man's silver is the poor man's gold.

Examining the problem of divergent worth is not fully within the scope of this paper, but it alludes to another reason why essential goods are so important in a Rawlsian society. By making one's natural primary goods accessible and useful, essential goods accordingly increase the worth of that individual's social primary goods, including their liberties. Protection of the environment is in fact necessary for ensuring both just institutions and the fair value of the liberties those institutions safeguard.

#### **IV. Conclusion**

If one accepts my conception of essential goods, then they will have found the beginnings of a Rawlsian argument justifying environmental protection. Instead of simply applying Rawls' framework — the original position or its various derivative principles — to environmental problems as past theorists have done, the acknowledgement of essential goods as the special kinds of goods that they are would make them foundational attributes of his theory (in much the same way that social primary goods are).

Though the stability of a well-ordered society is paramount, that does not entail a necessarily static conception; in fact, in order to uphold justice, “adjustments are made in view of new social circumstances” (Rawls, 1971, p. 458). Climate change is, very euphemistically put, a new social circumstance. Rawls’ work has long sought to enumerate the principles of justice of societies that are ultimately ordered around the protection of their least well off. The access of our least advantaged groups to essential goods is now not only a problem of the social and natural sciences, but also a problem for social justice.

I hope that I have provided another way to forward the notion that, if a society wishes to be successful at upholding justice in the Rawlsian sense, proper treatment of the environment is an integral component to consider in its design.

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## HUMILITY'S INNER DIMENSION - A SEARCH FOR INTRINSIC VALUE

David King  
*Haverford College*

### Abstract

In their paper, "Humility and Epistemic Goods," Robert C. Roberts and W. Jay Wood classify the intellectual virtue of humility in terms of its instrumental value such that humility becomes a component promoting truth and other epistemic goods. Roberts and Wood see humility as a good that is always working insofar as it relates epistemic knowers to each other and facilitates the pursuit of truth. Essentially, Roberts and Wood envision a kind of humility that aims towards certain intellectual ends. Central to their argument is a two-tier structure of epistemic humility, where humility helps the individual who possesses it, as well as promoting a social function. In this system, humility is on both levels instrumental. However, I argue that, from the basic frame Roberts and Wood give, there is a way of teasing out an intrinsic dimension to the virtue of humility if we analyse the first of the two tiers closely. I argue that there is a way of imagining a non-social, or at least an inner, kind of humility, a comportment towards the self as a knower that can give intrinsic value to the virtue. In the inner dimension of humility, we see the self as epistemically flawed and prone to mistake. Humility, in the internal sense, is the recognition of this truth. With such a shift, the instrumental value is not lost; it is simply to say that humility has both intrinsic and instrumental dimensions, and that the intrinsic dimension derives from a comportment towards the self as a flawed knower.

In their paper, "Humility and Epistemic Goods," Robert C. Roberts and W. Jay Wood classify the intellectual virtue of humility in terms of its instrumental value such that humility becomes a component promoting truth and other epistemic goods. Roberts and Wood see humility as a good that is always working insofar as it relates epistemic knowers to each other and facilitates the pursuit of truth. Essentially, Roberts and Wood envision a kind of humility that aims towards certain intellectual ends; they lay the groundwork for finding instrumental value in the virtue of humility. Central to their argument is a two-tier structure of epistemic humility, where humility helps the individual who possesses it, as well as promoting a social function (Roberts and Wood 272). In this system, humility is on both levels instrumental. However, I argue that, from the basic frame Roberts and Wood give, there is a way of teasing out an intrinsic dimension to the virtue of humility if we analyse the first of the two tiers closely. I argue that there is a way of imagining a non-social, or at least an inner, kind of humility, a comportment towards the self as a knower that can give intrinsic value to the virtue. In the inner dimension of humility, we see the self as epistemically flawed and prone to mistake. Humility, in the internal sense, is the recognition of this truth. With such a shift, the instrumental value is not lost; it is simply to say that humility has both intrinsic and instrumental dimensions, and that the intrinsic dimension derives from a comportment towards the self as a flawed knower.

To begin, I will take up Roberts and Wood's definition of humility, working through both

their negative and positive definitions. I will then focus in on the first tier of their structure of epistemic humility, namely how humility relates to the knower themselves. Third, I will focus heavily on rereading the examples of G.E. Moore and Albert Schweitzer, shifting towards an internal dimension of humility. In doing so, I will offer a broadened definition of humility that encompasses the internal dimension. I will end by offering two ways of thinking about the intrinsic value of humility, focusing on epistemic credit and the humble life.

Roberts and Wood begin their analysis of humility through a series of negative definitions, positing it against vanity and arrogance as its primary corresponding vices. To address the first, vanity is “an excessive concern to be well regarded by other people, and thus a hypersensitivity to the view others take of oneself” (Riggs and Wood 259). Under this view, vanity is two-fold. First, it is to be overly concerned with status insofar as it is conferred by other agents.<sup>1</sup> Second, that sensitivity manifests itself in the taking on of others views of themselves. Here, the definition of vanity is dependent on the fact that it takes a certain palpable manifestation. It is not enough, Roberts and Wood argue, to simply have excessive concern to be well regarded. Logically, one must also show the effect of such concerns – this is what Roberts and Wood identify as hypersensitivity. The important aspect of vanity, however, is less the hypersensitivity itself and more the effect the hypersensitivity has on one's epistemic endeavours. It is clear that to be hypersensitive to the opinions of others would impair one's ability to effectively engage and find the truth. One way this might manifest is in a tailoring of one's work to the opinions of others so much so that it no longer resembles any clear effort at finding truth and is rather an effort to sway the opinion of those whose views one is hypersensitive to.<sup>2</sup> Vanity serves the purpose of instrumentally obstructing the effective pursuit of truth by creating barriers of status. Further, these barriers of status could lead the inquirer to inquire simply for the social status incurred in its pursuit, rather than for the sake of the inquiry itself.

The humble person, as opposed to the vain, does not fret over how they are received or regarded. They are concerned, epistemically speaking, with pursuing truth in an effective way. Moreover, their humility, according to Roberts and Wood, is not only about “unconcern” with their status, but an inattention to any value that might be placed on it (Roberts and Wood 261). As this relates to epistemic concerns, the knower can give an account of their status if asked, but cares little about what that status means; what concerns them is their inquiry, their pursuit of truth for its own sake.

A similar case is made for arrogance, the other vice to which humility is opposed. In this case, however, it is not hypersensitivity to the opinions of others, but rather an unwarranted opinion of the self that accompanies a disregard of the opinions of others. Here Roberts and Wood are explicit in their insistence on the fact that it is in the manifestation, rather than the belief, that the person is made to have that character. They write, “arrogance is a disposition to ‘infer’ some illicit entitlement claim from a supposition of one's superiority, and to *think, act, and feel* on the basis

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1 There are objections to be made against Roberts and Wood here on the grounds of an implicitly sexist understanding of vanity that does not see the structurally enforced vanity that pervades our society. I do not have the space to argue for those concerns here, but it is important to consider the impact they have on the above notion.

2 An example of this might be a college student writing a paper in elaborate language to impress their professor, while all they do is obscure their point and inhibit an understanding of the truth.

of that claim” (Roberts and Wood 265, emphasis mine). Arrogance is not just the disposition but the consequent manifestation. It is important to distinguish here between the illicit conclusion and a superiority claim as such. The former derives from a logical inconsistency, the inference from superiority in a certain respect to superiority as such (Robert and Wood 266). The latter can simply be a claim about one’s superiority in a certain respect, say in knowledge of ancient philosophy. The latter is what Roberts and Wood call a “self-estimate” (Robert and Wood 266). The case of Albert Schweitzer, who was superior in his own mind to many others, is one in which, Roberts and Wood argue, the belief in his superiority did not make him arrogant. Roberts and Wood do not say Schweitzer actually makes the illicit inference necessary for arrogance, but supposing he did, it would be precisely that inference that made him arrogant. This is a limited space, for Roberts and Wood; the inference must itself be illicit. Arrogance here comes not with the belief, but with the corresponding defect in (intellectual) action. The inference is made manifest in the “thinking, acting, and feeling” of the subject in reference to it. To make an inference that resulted in the *actual* disrespect of others by mere presumption of superiority was the mark of arrogance, not the belief established prior to this.

It is clear, in a similar manner, that arrogance is intellectually disruptive and thus epistemically bad. As Roberts and Wood correctly note, “arrogance includes a certain resistance to correction” (Roberts and Wood 267). This resistance translates easily onto the intellectual landscape. It is simply true that we will inevitably be wrong about something, even in our fields of expertise. The arrogant person does not assume this to be the case. It is difficult for them to see that as a plausible situation, and thus they are particularly liable to assume they are correct even in instances of blatant falsehood. Roberts and Wood continue to insist that it is not so much their belief in superiority that makes them arrogant, but the actions and inferences (intellectual or otherwise) that make them so. Thus, in the case of epistemic goods, arrogance is a vice in that it actively inhibits the pursuit of knowledge by setting up barriers to critique and advocating for the disregarding of other opinions. Again, in contrast, the humble person does not make the supposed superiority inference. The intellectually humble person, on this line of thinking, is one who would acknowledge the ability of others to be right, as well as opening themselves up to critique. They are in this sense poised to collegially acknowledge others’ participation in the pursuit of truth. In this case, as has been shown before, humility by contrast is the virtue that is instrumentally crucial to the pursuit of knowledge.

The positive definition of humility Roberts and Wood give is instrumental and directly related to their discussion of arrogance. If arrogance is the disposition to make the superiority inference, then intellectual humility is “a disposition not to make unwarranted intellectual entitlement claims on the basis of one’s (supposed) superiority or excellence” (Roberts and Wood 271). In this sense, the positive definition still negative: it is simply to not engage in the activity that is characteristic of intellectual arrogance. That is not the end of the story, however. In addition to being simply a disposition not to make the superiority inference, intellectual humility, in conjunction with other virtues, “fosters certain intellectual ends” (Roberts and Wood 271). Humility, through an escape from arrogance, is one of the means by which truth is pursued in an honest fashion. Moreover, an interesting turn is made by Roberts and Wood when they claim that humility is not just a virtue because of the epistemic advantages it affords. They claim that it is a virtue because, in terms of the “acquisition, maintenance, transmission, and application of knowledge,” a life lived humbly is better than a life lived without humility (Roberts and Wood 272). That is to say that having the

virtue of humility adds immediate benefit beyond the instrumental. The actual instrumental value is somewhat slim, according to Roberts and Wood; and yet we continue to assign humility more value than its instrumentality calls for, a sign that there is something more to it than the merely instrumental. The fact that a life characterized by humility, barring instrumental benefits, is better than one without is an indication of something of the intrinsic value of humility. It is to that question that we now turn.

The first challenge to the problem of intrinsic value is the social issue. Roberts and Wood seem to believe that humility is inherently a social virtue, meaning it is always working in relating two knowers or the knower to the community (Roberts and Wood 274). It is part of the virtue, they argue, that it works with the “acquisition, refinement, and communication of knowledge,” (Roberts and Wood 272) which is meant to occur in social settings like the classroom. Connected to this issue is the second problem, that of belief and manifestation. Roberts and Wood argue that the manifestation of the belief in concrete inferences or actions is the important component; however, the belief itself is left to rest. In order to understand humility fully, the belief itself must be questioned as well.

In order to see this, consider Roberts and Wood's analysis of Albert Schweitzer. If we suppose that he is superior with regard to “moral character, his learning, and his musicianship,” Roberts and Wood argue it follows that he is not arrogant (and thus implicitly humble) unless he is to make an unwarranted claim from his superiority to his disrespect of others. Thus, it is only in the social dimension of life, as well as in the manifestation of the belief, that Schweitzer could possibly be arrogant. This seems to me false, precisely because it does not map onto intellectual enterprises the way Roberts and Wood think it does. Schweitzer may not be arrogant with regards to the manifestation of his belief, but he is certainly not humble in having the belief itself, at least intellectually speaking. I am positing that the intellectual, concerned with inquiry, is never done or complete in their project. As it regards intellectual projects, and learning itself, it seems there is never a stage at which we stop learning, or a point in which we could not know more in a certain area of knowledge (e.g. ancient philosophy). Perhaps Schweitzer is more knowledgeable in the realms Roberts and Wood say he is, but it does not follow that his belief about that entails superiority. It is entirely possible that someone makes an offhand comment to Schweitzer that forces him to reevaluate his conceptions of what his knowledge constitutes. For example, if someone were to say something to Schweitzer that changed his perception of music (one of his areas of expertise), he would have more to learn. In essence, his relationship to the body of knowledge he claimed to be superior in knowing has shifted. Humility seems here to foster a certain openness to not simply correction, but an outright shift in their relationship to knowledge as such. What this means is that the internal dimension (the first tier of humility's structure) is not in itself removed from the debate of humility. How humility facilitates the knower's relationship to knowledge is not stagnant.

The example of G.E. Moore is another instance in which the internal dimension requires more scrutiny. In the case of Moore, it is not that his humility is due to an unconcern with status, but rather a deep, overshadowing concern with truth. Roberts and Wood state that, “status is ‘not an issue’ for Moore; to its exclusion, the truth about truth preoccupies him” (Roberts and Wood 263). His concern with truth does not result in self-effacement, but rather the anonymity of his voice. He is so unconcerned with status that, as Roberts and Wood note, criticisms of him could simply be criticisms of an anonymous philosopher who needs to be corrected (Roberts and Wood 263). What this means for a discussion of intellectual humility is that, if we take Moore as a paradigm,

the intellectually humble person is one who places the pursuit of truth first, whose unconcern with status is at the same time a removal of the self, such that the person becomes simply a medium by which truth is expressed.<sup>3</sup> In these circumstances, the internal structure of humility becomes more visible. When the person sees themselves as a conduit for truth, the importance of their status fades into the background. Their fallibility is assumed, just as much as their ability to speak to the truth is assumed. To maintain the posture of a medium of truth is at the same time to maintain a posture of humility, insofar as such a posture recognizes the fallibility of the person. While this leads instrumentally to the better facilitation of truth among peers and in epistemic communities, the general value of this comportment seems intrinsic. It seems good in itself to view oneself as a conduit of truth rather than its possessor or its purveyor.

What we can take from the reading of Moore example corroborates our conclusions about Schweitzer. The two-tier structure of humility proposed by Roberts and Wood does not sufficiently cover the inner, cognitive structure. This leaves the question of intrinsic value open. The inner structure of humility does not immediately lend itself to intrinsic value, but there is a way of reading the above analysis as an entrance to an understanding of intrinsic value. Roberts and Wood, as shown above, hint at intrinsic value in their paper (Roberts and Wood 272). Perhaps the necessary component in understanding the intrinsic value of humility is what Wayne D. Riggs labels "epistemic credit."<sup>4</sup> Riggs introduces this notion through a rethinking of how the knower relates to knowledge, somewhat analogous to our exploration of Moore. Epistemic credit can be conceived as a way of distinguishing between knowledge arrived at humbly, and knowledge arrived at using other means. Following Riggs, the humbly-pursued knowledge is inherently more valuable because of the way it was pursued, and that extra value is what we call "epistemic credit." Accordingly, the path the knower follows while in search of knowledge is of import in the evaluation of the knowledge, providing a means by which to distinguish humbly-pursued knowledge. Another way of thinking of intrinsic value for humility is to consider the value it lends to life separate from inquiry, that is to see the valuable pleasures constitutive of a good human life achieved only when humility is present. What the case of Moore tells us is that the virtue itself calls for, in terms of inquiry, the limited relevance of the self in the pursuit of knowledge. Seeing the self as simply a conduit of knowledge allows us to separate the value of humility from the inquiry itself. Humility then can lend itself to value in life separate from inquiry. There appears, then, a certain intrinsic value that humility in inquiry adds to the life of the person as such. Under the above analysis, assuming it is successful, it seems humility can be afforded a certain intrinsically valuable dimension by way of epistemic credit or looking at the value of a humble life apart from inquiry. The question of the intrinsic value of humility as an intellectual virtue can then remain open.

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3 The implication of this claim is that the person forgets the self and the status such that they could not knowingly have the virtue described. The assumption here is that self-knowledge is a necessary prerequisite to possessing the virtues. It is not apparent to me that this is the case for humility. Take the instance in which someone says, "I am humble." It seems that to do this is to abrogate the very definition of humility we have been operating with. Humility is an odd virtue in that it seems that at the first indication of self-knowledge of the virtue, the virtue ceases to be present in that person. Whatever the case, the issue is not settled and for the sake of space, I cannot address it in detail here.

4 Riggs, "Reliability and the Value of Knowledge", *Philosophy and Phenomenological Research* 64 (2002): 93.

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## POLITICAL OBLIGATION AND LOCKEAN CONTRACT THEORY

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### Abstract

In John Locke's *Second Treatise of Government*, he presents his notion of social contract theory: individuals come together, leave the state of perfect freedom, and consent to give up certain rights to the State so the State can protect its members. He grounds duties and obligations to the government on the basis of consent. Because one consents to the State, either tacitly or expressly, one has consented to taking on political obligations owed to the State. Locke also notes that individuals can withdraw consent and leave the State. This paper challenges the view that political obligation can exist under Locke's social contract theory. This paper first provides background for the argument by explaining Locke's position. Then, it examines what consent actually is, ultimately coming to the conclusion that tacit and hypothetical consent are not true forms of consent and cannot justify political obligation, leaving only express consent. Finally, using Isaiah Berlin's notions of coercion and positive and negative freedoms, this paper looks at whether the current political system allows one to exit the State, leading to the conclusion that if individuals are coerced into consenting to the State, that consent cannot justify political obligation.

### Introduction

For social contract theorists, political obligations stem from a group of people consenting, at least initially, to give up certain rights to the government. This requires that individuals are free from coercion in order to actually consent. Locke specifically allows for individuals to either expressly or tacitly consent to government in order to ground that political obligation. Throughout this paper, I will argue that consent is a faulty basis for political obligation under Locke's social contract theory. First, I will argue that tacit consent cannot be a solid grounding for political obligations. Then I will argue that express consent can no longer justify political obligation because there is not a legitimate right to exit in the current geopolitical climate. Individuals cannot consent to government because there is not an ability to not consent. In other words, there is no choice other than to consent to a government, which is a form of coercion. Ultimately, I come to the conclusion that there can no longer be legitimate political obligation under Locke's notion of social contract.

### Locke's Position

In Locke's *Second Treatise of Government*, he puts forth his own version of the social contract theory. Within his position, he believes that people begin in a state of nature which is a state of perfect freedom and equality. In the state of nature, every person is free to do anything within the bounds of nature, and every person is equal to one another.<sup>1</sup> Locke notes that this is not license to do anything and everything. The law of reason binds all people, even in the state of nature and "teaches anyone who takes the trouble to consult it, that *because we are all equal and*

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<sup>1</sup> Throughout this paper, I will be substituting gender neutral pronouns where others use masculine pronouns.

*independent, no-one ought to harm anyone else in his [or her] life, health, liberty, or possessions.*<sup>2</sup> In other words, Locke's view of the state of nature is much more positive than the state of nature according to social contract theorists like Thomas Hobbes.<sup>3</sup> People, acting according to their own reason, will not be in a constant state of war.

While Locke's view of the state of nature is fairly positive, individuals will still want to leave the state of nature to come together and form a state that protects their life, liberty, and property. Within the state of nature, individuals must be their own judge, jury, and executioner. This leaves room for biases due to the fact that the individuals affected by the situation are the individuals making decisions regarding the situation. Because of these biases, individuals cannot fairly judge these situations, and that pushes individuals to give up those rights (to be judge, jury, and executioner) to the State. This mutual agreement ends the state of nature for those individuals and allows them to form a community and creates a neutral arbitrator. Locke is also very clear, "[T]hat all [persons] are naturally in the state of nature, and remain so until they consent to make themselves members of some political society."<sup>4</sup> Unless individuals give their consent, they have not left the state of nature.

With this in mind, Locke also explains where political obligation comes from and under what circumstances citizens continue to be bound by it. First, the governments citizens consent to are those of majoritarian rule (unless they consent to some other form of governance).<sup>5</sup> "Thus every [person], by agreeing with others to make one body politic under one government, puts [themselves] under an obligation to everyone in that society to submit to the decisions of the majority, and are to be bound by it."<sup>6</sup> Citizens' obligations to the government come from their consent and nothing else. Locke finally notes, "Thus, what begins a political society and keeps it in existence is nothing but the consent of any number of free [persons] capable of a majority to unite and incorporate into such a society. This is the only thing that did *or could* give a beginning to any lawful government in the world."<sup>7</sup> The government cannot derive political obligation from a minority, and if, at any point, a majority does not consent to the government, that government no longer derives political obligation and is an illegitimate (unlawful) government.

Finally, Locke takes a unique approach to what actually constitutes consent. His notion of consent is not just express consent. His account of consent also includes tacit consent, which is an indirect way to derive political obligation.<sup>8</sup> For an individual to expressly consent, they must give their explicit permission to be subject to the State. John Simmons condenses Locke's analysis of actions that give express consent: "First, there are promises; second, there are written contracts; and third, there are acts of consent which are essentially authorizations of the actions of others."<sup>9</sup> While there are those ways in which one can expressly consent to something, tacit consent is different. Tacit consent arises, according to Simmons, "when it is given by remaining

2 Bennett, Jonathan. "Second Treatise of Government John Locke." March 2008, 4. Accessed December 10, 2018. <https://earlymoderntexts.com/assets/pdfs/locke1689a.pdf>.

3 See Thomas Hobbes, *Leviathan*.

4 *Ibid.* 7.

5 *Ibid.* 32.

6 *Ibid.* 32.

7 *Ibid.* 33.

8 Franklin, Julian H. "Allegiance and Jurisdiction in Locke's Doctrine of Tacit Consent." *Political Theory* 24, no. 3 (1996): 407. <http://www.jstor.org/stable/191921>.

9 Simmons, A. John. "Tacit Consent and Political Obligation." *Philosophy & Public Affairs* 5, no. 3 (1976): 275. <http://www.jstor.org/stable/2264884>.



silent and inactive; it is not express or explicit, it is not directly and distinctly expressed by action; rather, it is expressed by the failure to do certain things.”<sup>10</sup> Regardless of whether consent is given either expressly or tacitly, according to Locke, the individual who consented has a political obligation to the State, or government, in which they are residing.

### **Tacit and Hypothetical Consent**

The first argument against consent grounding political obligation comes from problems arising from tacit consent. Though Locke never addresses conditions under when it is appropriate for one to give tacit consent, Simmons gives his account when tacit consent is appropriately given. First, the person consenting must be aware that the situation calls for consent. Second, there must be a period of time when objections can be given. Third, that period of time ends. Fourth, there is ease or reasonableness for someone to object, and finally, there cannot be “extremely detrimental” consequences for objections.<sup>11</sup> Only if all five conditions are met has one consented tacitly by remaining silent.

This account of tacit consent has several issues. First, when applying this to tacit consent of the government, seemingly none of the five conditions are met. Governments, or at least current governments, do not give citizens a situation in which they can consent to their rule, and even if they did, very few citizens would be aware that they have the ability to consent or object to the government. The fact that citizens do not have a platform where the government essentially asks, “do you consent?” prevents conditions one, two, three, and four from being met. In regards to condition five, Simmons runs into the issue of what constitutes “extremely detrimental,” but if citizens withdrew consent from the government, they likely would face the possibility of being put into prison which most likely would fall well within the bounds of “extremely detrimental.”

Setting aside Simmons’ conditions for when tacit consent is appropriately given, there is still the issue of whether tacit consent is really consent at all. For consent, either express or tacit, an individual must give their permission. If Jane tells Geoff to throw a ball to her, Geoff has her permission, her consent, to throw a ball to her. If Geoff throws a ball to Jane, and Jane does not stop Geoff from throwing the ball to her, Geoff does not have Jane’s permission to throw a ball to her. Jane’s inaction does not constitute permission to have a ball thrown to her. In other words, inaction, tacit consent, is not actually giving permission to have an action occur. The only type of consent that genuinely gives Geoff permission to throw a ball to Jane is express consent. Applying this to the government, individuals’ inaction does not constitute permission to take on certain obligations to the government. Inaction (tacit consent) is not truly a form of consent; inaction as a form of consent cannot ground political obligation.

Even if tacit consent is a form of consent, it is not enough to ground political obligation under Locke’s social contract theory. Locke explains that the only way for a government to maintain its legitimacy is through the majority’s consent, but as Hanna Pitkin notes, when *tacit consent*, that is, inaction, is the basis of political obligation, nearly everything can be taken as a sign of tacit consent.<sup>12</sup> So while the notion of consent seems to grant certain privileges and obligations to the government, that rests on the idea that consent is something special that individuals give to show their approval of the government. Pitkin explains that something as small as use of money

10 *Ibid.* 279.

11 *Ibid.* 279-280

12 Pitkin, Hanna. “Obligation and Consent--I.” *The American Political Science Review* 59, no. 4 (1965): 995. <http://www.jstor.org/stable/1953218>.

or residence within a certain territory is enough for an individual to have tacitly consented to the State.<sup>13</sup> She continues, “But now there no longer seems to be much power in the concept of consent, nor any difference between legitimate government and mere coercion.”<sup>14</sup> When consent is boiled down to essentially encompass any action (or lack thereof), it takes away the weight of having consent and blurs the line between consent and coercion.

Here, there are two different ideas of what actually constitutes tacit consent, and Locke never addresses what exactly tacit consent would be. Simmons’ account is a more rigorous version of tacit consent, while Pitkin’s account is more in line with what is traditionally meant. Simmons’ account leads to the problem of whether even under certain conditions tacit consent is consent, and Pitkin points out that when a weaker idea of tacit consent is used, anything can be tacit consent. Regardless of whether a stronger or weaker idea of tacit consent is used, there are problems with using tacit consent to ground political obligation.

There is also the concern of hypothetical consent, which Locke does not address but is important to note nonetheless. Hypothetical consent runs into a similar issue that tacit consent does, that is, it is not truly a form of consent. Returning to Jane and Geoff, say that Geoff throws a ball to Jane without her permission, but if Geoff had asked her, she would have said yes. The fact of the matter still is that Jane did *not* say yes. She would have given her permission, yes, but that still recognizes that she did not *actually* give her permission. If an individual would have consented to government action if the government had asked, that individual did not give their consent even though they would have given their consent. A person who hypothetically would have consented to the government has not consented, and the government cannot claim that that individual has political obligations to it.

### Express Consent

From the previous section, it seems clear that hypothetical and tacit consent are not enough to garner political obligation. Though the problems with consent based political obligations frequently stop at hypothetical and tacit consent, I will argue in this section that express consent has its own problems that should prevent it from being grounds for political obligation. Express consent occurs when an individual performs an action that gives consent, and typically, that means that the individual consenting is free from coercion. (Unlike tacit consent where it is inaction that gives consent.)

In “Two Concepts of Liberty,” Isaiah Berlin gives his account of positive and negative liberties. Negative freedoms are the traditional ideas of being free from coercion. One is free if “no [person]... interferes with my activity.”<sup>15</sup> As long as no one interferes, I have my freedom to do a certain action. His idea of positive freedom, however, is more than that. “The ‘positive’ sense of the word ‘liberty’ derives from the wish on the part of the individual to be [their] own master.”<sup>16</sup> If individuals are internally constrained in any way, they do not have their positive liberty. In terms of acting to expressly consent to the government, an individual should be both positively and negatively free to act, or free from internal and external coercion. They must be internally free so

13 *Ibid.* 995.

14 *Ibid.* 995.

15 Berlin, Isaiah, “Two Concepts of Liberty,” (London: Curtis Brown Group Ltd., 1997), quoted in Diane Jeske and Richard Fumerton, eds., *Readings in Political Philosophy: Theory and Applications* (Peterborough, Ontario: Broadview Press, 2012), 389.

16 *Ibid.* 393.

they can rationally evaluate the government they are consenting to, and they must be physically free from coercion to consent to the government.

Using these two notions of liberty, Locke's allowance of political obligation relying on explicit consent runs into problems. This section will mostly focus on freedom from external coercion, but there is an element of internal coercion to consider when individuals give their explicit consent to the government. Psychologically, individuals feel pressure to conform to those around them. "Interpersonal conformity also happens outside of small-group situations. By Cialdini's (1993) 'principle of social proof,' people tend to view behavior as correct to the degree that they see others doing it; when more people are doing something, additional people will do the same thing."<sup>17</sup> This applies to consent to the State. Very few individuals withdraw consent to the State, and when individuals either do not consent to the State or do not have a State to consent to because of various political factors, they "may have difficulty accessing basic rights such as education, healthcare, employment and freedom of movement."<sup>18</sup> The internal pressure one naturally faces to conform and the threat and knowledge of negative societal ramifications of not consenting to the State are harsh enough that individuals may feel pressure to conform to consenting to the State.

Individuals also face external coercive measures affecting their negative freedom because there is no legitimate right to exit. Locke does not explicitly discuss a right to exit, however it can be inferred from the rest of his argument. When the government individuals have consented to fails to perform and represent as expected, individuals can withdraw their consent and form a new government. Additionally, according to Locke, an individual must consent to leave the state of nature and consent to a specific government.<sup>19</sup> That means that first, a person must consent to leave the state of nature and agree to be a part of society, and second, a person must consent to a specific government. At any time, a person can withdraw their support and exit a State, and a person can opt out of political society. This, however, cannot happen in the current geopolitical climate. The current structure coerces individuals externally into consenting to government and prevents people from being able to withdraw their consent to society completely.

Currently, nearly all habitable land in the world is claimed by a government, and places that are not claimed are inaccessible for the vast majority of people seeking to exit society. As Jason Brennan puts it:

You have no reasonable way of opting out of government rule. Governments control all the habitable land, and most of us don't have the resources or even the legal permission to move elsewhere. Governments won't even let you move to Antarctica if you want to. At most, a privileged few of us can choose which government we live under, but the vast majority of us are stuck with whatever government we're born with.<sup>20</sup>

The fact of that matter is that external factors coerce individuals to consent to being a part of the government and the lottery of birthplace typically coerces individuals to consent to a specific type

17 Coleman, Stephen. "The Effect of Social Conformity on Collective Voting Behavior." *Political Analysis* 12, no. 1 (2004): 77. <http://www.jstor.org/stable/25791755>.

18 United Nations. "Ending Statelessness." UNHCR. Accessed December 11, 2018. <https://www.unhcr.org/stateless-people.html>.

19 Jonathan Bennett. "Second Treatise of Government." 33.

20 Brennan, Jason. "Jason Brennan: Our Relationship to Democracy Is Nonconsensual." Princeton University. January 26, 2016. Accessed December 11, 2018. <http://blog.press.princeton.edu/2016/01/26/jason-brennan-our-relationship-to-democracy-is-nonconsensual/>.

of government. Financial, political, and societal pressures make exiting a specific government and exiting society as a whole an unrealistic option for the vast majority of people. This means that regardless of the government one is living under and regardless of whether they consented or not, there is an element of external coercion to consent to government that exists constantly. No person has their negative liberty to freely consent to the government, which means that every single person has been coerced to be a part of government and society as a whole.

### **Other Concerns**

This paper focuses on the problems Locke runs into with deriving political obligations from consent, either express, hypothetical, or tacit. There are also various other issues Locke runs into that I do not discuss. For example, there are questions of whether people can individually decide to leave the State under Locke's position, or whether there must be some sort of injustice occurring in order for people to withdraw their collective consent. There are also questions regarding other bases for political obligation such as a benefits-burdens argument and pragmatically what a government can do without the consent of the governed. All of these concerns are valid and worth discussing. This paper rests on several assumptions. First, it relies on the assumption that there is in fact a political obligation. Second, it assumes that, under Locke's position, individuals can choose to leave the State individually and regardless of the actions of the government. Third, this paper relies on the assumption that there is in fact a distinction between positive and negative liberties. Finally, it assumes that Simmons' account of Locke and tacit consent are both correct. I use each of these assumptions to ultimately come to the conclusion that governments need to look to non-consent based theories to derive political obligation.

### **Conclusion**

Locke grounds political obligation on the idea that individuals consent to the government they are being governed under. People leave the state of nature, consent to give up certain rights to the government, and then create a government to be ruled under majority rule. Prior to creating a government, however, people must consent to leave the state of nature. Due to the nature of tacit and hypothetical consent, the only true form of consent to look to for this political obligation is that of express consent. However, people can never be free from internal and external coercion, which means that they cannot even truly expressly consent to the State. Finally, the lack of unclaimed land prevents people from being able to opt out of the State, meaning that individuals are coerced into consenting to a State in the first place, and other factors (such as economics and politics) coerce individuals into consenting to the State they are born under. Because of this, under Locke's idea of social contract theory, consent can no longer be a legitimate basis for political obligation to rest.

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## **THE POSSIBILITY OF MORAL ACTION IN A KANTIAN EPISTEMOLOGICAL METAPHYSICS**

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### **Abstract**

Immanuel Kant was an Enlightenment philosopher who strove to clarify the foundations of human knowledge and morality. Kant began his cosmopolitan efforts by establishing the metaphysical basis for all human cognition. His theories developed from an analysis of the writings of empiricist David Hume and classical metaphysical thought. Causality was a paradigmatic metaphysical concept that was assumed to be necessary and outside of the experiential world. Hume criticized the role of causality as understood by classical metaphysicians and argued that knowledge can only be gained from experience. His argument was based on the foregoing understanding of possible judgements and necessity, which limited the amplification of knowledge to synthetic judgements of experience. In response, Kant offered a new form of necessity that accounted for the metaphysical basis for the possibility of all experience. Kant's understanding of human action in cognition informed his moral theory and the role of *a priori* concepts in moral action. Kant's moral theory is based on the possibility of a moral action being simultaneously free from natural determinism and universally necessary. Following his dedication to the ideals of the Enlightenment, Kant bases the possibility of morality on universal moral laws which are accessible to all rational beings. This paper will evaluate the possibility of moral action based on Kant's establishment of the necessity of metaphysical concepts in human knowledge and experience.

### **Introduction**

Modern philosophy and society have denigrated Metaphysics to the status of mere opinions and feelings, stripping human action of a deeper reality than material motivations. Scottish Enlightenment philosopher, David Hume (1711-1776) was a pivotal character in the attack on metaphysical knowledge and the establishment of empirical investigation as primary. Hume's focus on scientific investigation of philosophical thought was rooted in his conclusions about Metaphysics, that is the study of the reality beyond the natural world. As experience tells us, things in the natural world are constantly passing away and changing. Classical metaphysicians, such as Plato, sought necessary knowledge by leaving behind the contingent nature of the physical world to grasp at pure Truth. Hume understood that gaining knowledge required investigating the world, he, however, hastily discredited the role of metaphysical concepts in knowledge. If left unanswered, Hume's challenge to Metaphysics would amount to the elimination of any objective basis for morality other than human custom and habit. Hume's writings gave rise to the problem of whether metaphysical knowledge was possible and could inform humanity about themselves, their moral lives, and the world they live in.

Hume's critique of Metaphysics was responded to by the German Enlightenment philosopher, Immanuel Kant (1724-1804). He responded to Hume by identifying a new form of necessity based on the very possibility of experiencing the natural world, placing metaphysical

concepts in the act of experience itself. Kant first identifies this new form of necessity in his *Critique of Pure Reason* which focuses on understanding the aspects of human cognition that make knowledge of objects possible. He develops the notion of transcendental necessity developed in his *Critique* serves as the foundation of Kant's account of the possibility of moral judgements. Kant's moral theory is based on moral action being simultaneously free from natural determinism and universally necessary. True to his dedication to the principles of the Enlightenment, Kant bases the possibility of morality on universal moral laws which are accessible to all rational beings.

### **The Basis for All Human Knowledge**

Hume attacked the metaphysical assumption that causality was a necessary judgement independent of experience based on the two accepted types of judgements. And Kant praises Hume for helping him to identify that error, even though in Hume's case the basic insight "struck a spark... but brought no light" (Kant 2004, 7). Kant summarizes the spark that Hume struck regarding causality as an *a priori* concept, that is a concept independent of experience:

Hume started mainly from a single but important concept in metaphysics, namely, that of the connection of cause and effect, and called upon reason, which pretends to have generated this concept in her womb, to give him an account of by what right she thinks: that something could be so constituted that, if it is posited, something else necessarily must thereby also be posited; for that is what the concept of cause says. (Kant 2004, 7)

The foregoing understanding of necessity was based on the principle of contradiction and applied only to judgements in which the predicate is contained in the subject term. Take for example the proposition that "all bachelors are unmarried men." The term 'bachelors' entails the idea of 'unmarried men.' One cannot assert that bachelors are married without contradicting the term bachelors, which demonstrates the law of contradiction and the apodictic necessity at work in such judgements. These clarifying propositions, which Kant referred to as analytic *a priori*, are necessarily true because the predicate is "covertly" hidden in the subject and is known through an analysis of the subject term (Kant 1998, 141).

Judgements that derive from experience, known as synthetic *a posteriori*, "amplify" the subject by connecting something to the subject that is not already contained within it (Kant 1998, 141). Hume had already noticed that synthetic judgements could not be established analytically, because the predicate is not attached to the subject by way of contradiction. Hume asserted that an analytic judgement can be universally necessary, however, judgements of experience cannot be. He assumed that through repeated experiences of the connection between a subject and its predicate, humanity can gain relative certainty regarding the synthesis. Hume did not reject causality, instead he rejected the idea that causality was something that could be known necessarily because it puts two things together, namely the cause and the effect. Kant agreed that if apodictic necessity, the type found in analytic judgements, was the only type of necessity, then metaphysical knowledge was not possible. Metaphysical knowledge would not be possible because necessary judgments would only be possible in statements of clarification and not amplification. In response, Kant develops a new type of necessity by exploring human cognition.

Kant begins the exploration of human reason by distinguishing between two types of cognition; pure and empirical. There are some cognitions that are purely *a priori*, meaning they "occur absolutely independently of all experience" which is contrasted by empirical judgements which are *a posteriori* (Kant 1998, 136). Empirical knowledge is based on the phenomenal features

of the world and is therefore contingent and can be otherwise. Contingent knowledge can lead to certainty which is gained through repeated empirical exercises. On the other hand, pure *a priori* judgements can be known necessarily because they transcend the contingent nature of experience. He explains that we acquire all our knowledge through experience, “all our cognitions commence *with* experience, yet it does not on that account all arise *from* experience” (Kant 1998, 136). He qualifies this statement by adding “as far as time is concerned,” meaning that our capacity to reason is stimulated by experience in time, but itself is not a product of experience (Kant 1998, 136). What comes first in time is the actual experiential event, however, the principles that undergird the experience are primary.

Kant’s qualification gives great insight into the possibility of experience itself and synthetic judgements *a priori*, which are the amplification of necessary metaphysical judgements. He explains that all empirical cognitions are “composite,” because each judgement requires a passive and active component:

For it could well be that even our experiential cognition is a composite of that which we receive through impressions and that which our own cognitive faculty provides out of itself. (Kant 1998, 136)

The passive component is the phenomenon impressed on the mind and the active component is the concepts at work in human reason that allows for the experience to happen at all. The object experienced activates the reasoning capacity, however, this capacity is not a product of experience but rather arises *with* it. An example of a “composite cognition” that Kant proposes is “every alteration has its cause,” because, as he continues, causality “is an *a priori* proposition, only not pure, since alteration is a concept that can be drawn only from experience” (Kant 1998, 137). Kant asserts that *a priori* concepts are necessarily linked to the possibility of experience and are at work in the synthesis of a cause with its effect. The concepts that transcend experience, but are activated by it, are *a priori* because they do not “arise *from* experience” (Kant 1998, 136). Thus, Kant agrees with Hume that causality accompanies experience, however, he demonstrates that experience of an object is only possible with the application of *a priori* concepts to the object itself.

Traditional metaphysicians mistakenly attempted to know God, the soul, freedom, and immortality by expanding reason to transcend experience completely. Philosophers like Plato desired to go outside the realm of any possible experience to gain metaphysical knowledge. The necessity of analytic *a priori* judgements attracted metaphysicians and compelled them to delve deeper into “speculative” Metaphysics which was removed from the contingency of experience:

But what says still more than all the foregoing is this, that certain cognitions even abandon the field of all possible experiences and seem to expand the domain of our judgements beyond all bounds of experience, through concepts to which no corresponding objects at all can be given in experience. (Kant 1998, 138-139)

Kant argues that what the metaphysicians were searching for outside of experience, namely metaphysical knowledge, is inherently linked to experience and is at work in the very possibility of experience. Sensible experience “awakens” our metaphysical concepts, such that an investigation of our “composite” judgements is Metaphysics (Kant 1998, 136). Therefore, Kant not only overcame Hume’s critique of causality but also destroyed the traditional understanding of metaphysical knowledge which overlooked the *a priori* concepts at work in our empirical judgements (Kant 1998, 149). The traditional metaphysical attempt to grasp purely transcendent truths was replaced by a transcendental view of metaphysical concepts, placing these concepts nowhere else but in the actions of rational beings (Kant 1998, 150-152).



Kant offers transcendental necessity as a solution to Hume's criticism of metaphysical knowledge. Human beings experience the world in a unique way which requires them to make judgements about objects and connect them to *a priori* concepts. Kant explains that there are laws that permeate all of nature, which allow human beings to experience the world:

The foregoing empirical rule is now regarded as law, and indeed as valid not merely of appearances, but of them on behalf of a possible experience, which requires universally, and therefore necessarily valid rules. (Kant 2004, 64)

For Kant, these necessary laws condition the possibility of having an experience and connecting each perception to each other. He establishes the concept of transcendental necessity, which allows for necessary judgements that are synthetic and *a priori*. These judgements are synthetic because they allow the connection of two things that are not already contained within each other. In addition, they transcend experience because they are the necessary conditions which make human experience possible. Kant illuminates the "Humean doubt" about causality and Metaphysics by establishing a new form of necessity and judgement (Kant 2004, 62).

### **Transcendental Foundation of Moral Action**

Kant employs his foundational understanding of *a priori* concepts as the necessary condition for the possibility of experience to understand the foundation of morality. Through his *Critique of Pure Reason*, Kant explains that the *a priori* concept of causality is employed in the synthesis of a cause with its effect, which is stimulated by experience itself. The application of *a priori* concepts to sense perceptions is the necessary precondition for the possibility of experience. Kant explains the role of *a priori* concepts in experience:

I, therefore, have quite good insight into the concept of cause, as a concept that necessarily belongs to the mere form of experience, and into its possibility as a synthetic unification of perceptions in a consciousness in general. (Kant 2004, 54)

He concludes that the empirical dedication of many philosophers, like Hume, is dependent on the human application of *a priori* concepts to objects of experience. The necessity at work in experience, transcendental necessity, is based on the premise that the concept that makes the experience possible is not itself an element of the experience but rather it is at work within a cognizing human being. This idea is best illustrated by a circle. A circle is defined as a series of points equidistant to a central point. The central point is not an element of the circle; however, the very possibility of the circle is dependent on the existence of that central point. As Kant critically evaluated the necessary conditions of experience, he applied his understanding of human experience to the possibility of morality; which hinges on the Good being both outside and within moral actions.

To begin his investigation into the grounds for the possibility of morality Kant addresses the moral end of man. According to Kant, if man's purpose is to be happy then human nature was poorly equipped to achieve such an end. As he explains:

Now in a being that has reason and will, if the proper end of nature were its preservation, its welfare, in a word its *happiness*, then nature would have hit upon a very bad arrangement in selecting the reason of the creature to carry out this purpose. For all actions that the creature has to perform for this purpose, and the whole rule of its conduct, would be marked out for it far more accurately by instinct. (Kant 1997, 8-9)

If our true purpose is happiness, then we are not created to reach our purpose, because our reason and will do not naturally bring us to happiness. Instead, an implanted instinct would allow human beings to achieve their pleasures without reason interfering. The will then would be guided by

inclinations and instinctual desires as opposed to the flawed reasoning of man. Kant proposes instead that the purpose of beings endowed with reason and will is to be good. Kant begins the *Groundwork* with this subtle distinction between happiness and goodness in order to demonstrate that humans could be happy by instinct, which is to say automatically or without freedom. However, unlike happiness being automatically good is not possible because goodness itself must be a choice of a completely free creature. Freedom, therefore, is one of the necessary conditions of morality.

To demonstrate the importance of freedom, Kant begins by focusing on moral actions that are in accord with human inclinations or consequential reasons. Kant offers the example of a shopkeeper who refuses to over-charge children in his business practices. This action is in accordance with a moral duty to not defraud others, however, the driving force behind the action is a desire to promote himself and his business. According to Kant, an action that agrees with the moral law may not be a moral action if the moral agent is inclined for reasons other than a pure duty to the moral law. He also discusses an example of a person whose intentions are pure and good:

To be beneficent where one can is a duty and besides there are many souls so sympathetically attuned that without any other motive of vanity or self-interest they find an inner satisfaction in spreading joy around them and can take delight in the satisfaction of others so far as it is their own work. But I assert that in such a case an action of this kind, however it may conform with duty and however amiable it may be has nevertheless no true moral worth but is on the same footing with other inclinations. (Kant 1997, 11)

There are people who do good acts, not as the shopkeeper did, but out of a concern for the happiness of others. However, if the inclination, no matter how “good,” determines his action then the action is not in Kant’s strict sense “morally good” (Kant 1997, 11). His key insight, in short, is that moral actions, unlike those dictated by the natural law, cannot be inclined or caused. The natural world is determined by causal relations, however, to step into the moral universe the moral agent must leave behind natural causation. If our moral actions are caused in the same way as an event in nature, then it would not be free and could not be moral. The focus on inclinations or consequences to determine the morality of an action is to leave the moral universe of freedom and rely on the causal universe of the natural world. Therefore, the beneficent man’s actions are devoid of true moral worth because “the maxim lacks moral content, namely that of doing such action not from inclination but from duty” (Kant 1997, 12).

Kant continues the story of the beneficent man to demonstrate the importance of clarifying moral maxims from duty, not from inclinations or merely in conformity with duty. The example is altered so that the beneficent man is overcome with grievous personal problems, depleting him of his concern for the problems of others in such a way the he is not inclined to act for their benefit (Kant 1997, 12). If this man continues to act as he had before without the inclination or “inner satisfaction” to act but “simply from duty; then the action first has its genuine worth” (Kant 1997, 12). Prior to his grievous situation, the beneficent man was acting in accordance with duty and good intentions, however as long as those intentions caused his actions, they were not moral. The stripping away of all other inclinations or reasons to act demonstrates the moral worth of the action as from duty to morality itself.

The role of the will and necessary moral law illuminates the emphasis Kant places on acting from duty. The will is free to act in accordance to desire or inclination, however, the will can be good “only because of its volition, that is, it is good in itself” (Kant 1997, 8). The will

can only be “considered good without limitation” when the object of its actions is nothing other than the formal principles that undergird the possibility of morality, which Kant refers to as the categorical imperative (Kant 1997, 7, 14-15). As he explains:

the unconditional and moral worth [of actions] can lie nowhere else than in the principle of the will without regard for the ends that can be brought about by such an action. For, the will stands between its *a priori* principle, which is formal, and its *a posteriori* incentive, which is material, as at a crossroads; and since it must still be determined by something, it must be determined by the formal principle of volition as such when an action is done from duty, where every material principle has been withdrawn from it. (Kant 1997, 13)

The unconditional moral worth of an action is based on freedom from material causes. As discussed above, the natural world is causal and moral actions cannot be caused by natural inclinations or consequences. Kant explains that “in adding anything empirical to [moral actions] one subtracts just that much from their genuine influence and from the unlimited worth of actions” (Kant 1997, 23). Kant’s categorical imperative is an *a priori* “principle of the will” that brings about moral action. The universal law is explained as a maxim which is formulated as follows, “I ought never act except in such a way that I could also will that my maxim should become a universal law” (Kant 1997, 15). True unconditional moral action comes from duty which is defined by Kant as “the necessity of an action from respect of the law” (Kant 1997, 13). It is pure respect for the moral law which impels the will to unconditional moral actions which derive their worth from duty. The will must not be inclined by any natural cause, it, however, can be determined by the law and a “pure respect” for the law so that in willfully complying with it an action could be “a universal law” (Kant 1997, 14).

This account of a good will seems to present us with a contradiction within Kant’s moral theory. First, he asserts that an action must be completely free to have moral worth, however, a good will should be determined by a pure respect for a necessary moral law. This seeming contradiction is answered by Kant’s formulation of synthetic *a priori* judgements and transcendental necessity. In *a priori* synthetic judgements, the concepts make possible the action of synthesis within human reason. *A priori* concepts are the necessary condition of the possibility of experience and they allow human beings to experience through the act of synthesis. The application of concepts to an object is a human action by which the object is represented in the mind; *a priori* synthesis is the necessary condition of representing the object as an object in the human mind. Therefore, *a priori* concepts are both necessarily involved in and yet outside of experience as was demonstrated in the concept of a circle. Kant explains how this understanding of transcendental necessity applies to morality:

Nothing other than the *representation of the law* in itself, which can of course occur only in a rational being, insofar as it and not the hoped-for effect is the determining ground of the will, can constitute the preeminent good we call moral, which already present in the person himself who acts in accordance with this representation and need not wait upon the effect of his action. (Kant 1997, 14)

The Good, therefore, is not transcendent as classical metaphysicians had claimed, but it is the principle that is both outside and within moral acts. Humans must “act” not by virtue of the causality of the moral law but by their representation of the law as a basis, in the will, for any moral action. Unlike in natural representations of objects, the moral object of the law must be represented so that what determines the will is a cause that does not cause actions stripping them of their moral worth.

The thing that impels moral action, cannot be a natural cause because it must be free, so it must be the condition for the very possibility of morality at all. The possibility of morality depends on a necessary law which when represented in human reason is synthesized to the will so that a person is impelled by a pure respect to act out of duty to that law. Kant adds to his understanding of man's purpose by stating "reason...cognizes its highest practical vocation in the establishment of a good will" (Kant 1997, 10).

The establishment of "a good will" consists in acting as a human being, that is both inside and outside of the causal order. As beings in the causal universe we are pushed and pulled by various causes. Objects and non-human beings are unaware of the causal factors that dominate this world. Human moral action consists in being aware of the causal forces affecting your inclinations and choosing to act in accordance with duty and respect for the moral law. Human beings, therefore, must have a 'moral moment' within this causal chain to choose the effect as opposed to automatically living it out. Kant explains that in order for the moral law to command or necessitate our actions, the actions must be universally applicable:

When the general inclination to happiness did not determine his will...there is still left over here, as in all other cases, a law, namely, to promote his happiness not from inclination but from duty; and it is then that his conduct first has properly moral worth. It is undoubtedly in this way, again, that we are to understand that passage from scripture in which we are commanded to love our neighbor, even our enemy. For, love as an inclination cannot be commanded, but beneficence from duty – even though no inclination impels us to it and, indeed, natural and unconquerable aversion opposes it – is practical and not pathological love, which lies in the will and not in the propensity of feeling, in principles of action and not in melting sympathy; and it alone can be commanded (Kant 1997, 12-13).

In understanding love as a command of the moral law, Kant's answer demonstrates love as an act of the will as opposed to an instinctual appetite. The will has the infinite capacity to be good, so by placing love "in the will and not in the propensity of feeling," Kant is emphasizing the importance of the moral command. A person cannot be commanded to feel or be inclined in a specific manner; however, good actions can be commanded because they rely not on the whims of human feeling but on the infinite capacity of the human will.

Essential to Kant's understanding of morality is his analysis of freedom of the will as a necessary precondition for the possibility of moral action. Kant explains that there is a distinction between ideas and concepts. Metaphysical ideas are not knowable because they do not enter the sphere of possible experience. Concepts are activated by and make experience possible. There is, however, one idea that Kant says is known purely by its necessity:

But among all the ideas of speculative reason freedom is also the only one the possibility of which we know *a priori*, though without having insight into it, because it is the condition of the moral law, which we do know (Kant & Gregor, 3-4).

The idea of freedom is completely removed from the causal world, so much so, that it is only knowable as a necessary condition for the possibility of a morally worthy act. It is, however, precisely the removal of the idea of freedom from the causal world that makes free action in the causal world possible.

Kant's emphasis on the will and freedom demonstrates his concern with ensuring that the Good is not considered a "thing" but is itself an uncaused cause that inspires due respect and duty. It is not some "thing" in the causal universe that you can point to and say this is "good." Instead, it

determines moral actions in that it must be represented in the human mind as an object of the will. The Good is therefore within us, however, we do not contain or control it. Kant explains the unique relationship of humanity with the Good:

Two things fill the mind with ever new and increasing admiration and awe, the more often and steadily we reflect upon them: the starry heavens above me and the moral law within me. I do not seek or conjecture either of them as if they were veiled obscurities or extravagances beyond the horizon of my vision; I see them before me and connect them immediately with the consciousness of my existence. (Kant & Gregor, 133)

The moral law should inspire “admiration and awe” because, like the “starry heavens,” it is inexhaustible yet visible. For Kant, the moral law is visible, because unlike the transcendent Good of Plato, he recognizes its necessary role in human action. For the will to be “good without limitation,” it must will to be good, meaning will to act free from natural causation. Human beings must as much as possible avoid acting like things in the world, moral action is therefore acting in accordance to the possibility of acting freely.

### **Conclusion**

Kant establishes a universal moral law that is accessible to all human beings by redeeming Metaphysics as a necessary component of human cognition. The universal laws of nature allow for human beings to synthesize concepts to objects to represent them in their minds. The synthesis is caused because it is intermixed with natural things which are bound to the law of causality. Morality cannot be caused by natural factors; however, the moral law necessitates the very possibility of morality. The moral law is a necessary condition of the possibility of morality because it allows rational beings to act freely. Universal standards for morality that are knowable to all rational beings are not possible without the establishment of universal laws that are independent of human action. The moral law, therefore, must be good in itself, meaning that it is independent of human action, and it must also be the component of moral action that makes it possible. The Good is transcendentally necessary because as the center of a circle, it makes good actions possible. The moral law, as free from natural factors, impels human action with an increasing respect for the law as represented in the human mind. For Kant the representation of the law within human reason and will is an attractive force which impels good human action from duty. As Kant explains, “that just in this purity of [the moral law’s] origin lies their dignity, so that they can serve us as supreme practical principles” (Kant 1997, 23).

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## OZTURK'S DISANALOGIES

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### **Abstract**

In this essay I will argue that Burkey Ozturk fails to adequately defend his negotiative theory of identity in his article, "The Negotiative Theory of Gender and Identity and the Limits of First-Person Authority." I argue that the analogies he presents to support his theory and problematize first person authority fall short of doing so because there are significant differences between the cases he presents to elucidate intuitive acceptance or rejection of another's self-identity. The aim of this essay is to elucidate disanalogies in Ozturk's series of cases that could explain why the cases should be treated differently, address possible objections, and respond accordingly to demonstrate that the analogies between his cases do not hold. I will argue that the analogies between the cases do not hold due to differences in (1) the morality of actions taken, (2) the strength of the relation between each identity and the action, and (3) the harm caused to those with the same self-identification.

In this essay I will argue that Burkey Ozturk fails to adequately defend his negotiative theory of identity in his article, "The Negotiative Theory of Gender and Identity and the Limits of First-Person Authority." I argue that the analogies he presents to support his theory fall short of doing so because there are significant differences between the cases he presents to elucidate intuitive acceptance or rejection of another's self-identity. Moreover, he does not explore all possible counterarguments to his argument from analogy. The aim of this essay is to elucidate disanalogies in Ozturk's series of cases that could explain why the cases should be treated differently, address possible objections, and respond accordingly to demonstrate that the analogies between his cases do not hold.

### **Negotiative Theory vs First-Person Authority**

In this section, I will explicate Ozturk's essay to allow for critique further on. Ozturk's goal is to demonstrate faults of the currently dominantly held view of self-identification in trans and trans-friendly circles and explain how his own theory avoids the faults of the currently dominant view. Ozturk's theory is a negotiative one that allows rejection of another's gender self-identification in specific, qualified circumstances. In order to argue for his negotiative view, Ozturk first aims to problematize the reigning theory: first person authority (FPA), which has allowed for diverse social progression. Problematizing this theory is extremely important for Ozturk's goal because in demonstrating a problem with the current view, he provides motivation for adopting his theory which is not subject to the same kind of faults.

The FPA view holds that it is up to the individual to determine their own gender identity (Ozturk, 2017, 140). The FPA typically is thought of in two versions: epistemic and ethical. The epistemic FPA claims that the individual is the ultimate determiner of their gender identity because of their unique epistemic position (Ozturk, 2017, 141). Ozturk does not devote much space to this version of the FPA, due to rich literature already existing which explores the possibility of false

beliefs about oneself, such as the work of Talia Mae Bettcher (141). Instead, Ozturk focuses on the ethical version of FPA.

The ethical FPA claims that the individual is the ultimate determiner of their gender identity because to reject one's self-identification is to essentially reject their autonomy (141-142). To argue against the ethical FPA Ozturk presents three seemingly analogous cases centered on instances of rejection of another's self-identification. While each case grapples with a different kind of self-identification (gender, religious, political), Ozturk reasons that every case should be treated equally under the ethical FPA. It follows, then, that since the FPA says it is never permissible to reject another's self-identification, one must provide at least one case in which it *would* be permissible to reject another's self-identification. Thus, the three cases that Ozturk presents are designed to provide different answers to the question of whether X is wrong to reject Y's self-identification. If the analogy present is strong, and there are affirmative and negative responses to the above question, Ozturk has successfully problematized the ethical FPA. In other words, the ethical FPA cannot be correct if it asserts absolutist language, but fails to hold in all circumstances. With this in mind, Ozturk is intending for his cases to produce different answers, indicating a problem with the ethical FPA. This, of course, can only be the case if the analogy is strong. To evaluate this, we must first look at the cases.

The first case that Ozturk introduces deals with gender self-identification. Susan is a self-identified woman who asks her coworkers to use "Susan" instead of her given name, and refer to her by using female pronouns. One of Susan's coworkers, Joe, does not think that he should have to use the chosen name and pronouns of his coworker because he thinks Susan is wrong about her gender identity, and it would be wrong to lie by supplementing her incorrect gender presentation with support. The second case that Ozturk illustrates deals with religious self-identification. Sam is a self-identified Muslim who killed staff members of a magazine that published depictions of Muhammad that Sam was offended by. In response, Muslims worldwide, including Zahra, criticize Sam and reject his religious self-identification as a Muslim because his actions are not consistent with Islam. The third case that Ozturk presents deals with political self-identification. Andy is a self-identified patriotic American who lies in order to avoid jury duty. Robert notices this and rejects Andy's self-identification due to the inconsistency between his action and patriotism.

The analogies being made are in regards to Susan's gender identity with Sam's religious identity and Susan's gender identity with Andy's political identity. Ozturk claims that if it is wrong for Joe to reject Susan's self-identification, as the ethical FPA suggests, then it is wrong for Zahra to reject Sam's and for Robert to reject Andy's. However, the reader is brought to believe that upon examination of Sam and Andy's cases indicates that it is permissible to reject their self-identifications. Therefore, it would seem that it would be permissible to reject Susan's self-identification as long as the analogy holds. Ozturk notes that this claim is reliant upon the strength of the analogy between his cases (143). Thus, he addresses two possible arguments claiming that there is a disanalogy between his cases because the self-identifications in each case are different: (a) gender identities have more significance than other identities and (b) conversion to another gender identity is met with more hostility than a change in religious or political identities (143-144). In regards to the first argument (a), Ozturk notes that for some, their religious/political identity is at least as important as their gender identity. He uses Sam and Andy to show that religious/political identity are just as defining as gender identity (144). In regards to the second argument (b), Ozturk notes that this, historically, is not the case. Further, he states that some conversions are



not recognized or are met with strong resistance (145). I find Ozturk's replies to these arguments satisfactory.

The two arguments that Ozturk examines for disanalogy trace back to the different self-identifications being distinct from one another. However, I argue that the disanalogy becomes recognizable at a more basic level—one need not claim that there is a principled distinction between the identities (143). Perhaps one could take the following critique as motivation to think of different cases than Sam and Andy for the same purposes as Ozturk. If different cases cannot be presented to problematize the ethical FPA, then Ozturk should present his negotiative theory in a different manner.

### **Critique**

As previously indicated, I argue that there are significant differences in the cases provided by Ozturk that allows one to claim that the analogies between the cases do not hold. To demonstrate this, we must first analyze each case individually, specifically looking at (1) the morality of actions taken, (2) the strength of the relation between each identity and the action, and (3) the harm caused to those with the same self-identification, on a narrow and broad scale. These factors are fundamental to explaining why we reject the self-identification of some and not others. If these three factors are significantly different in each case, then the reasoning that supports the rejection of self-identification in one case does not necessarily follow in the other cases. In other words, if these factors are significantly different, Ozturk fails to problematize the ethical FPA.

#### *Morality of Actions Taken*

The morality of the actions taken is important to discerning whether or not we even wish to reject another's self-identification. Ozturk has crafted these cases so that there is an intuitive reaction; there is an emotional appeal provided via the morality of the actions that the characters in the cases take.

In regards to the first case, the action that Susan takes is asking others to refer to her with preferred pronouns and her chosen name. This action is not obviously nor directly morally wrong. If she genuinely believes that she is a woman, she is not deceiving others because she is expressing what she believes to be real; she is not lying or tricking her coworkers. In response, one could suggest that she is lying to herself, which might be just as morally wrong as lying to others. However, I would disagree with the moral equivalence. Lying to others is actively participating in moral wrongness—it is knowingly and intentionally providing false statements, and could lead to the potential harm of others. In contrast, as Susan genuinely believes she is a woman, she cannot knowingly and intentionally provide false statements to herself since that would require knowing that it is in fact false. Further, any potential misinformation that Susan is projecting doesn't seem to cause any harm in the same way that deceiving others does and there are other actions that need to be taken to have an effect on others.

In regards to the second case, the action that Sam takes is killing those that published something he found offensive. This action, unlike Susan's, is obviously morally wrong. Almost every moral code would not allow one to kill others because they published a specific image or article—this is not controversial.

In regards to the third case, the action that Andy takes is lying to avoid jury duty, which is one of civic duties. This action, unlike Susan's, is morally wrong. Some may say that there are instances in which it is okay to lie. The common example to demonstrate this is a thought

experiment in which you are hiding a Jewish family during the Holocaust and the gestapo knocks on your door, searching for this particular family. One could then say that it is acceptable to lie, because you save the family, an action that is much more morally significant than lying, while others may still argue that it is *never* okay to lie. However, to assess Andy's action, we need not go so far. Andy is not lying to save human lives, he is lying for a much less morally significant reason—to avoid a task that would be annoying to him. The annoyance of jury duty, unlike saving human lives, does not excuse the act of lying.

When looking at the moral wrongness of the actions committed by the characters in the three cases, we can see that there is a distinction between the actions taken. The actions of Sam and Andy are both straight forwardly morally wrong. However, that is not so in Susan's case. The moral wrongness of the actions of Susan and Sam cannot be adequately compared. This is the case for Susan and Andy as well.

### *Strength of Connection between Identity and Action*

The strength of the relation between each identity and the action taken is vital to the potential rejection of one's self identity. The actions taken can either be intrinsically connected to their self-identification, or their actions could be separate from their self-identification. Our admonishment of any one of the characters is due to their action, but if their action is separable from their self-identification, then perhaps it is not the self-identification that should be admonished and rejected. In other words, is the action itself worthy of rejection, and separable from the self-identification? If this is the case, then rejecting the self-identification in that case is quite different than rejecting the self-identification in a case in which the action is intrinsically bound. In regards to the first case, Susan's action is committed directly due to her self-identification, they are inseparable. Further, the action Joe perceives as moral wrong is in virtue of and directly reliant upon her self-identification.

In regards to the second case, Sam's action need not be tied to his religious self-identification, the action itself is what we think we should reject. Of course, in the case, as Ozturk describes it, his actions are at least partially driven by this self-identification. For it would be reasonable to assume that if Sam was not Muslim, then he would not have been offended by the magazine, and, therefore, would not have killed those people. However, his action is still morally wrong regardless of why he chose to commit the action—we can separate his action from his identity and still think that his action is morally wrong.

In regards to the third case, we view Andy's action is morally wrong, regardless of his self-identification. The moral wrongness of this lie is exacerbated in virtue of his political self-identification because fulfilling civic duties seems to be a hallmark of patriotic individuals, and, therefore, Andy seems to be hypocritical. Nevertheless, the fundamental moral wrong is lying, and is so regardless of taking Andy's political self-identification into account.

When evaluating the relation between the specific characters actions and their self-identification, another difference becomes apparent. The wrongness of Sam and Andy's actions do not depend on their self-identification, though can be exacerbated when their self-identities are taken into account. However, the perceived wrongness of Susan's action cannot be separated from her self-identification. Therefore, if the comparison being made with the analogies is at least partially dependent of the different kinds of self-identification, the actions done in these cases, in relation to the individuals' self-identification, cannot adequately be compared. This is because Susan's action is intrinsically paired with her self-identification, but Sam and Andy's are not. The

rejection of each self-identity in every case, is due to the moral wrong that is created. However, if Sam and Andy's wrongs are not dependent on their self-identity while Susan's is, then there seems to be a difference in why rejections are done.

### *Harm to the Social Group*

Another reason one might want to reject another's self-identification, especially if they are in the same social group, is due to the impact that their self-identification has on their group. In other words, if X acts in a way that could negatively impact X's self-identified social group, other members of that social group may try to distance the social group from X by rejecting X's self-identification. In regards to the first case, there seems to be no negative consequences to other women, due to Susan's identification. On the narrow scale, Susan's identification has no negative impact on other trans women. Joe would not think of other trans women as women, regardless of his interactions with Susan if he already believes that Susan is not a woman. Further, on a broader scale, one would not say that other women are seen as "less woman" because of Susan's gender self-identification or transition. Susan has committed no negative action that would become associated with the social group of women.

In regards to the second case, the harms caused by Sam's action goes beyond those whom he killed and their families. Sam is harming others that share the same religious self-identification as him: other Muslims. Humans are prone to associate with the world via generalizations. This is particularly true for minority groups. When an individual who belongs to a minority group does something that is considered to be morally wrong, that action (or the ability to commit that action) reflects back on their minority group. The social repercussions from morally wrong acts are then spread throughout the social group. It is easy to see these types of negative associations between individuals and the social groups they belong to in the current political climate. For example, arguments are often made by conservatives that draw on the criminal activity of a few immigrants to bolster calls for severe immigration restrictions. From this example, it becomes clear that the actions of individuals reflect back upon their social group, and thus aid in the facilitation of harms done to their social groups. There is a tendency to associate the whole of a social group with its few news-worthy members that the entire population of the social group is predisposed to act as those few individuals do. Sam's action creates an association between his religious self-identification as Muslim and his act of murder. This association then becomes generalized and other self-identified Muslims will potentially be forced to deal with the stigma and social condemnation brought about by Sam's action.

Further, these generalizations can spread beyond the specific self-identified group. In the same way that Sam's actions harm Muslims, they harm the larger social group of religiously devout individuals as well. While the harm done to other Muslims is more direct and visible, generalizations exist about every social group of every size. Thus, the harms experienced by Muslims as a result of Sam's actions and membership of that group also affect religiously devout individuals as a result of Sam's actions and membership of that group.

In regards to the third case, another negative association could be applied from Andy to other patriotic citizens. The specific self-identified group of patriots could be generalized as liars. Thus, the social stigma and dismissal of individuals in this social group could be caused by Andy's action. In this way he is harming his own self-identified group. This is a slightly weak association because the social group potentially being associated is not a minority group, and thus these kinds of associations are not regularly made. However, when looking at a broader scale, these

generalizations can spread to the larger social group of citizens as well, and thus cause them harm. Moreover, in Andy's case, more harm is being done to the greater group because in him avoiding jury duty through lying, another citizen must take his spot. Andy's action affects how the larger group is perceived, but also places more direct responsibilities on individuals within that group.

When evaluating the harm caused to one's own social group due to their self-identification, differences between the cases can once again be ascertained. Sam and Andy's actions harm their own specific self-identity groups (Muslims and patriots) as well as the larger groups (religiously devout and citizens) in which they fall. This is not the case with Susan. Susan's action does not create a negative generalization about the group that she self-identifies with (women), nor the larger group (the queer community).

### **Objections**

There are several objections could be made in regards to my critique of the analogies Ozturk presents counter examples to this claim. The claims that I will address stem from the argument that since trans individuals transition from one part of the gender binary to the other part, their transition reinforces the narrative of two genders. From this, two conclusions could be drawn. First, since the gender binary tends to hurt women, in upholding the gender binary, trans individuals are hurting women. It could then be argued that in Susan's case, she is harming her own self-identified group by upholding the gender binary. The second conclusion due to the claim that the gender binary delegitimizes non-binary individuals. Thus, in upholding the gender binary, trans individuals are delegitimizing and harming others in the larger self-identified group of the queer community. To both conclusions, my response would be that their claims have to do with the self-identification, not the action taken. The claim is that the very self-identification is harmful. Following that train of thought, they could be arguing that no trans identity is appropriate, which is just as absolutist and contrary to what Ozturk is arguing. Thus, there would still be a disanalogy between the cases as they view one self-identity as more harmful than the other two. Accordingly, the cases of Susan, Sam, and Andy are different in regards to (1), (2), and (3) and therefore, a claim of analogy cannot be properly made.

### **Conclusion**

In this essay, I argued that Ozturk does not adequately defend the analogies he presents between the cases of Susan and Sam and Susan and Andy. I argue that there are differences between these cases in the morality of the action taken, the relation between the action and the self-identity, and the harm caused to others. Since these factors are not the same between Susan and Sam and Susan and Andy, Ozturk's analogies created to point out acceptable rejection of self-identities within the ethical FPA framework does not hold. Thus, Ozturk has failed to motivate a shift from self-identification via ethical FPA to his negotiative theory. If Ozturk wishes to establish this motivation based on analogous cases, he must produce new cases.

**Work Cited**

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**VALUE-LADEN FREE WILL**

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**Abstract**

In this paper, I deliver a value-laden concept of free will. This concept of free will depends on an insight into agential psychology: we generally act in light of the desire of the good and the conception of a good life. Since our actions are performed in relation to the motivational final end—a good human life, the value-laden concept of free will defines that an agent has free will in *x*-ing only if the agent is motivated in such a way that *x*-ing is genuinely conducive to a good life. The value-laden concept of free will does not aim at offering a necessary condition of moral responsibility because, intuitively, free will and moral responsibility can come apart in some cases where the wrongdoer is ignorant or deluded. The value-laden concept of free will is able to explain why agents in the following three types of situations are not free: (1) the action is coerced, (2) the action is deluded or ignorant, and (3) there exists some inner hindrance to the agent's reactivity to right reasons. It turns out that the value-laden freedom requires an agent to have a good understanding of the situation in which one acts and the right reasoning concerning what actions count towards a good life.

The value-laden concept of free will depends on a crucial assumption about the motivational structure of agency. I share an insight into human agency purported by Aristotle and rediscovered by modern commentaries (Vogt 2017), that we really want our lives to go well. Generally, we act in light of the desire of the good and the conception of a good life. A genuinely good human life is the motivational final end, in relation to which an agent engages in various actions, from mundane ones, such as getting up regularly every morning, to eventful ones, such as running for office. For the purpose of offering a value-laden concept of free will, it is worth laying out some basic metaethical assumptions I have. For example, I believe that there really are facts about what is good for a given agent. In other words, an agent can be wrong about what actually contributes to a good life, though the right conception of a good life varies from person to person.

Now, what is a value-laden concept of free will? Why should free will be value-laden? Since the desire of a good life is inherent in a motivation, the value-laden concept of free will specifies that an action is free willed only if it is actually conducive to the agent's final end, i.e. a good life. As a result, free will requires the kind of control over one's own actions that actually leads one to live up to the aim at the good.

At first glance, the value-laden concept of free will is surprisingly demanding. Not all participants of the free will debate would agree that free will requires such a high degree of agential control. Many philosophers, for example, have treated free will as the kind of agential control that is necessary for moral responsibility. Those who work with this responsibility-dependent concept of free will may find the value-laden concept of free will unable to explain

a wrongdoer's moral responsibility. If free willed actions, according to my construal, all hit the target of a good life, then no one could perform morally incorrect actions with free will because morally incorrect actions are by no means conducive to a good life. Since the value-laden free will precludes morally incorrect actions, it cannot constitute a necessary condition for the wrongdoer's moral responsibility. It seems that the concept of free will derived from moral responsibility should consist of a moderate degree of agential control that can accommodate incorrect actions. The degree of control that value-laden free will requires is too high to deliver the kind of control that wrongdoer's moral responsibility requires.

I accept that the value-laden free will is not meant to explain wrongdoer's moral responsibility, but I do not think that this is a drawback of my account. As I will show later in the paper, moral responsibility and free will can come apart. In some cases, although the wrongdoers intuitively do not enjoy free will, they can be nevertheless held morally responsible. The dissociation between free will and moral responsibility relies on a crucial feature of agential psychology: our motivations generally aim at what is genuinely good for us, but they may or may not hit the target. This dissociation opens up space for a concept of free will that is independent of moral responsibility. Such a responsibility-independent concept of free will would be value-laden precisely because our actions and motivations are seldom value-neutral.

In order to portray the exact conception of value-laden free will, I will characterize three types of scenario in which an agent fails to hit the target—the final good. Since these agents are motivated in such a way that their actions run afoul of the motivational final good, they can hardly be counted as free. As a result, a value-laden conception of free will should not be too loose, allowing someone in the following three kinds of situations to be counted as a free agent.

(1) The action is coerced.

The classic example of a coerced action is to be robbed. Imagine a robber points a gun at me and says, "Give me your cellphone!" In this scenario, I would very likely give up my cellphone. If you ask me, "Why did you give your cellphone?" I will answer, "Because I wanted to save my life!" It may seem that my giving the cellphone was a prudent choice when facing such a threat to my life. However, giving up my cellphone in this scenario is hardly a free willed action. If one lives a life where many actions are performed due to systematic coercion, we would not believe that one enjoys free will in these coerced actions because these actions come into conflict with a well-going life. The very fact that an action is coerced is an indication that the agent is wronged by the coercer, which undermines the agent's well-being. In fact, a coercion need not be as dramatic as a threat to life, nor does a coercion need to deprive the agent of the alternatives to do other than what the coercer wishes the agent to do. As Ayer (1954) characterizes, what it takes to be a coercion is that the coercer "should induce me to do what he wants by making it clear to me that, if I do not, he will bring about some situation that I regard as even more undesirable than the consequences of the action that he wishes me to do" (Ayer 1954: 275). In a coerced action, the agent is motivated by the reasonable fear of the threat, and what the coerced agent does is what any rational agent would very likely choose in a similar situation. A coerced agent does what the coercer wishes only to avoid the further undesirable and unjust scenario that the coercer would bring about. If the coercion does not exist, the agent would not perform the undesirable action. For example, if the robber did not present a threat to my life, I would not give up my cellphone but would just run away. The action that the coercer wishes the agent to perform is an intrusion on the agent's course of well-going life because it is not

something the agent would normally choose to do if the coercion did not exist. For this reason, in the *Nicomachean Ethics*, Book III, Chap. I, Aristotle thinks that coerced actions are not chosen “in itself” (1110a). Even though coerced actions are aimed at the final end that is beyond the actions themselves, the coerced agent fails to hit the target of a well-going life. That the agent goes against a good life in the coerced action is, I believe, what underlies the intuition that the agent’s free will is undermined.<sup>1</sup>

(2) The action is deluded or ignorant.

There are two manners in which an agent can be deluded or ignorant in an action: (a) the agent is ignorant of or wrong about some crucial facts about the situation in which they act—facts that the agent would be very interested in because of their relevance to the purpose of the action; (b) the agent is ignorant of or wrong about some ethical implications of their action. These two manners roughly correspond with the two types of agential ignorance that Aristotle defines: the ignorance of the particular and the ignorance of the universal (1110b-1111a). I illustrate these two types of ignorance with the following examples.

Example 1: The sheriff *A* mistakenly arrests an innocent person because of her ignorance of the fact that the fingerprint she takes to be the murderer’s actually belongs to the innocent person. After learning that she made a mistake, she feels regretful and very sorry for that wrongly arrested person. I claim that the sheriff *A* can be held morally responsible for mistakenly arresting the innocent person if “to be morally responsible” means to be the suitable target of certain interpersonal attitudes such as resentment, gratitude, moral praise and blame (see Strawson 1967/1974). It is very possible that the wrongly arrested person has strong emotional reactions to the sheriff *A*, which is a sign of attributing moral responsibility.<sup>2</sup> Although the sheriff *A* can be held responsible for this wrong arrest, we intuitively believe that she is not free in her decision to arrest the innocent person. This intuition has very little to do with the modality of the sheriff *A*’s action. Rather, it is because the sheriff *A* is constrained by her ignorance of a crucial fact about who the owner of the fingerprint is, a fact that is relevant to her interest in arresting the rightly suspected person. The sheriff *A* is deluded in her action since she is ignorant of the fact about an instrumentally crucial aspect of the particular situation in which she acts. Presumably, the sheriff *A* aims at arresting the actual murderer and fulfilling her job-specific duty, which she values as a crucial component of a well-going life. Unfortunately, her action not only fails to live up to her conception of a good life but also unwittingly undermines her goodness because, in any case, making a great mistake in the job and wronging others really worsen the agent’s life.

Example 2: Serial killings happen in a town, but the police are not able to stop the killings because they have not found the murderer. An angry mob gathers in front of the police

1 Some might claim that coerced actions can sometimes be conducive to the final good because the agent aims to avoid the more undesirable and unjust outcome that the coercer would inflict. I agree that the aversion to what is more undesirable and unjust is aimed at the final good, nevertheless, I find it very difficult to say that a coerced action can be conducive to a good life because the coerced agent is wronged by the coercer. It seems outrageous to ask the wronged agent to see how the coerced action as such can possibly contribute to a good life. In a coerced action, the agent’s desire of the good is co-opted by the coercer. That is, the coercer exploits the agent’s desire of the good to induce a state of affairs that undermines the agent’s well-going life. Therefore, one who desires a good life would prefer to not confront the coercion in the first place.

2 It is understandable and suitable for the innocent person to feel anger and resentment towards whoever mistakenly arrests her because these emotional reactions are in accord with the ethical fact she is wronged. I am sympathetic with Strawson’s view that “our natural human commitment to ordinary inter-personal attitudes” (Strawson 1962/1974) is such an important component of human life that we cannot and should not get rid of it.



station and threatens that if the police do not arrest the murderer in three days, they will burn down the town hall. The sheriff *B* foresees that a riot would bring about massive casualties if the mob is not satisfied. Therefore, in order to prevent the foreseen riot, he randomly arrests an innocent person to pacify the mob. Presumably, the sheriff *B* wants to protect the civilians of the town by preventing the riot, which he takes as part of his duty, the fulfillment of which he values as a contribution to a good life. Unfortunately, he is deluded in believing that pacifying the mob by arresting an innocent person is the right thing to do. He is ignorant of the ethical fact that he deeply wrongs that innocent person, which immediately not only makes him miss the target of a good life but also erodes his goodness.

Just like the sheriff *A*, the sheriff *B* is unfree because his action runs afoul of his final end—a well-going life. Unlike the sheriff *A*, however, the sheriff *B* is not ignorant of the particular situation in which he acted, but he is ignorant of the universal principle of justice. In both examples, ignorance and delusion in their motivations stand in the way of the agents' pursuits of truly well-going lives, which best explains our intuition that neither the sheriff *A* nor the sheriff *B* enjoys free will in their deluded or ignorant actions.<sup>3</sup>

(3) There exists some inner hindrance to the agent's reactivity to right reasons.

The reactivity to right reasons requires the agent's reliable disposition to act according to right reasons that tell the agent what really contributes to the final good. The failure to manifest this reactivity stems from factors either external or internal to the agent. Since the external constraints of the reactivity to right reasons have to do with the freedom of action rather than the freedom of will, I will focus on the internal hinderance here. Roughly, I think there are two types of inner hindrance to the reactivity to right reasons. (a) *Akrasia* (weakness of will) prevents an agent from doing what is good for one's life as a whole. Someone with *akrasia* has access to the right reasons, but they give in to choices that are immediately more agreeable since they have not built a stable disposition to act for the right reasons. Someone who binge-watches TV shows on Netflix may be well aware that they are procrastinating the important work that they promised to finish on time, but the immediate pleasure of binge-watching overwhelms the right reasoning. For this self-indulgent agent, *akrasia* is an obstacle to live up to his conception of a good life that involves keeping some important promises. We have a strong intuition that akratic agents lack free will because they fail to set themselves on the courses of activities that are conducive to well-going lives. In other words, the impulsive desire that motivates an akratic action misses the target of the final good. These impulsive desires are not endorsed by the right reasoning, and they stand in the way of the fulfillment of the activities that contribute to the good life. In this way, the inner obstacles, such as impulsive desires, block the fulfillment of the final end that is immanent in the agent's motivational structure. But it is the characteristic of *akrasia* that the agent is able to recover from self-indulgence by adopting the right reasoning through external aids, say, a friend's admonishment. (b) There exists some pathological hindrance to the agent's reactivity to the right reasoning, such as addiction, kleptomania, obsessive-compulsive disorder, etc. What is

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3 Those who agree that one is unfree when acting through the ignorance of some instrumental facts but insist that one can freely commit wrongdoing due to the ignorance of some ethical facts owe us a story of what justifies the different treatments. One response might be that instrumental facts and ethical facts are different types of facts in terms of the ways in which we get to know them: we learn instrumental facts through empirical observation, but ethical facts cannot be acquired simply by empirical observation. I agree with the distinction between these two types of facts, but this distinction does not support the different treatments. After all, the ignorance of both types of facts are obstacles to hitting the aim inherent in agential psychology—the final good.

peculiar to the pathological hindrance is that the agent experiences very resilient desire of *x*-ing even if *x*-ing is not endorsed by their reasoning of what constitutes a good life. The victims of this type of pathological hindrance cannot retrieve control over their desires as easily as someone who has *akrasia* does.

To rule out the three types of unfree agents mentioned above, I claim that an agent has free will when *x*-ing only if the agent is motivated in such a way that *x*-ing is genuinely conducive to a good life for the agent. That is, free willed actions all hit the target of the final good, which is the aim inherent in an agent's motivational structure. Given the situations that a value-laden conception of free will should rule out, the value-laden free will requires an motivation to accord with (1) a good understanding of the situation in which one acts and (2) the right reasoning concerning what actions count towards a good life.

By “a good understanding” I mean to know some crucial facts and techne that are relevant to the purpose of the action in question. For example, when I freely type on my laptop to finish the final paper of a philosophy course, I must know, among other things, the fact about the topic on the instructor's prompt, the fact about the deadline of the paper, and how to type. Otherwise, my writing the final paper might fail to fulfill the intended purpose—to write on the right topic and to finish it on time, which I consider a component of a well-going life for me. Without the knowledge of some relevant facts and skills, I might write on the wrong topic or fail to turn it in time due to my ignorance of the deadline and my clumsy typing. Many other facts are also involved in writing the final paper, but I do not need to know them when freely writing the paper. For example, I am ignorant of the mechanisms of the keyboard on which I type. I simply have no idea how the circuit inside the keyboard works because I am far from an expert in mechanics and electronics, but my ignorance of these technical issues does not undermine my free will in writing the paper because they are not relevant to the purpose of my action. To know these technical issues might be crucial for free will if they are relevant to the purpose of the action that I value as a component of a good life. For example, suppose I value DIY as something that enriches my life, and my work heavily depends on my laptop. In light of the DIY conception of good life, I try to repair the broken keyboard of my laptop on my own. The cluelessness of some technical issues the lack of certain techne may lead to my failure to repair the keyboard, or what's even worse, circuit damage that ruins my laptop. In this scenario, my ignorance of certain electrical facts and skills undermines my free will in my attempt to repair the keyboard because my action runs foul of the final end of my motivational structure.

By “good reasoning,” I mean the reasoning that gets right the conception of a good life and what actions can genuinely count towards a good life.<sup>4</sup> Of course, it is not always easy to deliver a precise conception of a good life because our self-images and self-expectations more or less shift during our lives. The conception of a good life is not something that an agent can fully grasp once for all, nor does it remain the same during one's lifetime. Nevertheless, there really are boundaries of the right conception of a good life. Outside those boundaries, there are actions, such as morally bad ones, that cannot count towards a genuinely good human life. Since the boundaries of a good life are real, an agent can be wrong about the conception of a good life. One who systematically lacks the right reasoning (“an insane agent”) fails to achieve

<sup>4</sup> The right conception of a good life and what actions can genuinely count towards a good life are interdependent. This is because the conceptions of a good life involve small- and mid-scale activities as its substantial contents. A conception of a good life without any implication of what can count towards a good life is arguably empty and ineffective. For the discussion on the interrelation between activities and the final end, see Vogt 2017, 129-30.

a right conception of the good, but the distorted conception of a good life is still in effect in one's motivational structure. An insane agent may still want her life to go well, but her distorted conception of a good life makes her fail to live up to the final good—a good life. According to my construal of free will, someone who lacks the right reasoning cannot enjoy free will in the resultant actions of the distorted conception of a good life, because these resultant actions always miss the target of the motivational final good.

If the value-laden concept of free will makes sense, then whether an action is performed with free will is independent of whether the action is determined or not. Even if the action is causally determined, it is possible for an agent to be motivated in such a way that her actions are genuinely conducive to the motivational final end. Under the value-laden concept of free will, compatibilism is true.

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## THE SHAPES OF SOLIDARITY THROUGH DIFFERENCE

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### Abstract

The following paper will track the subtle and not-so-subtle differences between various forms of feminism, specifically the differences between Indigenous and white feminism. Though the differences can outnumber the similarities, I do not see this as a discouragement for forming intercultural bonds for a peaceful coexistence, in fact this is the opportunity for solidarity to change the perception and reach of feminism as a movement. Feminism has the potential for reaching a broader audience without minimizing the differences of separate groups. This paper does not call for the aggregation of different groups in order to further the goals of white feminism, but rather highlights the differences of Indigenous and white feminism through historic and current context to show the specific needs of multiple groups. The works of Lorraine Mayer, Deborah McGregor, and Paula Gunn Allen are used to highlight the unique relationship of Native women with the colonizer's culture in Canada and America, as well as what Indigenous feminism looks like. Works by Kimberlé Crenshaw and Allison Jaggar are used to explore Black and white (respectively) feminist perspectives. Intersectionality and sovereignty are two topics that will guide the paper in showing ways that solidarity can look, ultimately calling on informed digression of the individual.

Feminism has a long history of only being viewed through a white lens, of leaving out minority groups. From the racism of suffragettes to modern day sex wars, feminism has long had a diverse and widely disputed definition. However, I do not see this separatism as an inherently detrimental aspect of the feminist movement; these differences do not mean the end to solidarity. Solidarity can take an academic form of spreading the word of other people's stories, solidarity can take the form of elevating those who have less privilege systematically involving leadership positions, and solidarity can take the form of allyship through sovereignty. The following paper will explore two different forms of feminism, white and Indigenous feminism; they differ in many epistemic values and have varying influence of understanding of the word feminism. Although these two forms are very different, I am going to examine the intersections and ways the two are intertwined.

I would first like to start with the acknowledgment that Indigenous feminism stands separate and independent from feminism as an overarching term. Indigenous feminism has roots and a lived existence that are incommensurable with that of other branches of feminism. The realities of colonialism and specific philosophies of different geographical locations are two of the ways that Native women have a different understanding of themselves within the patriarchal world. I would also like to clarify that I am not equating solidarity with the generalizing that takes place within some forms of attempts of solidarity. A universalistic approach to feminism fails because it leaves out what differentiates and enriches separate communities. With this in mind, there are ways that these groups can work together: one popular way the dominant culture (white feminism) can elevate other groups is by giving their privilege and leadership roles to those with less institutional

privilege. This solution provides another complication, however, because it is not the goal of Indigenous scholars or activists to be incorporated into North American culture and engulfed into the colonizer's world. One goal of current Indigenous work is sovereignty. Recognition and acceptance by America are not something that Indigenous academics strive for because it is not the goal to be brought into another culture, the goal is to thrive and develop as an independent community. Universalism combines types of feminism into one meaningless blob, it eliminates cross-cultural communication and erases goals of individual groups that are different. Thus far I have highlighted a type of solidarity and cross-cultural communication that is not apparent in dominant society, nor one of the priorities of the feminist movement overall.<sup>1</sup>

In *A Return to Reciprocity*, Lorraine F Mayer chronicles her coming to terms with the word feminism as an Indigenous woman. I think it is worth noting that she never actually calls herself a feminist or endorses the way that feminism as a movement has been inclusive or supportive to Natives. Her story begins with an animosity toward the word because of the colonial construct of the patriarchy. The cultural construction of the patriarchy and the goal of becoming equal to the white man is not one of the objectives of Native women (or Native men for that matter). Many Native women stand as a powerful force within their communities and that recognition is what is validating to their work, as opposed to recognition from colonized governments and culture. The kind of equity and rights that feminists who are looking to live and work within colonized North America set as their goals are very different from the goals of many Native women. Another reason she initially dislikes the term *feminist* is because for many it still operates within the colonizer's binary of gender which is not extant in many Indigenous communities.

Mayer is *Métis*, meaning that she traces her roots to both the French and the Cree in Canada. Her identification with the Cree roots has largely informed her understanding of being equal with but holding separate roles from that of men within society. This is one of her large disconnections with settler cultures because westernized gender relations are generally reliant on dominant and non-dominant power relations. She identifies divine rights and the "self-proclaimed sons of God... [who] believe that they can make the world up as they will" as a source of the ways that this power relation can be identified in clear contrast with the ways that Native communities function (Mayer 23). The move for any Native woman to not identify as a feminist does not change the inherent attempt to deconstruct the way that Native women are stereotyped in their daily lives. The integration and equation with current power dynamics of western culture is not one of the goals of Native people, but rather sovereignty from and evolution of the ways that colonialism has subjected those who do not fit the rigid definitions of acceptance. Sovereignty contributes to the rejection of the identification as a feminist for some Native women.

Along with Mayer's definition of differing forms of feminism, productive solidarity by non-Native feminists looks like support: supporting the Native cause by not interrupting it. Financial support is not productive in this aspect because it denotes a degree of reliance by those who would be receiving money. Some forms of constructive support look like coexistence and allowing Indigenous groups to take action as they see fit. Political philosophy relies on the discretion of individual actions in relation to the larger picture. By this I mean that there are no overarching or all-inclusive rules to follow in order to form solidarity. The necessary interconnectedness of different communities living close to each other takes a synthesis of historic and current objectives of groups (in their own terms) to create a functioning larger community.

<sup>1</sup> Although, there has been increasing attention through conferences and academic investigations dedicated to intersectional work.

The myth of “the common struggle” among all women must not obstruct the diversity of difference. Mayer highlights the alluring nature of “the common struggle,” and she ultimately rejects its substance due to the differing ways that different women understand themselves in relation to greater society. The struggle of a middle-class white woman working her way through the capitalist maze of business is a much different reality than that of a Native woman living her traditions. The realities of Indigenous woman are starkly contrasted with that of white women and the ways that the two groups understand the concepts of dominant and non-dominant. Ultimately Mayer attempts to work with feminism in order to “...find a common ground from which to communicate, a ground that was not fraught with further identity problems” (Mayer 26). She concludes that similar to the colonizer’s tendency to demonize the “Other,” she used to reject all who identify as feminists, she now understands feminists without identifying with them personally.

Mayer’s experience of the value of women in leadership roles for the health and success of her Cree community is paralleled by many other Native cultures. Some of the more well-known tribes that are traditionally matrilineal are Lenape, Hopi and Iroquois. Deborah McGregor, an Aboriginal<sup>2</sup> scholar in Canada, highlights the interconnectedness of women and water in *Anishnaabe-Kwe, Traditional Knowledge, and Water Protection*. The worth of water within Aboriginal communities has a long and profound history. Water is the life-giving force and one cannot compartmentalize the ways that woman and water are critical to their communities because they are both vital life-giving forces. This idea is recognized through an act of decolonization in the value of traditional knowledge for addressing the current water crisis in Ontario area. Numerous workshops across this province have taken place to express, from an Elder’s perspective, the Anishinaabe values and interconnectedness of women to a traditionally westernized and “scientific” audience. There is nothing new about Aboriginal efforts to conserve the purity of water. Women and their intimate relationship with water have always been recognized in Anishinaabe and Akii Kwe communities through their important leadership roles.

The connection between women and water stems from the personification in Aboriginal worldviews of the moon as Grandmother. *She* is directly in control of the ebb and flow of the water, and *her* reach goes to large and small bodies of water; the importance of the biggest rivers and the dew in the morning are matters of life and death. Our continued existence is because of our mothers and their mothers, their breastmilk, their blood, and their follicular fluid because they are life giving, “Women thus have a special relationship with water, since, like Mother Earth, they have life-giving powers” (McGregor 28). McGregor’s article highlights the important work going on by Aboriginal women in Canada and their lack of recognition within the Canadian government and water conservation corporations. There is no solidarity on the part of the government so Indigenous women are no longer waiting for permission, but rather acting independently to raise awareness for their cause of protecting the water.

McGregor includes two examples of women who act on their commitment to the water, rather than waiting for legal permission. The first being the protests and action taken to speak for the water as a reaction to the continued pollution of water by Imperial Chemical Industries’ in the Bkejwanong Territory. The second being the 1,300 kilometer trek lead by a large group of Akii Kwe grandmothers around Lake Superior with water and eagle staffs in hand in order to “... change the perception of water as a resource to that of a sacred entity which must be treated as

2 Aboriginal and Indigenous are used interchangeably in this paper. I use the different words to duplicate the wording of authors according to their different origins even though both words mean natives. Generally in this paper, Indigenous is used in America and Aboriginal is used in Canada.

such” (McGregor 29). These are two ways that separate groups of Aboriginal women and allies are coming together, working in solidarity, to raise awareness about water crises in Canada. The numbers of Aboriginal people are simply too low to successfully work separately within a colonial system in Canada, and so some of the action must come from allies.

There are many forms of oppression identified in this paper imposed on certain groups of people, but where can this neglect be pinpointed? Is it reliant on gender or race? Kimberlé Crenshaw, a civil rights advocate, highlights the inextricable nature and importance of both race and gender on the impact of political recognition in her coining of the term “intersectionality.” Black feminism is another independent branch of feminism that has a unique history of being Othered on both bases of race and gender. The foundation of America and its historic reliance on slavery created a specific reality of Black women that is independent of other groups. However, they differ in that Black feminism overlaps with white feminism by working within wider mobility of individuals within capitalism. Native women are Othered on the basis of race as well, there is racism deeply entrenched in the history of colonization that has contributed to Indigenous people’s current lived experience. I see the intersections of different forms of feminism as a basis for solidarity through shared experience. There is understanding that is gained through this lived experience of living as an intersection of race and gender that cannot be taught through academia. Though the two movements have separate goals and independent cultures, there is a common understanding of the intersected life as defined by the colonizer or slave master.

The most constructive types of feminist critiques are the ones that highlight not just the way that women are treated in their personal lives, but address the institutional roadblocks that limit the progress of women and minorities in their local system (whether that be capitalism, the work force, politics, etc.). In “Love and Knowledge: Emotion in Feminist Epistemology,” Alison M. Jaggar highlights the detrimental nature of a narrow and “unbiased” approach on the field of science. The rejection of biased or emotional responses from “legitimate” academic fields is from a hegemonic source of who, namely men, will be trusted throughout history to conduct “dispassionate investigations” which contribute to the wealth of intergenerational knowledge.

Jaggar states that emotional responses of subordinate groups are to be trusted because they “motivate new investigations.” A marginalized individual’s apprehension or uneasiness is to be trusted because the way that progress takes place is through challenging the dominant thought of the time. The trust of lived experience and the legitimacy of personal stories from those who are marginalized is one way that solidarity can occur within fields. This validation of the experience of an oppressed community (such as Indigenous people) can contribute to a broader understanding of the field of inquiry. For example, history is a widely contested field that has long only given a platform to the colonizers and slave masters, however, there is work being done to provide accurate recounts of history from previously undocumented perspectives.

Paula Gunn Allen highlights a specified and truthful account of the history of the formation of white feminism in *Who is your Mother? Red Roots of White Feminism*. Attention is called to the origins of white feminism that are ingrained in long histories of matrilineal Indigenous tribes. All the way back to “the earliest white women on this continent” knowing and living in harmony with their Indigenous neighbors to the idolization of Sacagawea by suffragettes, white women have taken influence of the empowerment of Native women. Gunn cites numerous cultures and prominent figures from history who have been influenced by the Indigenous vision of intergenerational importance of memory:



...from Francois Villon to John Locke, from William Shakespeare to Thomas Jefferson, from Karl Marx to Friedrich Engels, from Benito Juarez to Martin Luther King, from Elizabeth Cady Stanton to Judy Grahn, from Harriet Tubman to Audre Lorde, from Emma Goldman to Bella Abzug, from Malinalli to Cherri Moraga, and from Iyatiku to me. (Gunn 6)

All of the previously listed historical individuals used ideas of “Grandmother societies” and the rejection of patriarchal values (many without giving credit to Indigenous ideals) in order to develop their critiques of dominant culture. The following two examples state the roots of two prominent individuals from the extensive list above; Gunn cites Marx’s understanding of women’s liberation as key to the development of communism as learned from the account of Iroquoian matriarchal culture: additionally, Gunn cites Sacagawea as an influence on the very ideals of “liberty and justice for all” through her leadership and patience. This lack of credit does not erase the fact that the movement of feminism that we know today began with tribal sources. The ideals of tribal women have influenced the ideals of feminists and other social theorists for hundreds of years, their influence has been on the colonizer, not the other way around.

This paper has acted as an aggregation of many different forms of feminism that have influenced my personal understandings of the word. There are common threads of equality and empowerment throughout them all, though they differ on many foundational accounts. There is no straightforward answer to the intersections of different types of feminism. The grey area of exactly how one group relies on another, and how the two can work together through shared goals even while maintaining their differences is one of the main challenges that feminism faces in becoming a solidified movement with the force to bring about change. Change and progress are very different terms as exemplified by the continual problems of adherence within sociopolitical activist groups. Everything is always changing, on a macro and micro level there is nothing that stays the same due to external forces acting upon us. However, whether or not these movements and individuals are getting better, progressing, over time is a much different matter. The progress of a movement is reliant on the solidarity of these interrelated groups through discursive action. Challenging the dominant culture and questioning what it means to be a feminist is one way to check whether or not progress is taking place. Decolonizing, infiltrating the power structures at hand, and relying on one’s roots are all very different ways that are taking place now within America towards strides of progress. Solidarity throughout the above listed actions can lead to power in numbers across the many different shapes that feminism can take.

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