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Contents

ARTICLES

- An Awkward Quarrel: The Defense of Humanism in 1970s
Britain 1
D. L. LeMahieu
- Pluralistic Humanism: Democracy and the Religious 25
Tibor Solymosi
- A Noxious Injustice as Punishment: Prisoner Sexual Violence,
Toxic Masculinity, and the Ubuntu Ethic 45
Mark Tschaepe
- A Theory of the “Rights” Concept 65
James A. Montanye
- The Eros and Tragedy of Peace in Whitehead’s Philosophy of
Culture 93
Myron Moses Jackson
- Morality Without A God 113
Alan Mandelberg

An Awkward Quarrel: The Defense of Humanism in 1970s Britain

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ABSTRACT

In the 1970s, student radicals, left-wing academic theorists and second-wave feminists challenged the relevance and social neutrality of humanistic study. Yet for all its tentativeness and studied modesty, humanism proved more powerful and aggressive than its critics realized. In their willingness to critique both their own limitations and those of their adversaries, humanists sometimes contributed to the deterioration of institutions and values that they most sought to protect. The reputation of universities as impartial and even hallowed places of learning suffered as education became politicized. The Left undermined its own authenticity when sectarianism eroded its political solidarity and disconnected socialism from its aspirational future.

Keywords

Britain, humanism, 1970s

Humanism was not fashionable in the 1970s. The student rebellions of the late 1960s drew upon a volatile mix of sensual immediacy and disruptive politics that challenged the relevance and social neutrality of humanistic study. The instinctive egalitarianism of the counter-culture eroded traditional hierarchies: cultivated elites became mistrusted as politically suspect. High culture lost its cache when it became linked to privilege and oppression. Though rarely as consequential as its counterparts in Europe and the United States, student radicalism in Britain embodied a generational rebellion with lasting consequences for both progressives and their critics. In the late 1960s and early 1970s the New Left incorporated into their writings the abstract

ideas of contemporary European theorists that dismissed notions of human agency as relics of a discredited essentialism. Many academics faced a predicament: they identified themselves as left-wing, but their continued allegiance to humanistic values threatened to categorize them as conservative, even reactionary. Some, like Kingsley Amis, embraced the label and became Angry Old Men. Others tried to incorporate the new ideas into their thinking, a strategy that radicals despised. Still others engaged in more cunning tactics.

Difficult to define and historically evolving, humanism took many forms in the 1970s: conservative, liberal, socialist, feminist—each category obscures nuances and cross-currents. Conservative humanists defended values shared by liberals; socialist humanists espoused liberal values that feminists appropriated. Certain words embodied multiple meanings within the same discourse. Still, commonalities linked many humanists. First, most came from the generation born between the wars, a demographic cohort that experienced the aftermath of the Great War, the deprivations of the Slump and the traumas of World War Two, an event so traumatic that it often merited only discrete mention in memoirs and commemorative interviews (Williams 1979, 55–60). Second, most academic humanists were scholarship boys and girls from the lower-middle and working classes. In *The Uses of Literacy*, published in 1957, Richard Hoggart described the psychological tensions and social dislocations that affected many academically gifted children between the wars (Hoggart 1957, 238–247). Their scholarships lifted them from one lived-world into another, separating them from their class origins that they sometimes masked and other times celebrated, especially when social deprivation emerged as a mark of existential authenticity. From the perspective of their parents, educational achievement confirmed social “respectability” even as that status became ridiculed by the young (Felski 2000, 33–45). These professionals were part of the new “meritocracy,” a phenomenon both acclaimed and satirized (Young 1958; Ortolano 2009).

In the 1970s, student radicals, second-wave feminists, and academic theorists created what they believed was an “emergent” culture, struggling against a “dominant” hegemony that included the mass media and for some the Labour Party itself. Within this typology, adumbrated by Raymond Williams in his *Marxism and Literature*, humanism became a fading part of that dominance, perhaps even descending into “residual” status, like organized religion and aristocratic snobbery (Williams 1977, 121–127). Yet for all its tentativeness and studied modesty, humanism proved more powerful and aggressive than its critics realized. This essay shall argue that in their willingness to critique both their own limitations and those of their adversaries, humanists

sometimes contributed to the deterioration of institutions and values that they most sought to protect. The reputation of universities as impartial and even hallowed places of learning suffered as education became politicized. The Left undermined its own authenticity when sectarianism eroded its political solidarity and disconnected socialism from its aspirational future.

Education and humanism

The centrality of education to the humanist project created predicaments for its defense. The memoirs of scholarship boys born between the wars reveal that their interest in art, literature, and philosophy often began as a quasi-religious experience, an epiphany that transcended time and space. Richard Hoggart described how the evocative poetry of Swinburne transported him away from the strictures of his impoverished childhood (Hoggart 1994, *Local*, 175). As an adolescent, Brian Cox reveled in a ‘secret life’ where the discovery of Milton resembled a ‘religious conversion’ in which he became ‘overcome with exultation’ from iambic pentameter on epic themes (Cox 1992, 43–44). Frank Kermode recalled how a mystical experience in his youth drew him to artists who described incandescent experience (Kermode 1995, 50–53). Bryan Magee studied philosophy because it asked fundamental questions about existence that distressed him while growing up in Hoxton (Magee 1997, 9–10). Raised a Christian, the sociologist A.H. Halsey connected the religious experiences of his youth with the desire to ameliorate the inequities of a class society (Halsey 1996, 12–13). These deeply personal experiences often clashed with the grinding, quotidian demands of formal education itself: taking examinations; mastering codes of academic success; entangling oneself in bureaucratic controversies. Such time-consuming, often petty demands proved antithetical to the purity of aesthetic insight and the idealism of social change. F.R. Leavis famously embittered himself trying to navigate such contradictions.

The publication of the *Black Papers* in the early 1970s illustrated the perils of justifying humanism. Both its co-editors, A. E. Dyson and Brian Cox, considered themselves socially and politically progressive. Together they founded *Critical Quarterly* in 1959, a journal that sought to celebrate humanistic achievement without the idiosyncratic moral strictures that Leavis imposed upon literature (Cox 1992, 112–113). During the 1960s Dyson lobbied for the reform of laws against homosexuals while Brian Cox consistently supported left-wing causes (Harrison 2010, 383). Among other issues, the *Black Papers* sought to uphold academic excellence during a period when educational reformers challenged traditional notions of “standards”

as restrictive and arbitrary. Riding a wave of reform, comprehensive schools replaced grammar schools, viewed by activists as institutions of privilege. Cox and Dyson became alarmed. As scholarship boys they benefitted from academically demanding grammar school educations. They acknowledged the problems of the eleven-plus examinations but defended meritocracy as reasonably fair. Not all contributors were so measured in their contributions. Kingsley Amis famously declared that “more has meant worse” (Amis 1971, 172). Still, the reaction to this defense shocked the editors. A Labour minister linked their ideas to racism and authoritarianism. Newspaper critics questioned their reputation. Once a popular teacher, Cox rapidly became “the most hated professor in the country, nick-named by left-wingers as the Enoch Powell of education” (Cox 1992, 142). Cox received threatening letters; old friends deserted him; fearing guilt by association, Richard Hoggart resigned from the board of *Critical Inquiry*. Cox and Dyson noted ruefully that their most implacable critics from their own generation were upper-class and privately educated, aristocratic paternalism masquerading as egalitarianism (Cox 1992, 174–180).

The struggle over comprehensive schools and progressive education remains a complex, politically inflected narrative (Lowe 2007). Yet it proves a variation on an old dilemma that takes many forms: the compatibility of excellence and accessibility; trained judgment and mass taste; hierarchy and egalitarianism; elitism and democracy. Reith founded the BBC on the principle that a mass medium, if granted a monopoly, could uplift public tastes. He gave the public what it “needed” not what it “wanted.” The *Black Papers* restated a version of this ethos for mass education, arguing that excellence could not be sustained if teachers lost authority and student interests shaped the curriculum. Early in the twentieth century both Left and Right supported cultural paternalism but during the Sixties this consensus began to disintegrate. The Left still regarded itself as naturally egalitarian although its history remained haunted by “vanguards” and notions of “false consciousness.” The Right began to splinter between Tories who maintained aristocratic disdain for cultural populism and Neo-Liberals who professed faith in the market mechanism. The emancipatory politics of both Left and Right often drew upon visceral instincts expressed as intellectual convictions.

Progressive humanists reacted to such polarization in a variety of ways. Some remained aligned to their traditional politics while acknowledging the tensions within their position. In the United States Daniel Bell famously defined himself as “a socialist in economics, a liberal in politics, and a conservative in culture” (Bell 1996, xi). “Neo-conservatives” became a label for a

number of prominent intellectuals whose alarm at radical causes moved them towards the Republican Party. In Britain many contributors to the *Black Papers* joined the Conservative Party, dismayed by the Labour Party's refusal to reconsider its education policies. This decision confirmed the suspicions of critics who all along associated humanism with a complacent *status quo*. Yet, other intellectuals refused to allow their humanism to be so easily politicized and dismissed. They acknowledged that humanistic learning sometimes buttressed powerful interests, but they argued that its values were aspirational and no less vague and unattainable than those on the radical Left and the emerging neo-liberal Right. It was not consistent to judge one doctrine by its lofty goals and another by its flawed practices.

One such goal was "disinterestedness," a concept of laughable pretensions in some quarters. Though scientific practice aspired to impartiality and fashioned experimental methods to assure its results, the social sciences and especially the humanities labored to discover equally persuasive strategies. Yet, notions of detachment long preoccupied certain disciplines, such as history, and during the 1970s found its defenders in figures such as Bryan Magee. A man of wide interests and accomplishments, Magee was a scholarship boy educated at Christ's Hospital and Oxford, who became a successful writer, broadcaster, and Labour Member of Parliament. Magee supported many progressive social reforms during the 1960s, but perhaps became best known a decade later for a series of television interviews with prominent philosophers entitled "Men of Ideas" (Magee 1979). Magee became an especial admirer of Karl Popper, whose ideas he propagated in a short book published in the *Modern Masters* series in 1973. Popper confronted the limitations of induction and argued that scientific laws, though always provisional, can best be tested by systematic attempts to refute them. This method of falsification demarcated sciences from non-science: Marxism and Freudianism sought confirmation, not contradiction, and thus qualified as dogmas, not science. Yet when pursued authentically science and aesthetics shared a common pursuit of objective knowledge, no matter how aspirational. Open societies permitted free criticism that changed minds, an ideal that Magee promoted throughout his career. Near the end of *Popper* he declared his interest: he was a "democratic socialist" who challenged "the garbled mixture of Marxism and liberal-minded opportunism which passes for political theory on the democratic left" (Magee 1973, 84). Like others in the 1970s, Magee embraced a humanism more complex and progressively engaged than its decriers admitted.

The Christian humanist A. H. Halsey believed in an empirical sociology that employed statistical evidence for social purposes. Raised in a house

without electricity, Halsey never slept in a room of his own until adulthood. His scholarship opened up new worlds for him and he quickly rose in the profession after the Second World War. His research into how education improved upward social mobility connected his deepest values with an “objective method of data collection and analysis” (Halsey 1996, 57). Halsey distrusted Marxists, associating them with middle-class intellectuals who provided clever rationalizations for Stalin’s authoritarianism. With others that he encountered at the London School of Economics, Halsey made a virtue of his early disadvantages. “Ours was indeed a provincial radicalism” (Halsey 1996, 53). His response to the students of the 1960s mirrored that of many in his generation. He distrusted the counter-culture, though he remained “suspicious of my own prejudice” (Halsey 1996, 174). More important, he worried about the explosive growth of radical sociology whose “epistemological nihilism and moral relativism” demonized its opponents and undermined respect for the discipline (Halsey 1996, 233). In *British Academics*, published in 1971, he noted that “expansion means change; change hold promise, but also a threat” (Halsey 1971, 465). He supported the humanities, resisted demands for curricular relevance, and presciently noted the curious similarities between ambitious academics and the culture of entrepreneurship. He recognized early what would later become the title of a book: *The Decline of the Donnish Dominion* (Halsey 1992). In the Reith Lectures in 1978, later published as *Change in British Society*, he opposed both Marxism and economic liberalism, claiming that both weighted structure over agency. Earlier than others, he understood how Britain was becoming a post-industrial society where the divisions of labor between classes and sexes became “radically renegotiated” (Halsey 1986, 116). Halsey’s sociological analysis, always carefully validated by statistical evidence, embodied an elegiac tone for a discipline, an institution, and a country whose culture no longer endorsed the social-democratic assumptions that he once presumed unassailable. Yet, like other humanists, he acknowledged the ironies of such disappointments.

Frank Kermode never felt entirely comfortable within the academic environment that he mastered. Born on the Isle of Man in 1919, the son of a workingman, Kermode always considered himself an outsider, no matter how successful he became. He called his autobiography *Not Entitled* and throughout the memoir he inserted the phrase in all its multiple meanings to deflect any unequivocal understanding of its definition (Kermode 1995). During his career as a literary critic and a public intellectual, Kermode evoked the ambiguities of language to inhabit the uncertainties, ironies and doubts of literature, theory, and his own personal identity. His most famous book, *The*

Sense of an Ending published in 1967, appropriated categories of existentialism to discuss how a wide variety of writers confronted apocalypse, death, and closure (Kermode 2000). A humanistic work of immense erudition, the book appeared just as European theory began to penetrate literary studies in Britain and America. Kermode made the adjustment. At University College London, where he was Lord Northcliffe Professor of Modern English Literature, he presided over increasingly famous seminars which discussed Theory with often the theorists themselves present. When the ever restless Kermode moved to Cambridge in 1974, he joined those who defended the post-structuralist Colin MacCabe, denied appointment in a controversy that, as Kermode later described it, “tainted friendships, damaged more casual relationships, and made it impossible to do any real work” (Kermode 1995, 257).

Kermode was amused when others considered him a postmodernist. His willingness to enter the “darker jungle” of Theory illustrated an open-mindedness and intellectual tolerance that marked his entire career (Kermode 1995, 218). The theorist’s preoccupation with the philosophical foundations of language and narrative proved intrinsically stimulating. “No other phase of my academic life has given me so much pleasure and instruction.” Yet, “I was never tempted to declare myself a structuralist, or a post-structuralist, or even narratologist or poetician” (Kermode 1983, 3, 5). Theory contributed to the politicization of the humanities and Kermode understood the stakes. “There is a war on, and he who ventures into no-man’s land brandishing cigarettes and singing carols must expect to be shot at” (Kermode 1983, 7). To argue against Deconstruction and other theorists risked alienation and marginalization. Kermode separated himself from conservatives and reactionaries who refused to consider what Theory offered to literary understanding. Yet, he also considered himself “a diachronic sort of person” who in 1968 published a book called *Continuities* and seven years later *The Classic: Literary Images of Permanence and Change* (Kermode 1968; Kermode 1975). Neither were politically provocative, though in the culture wars it was difficult to hide. Terry Eagleton called him “a bourgeois liberal humanist” and Kermode acknowledged that it was “not easy to act aggressively from a position of moderation” (Tudeau-Clayton 1991, 99; Kermode 1983, 8).

Yet he found a way. In 1979 Kermode published *The Genesis of Secrecy: On the Interpretation of Narrative*, based upon the Charles Eliot Norton lectures that he delivered at Harvard. He dedicated it “To Those Outside,” a phrase replete with ambiguities. The book discussed the biblical interpretation of the gospels, an ancient topic of limited interest to contemporary literary theorists. For Kermode it provided a clever disguise, since virtually every point he

made about biblical hermeneutics applied to modern theorists from Marxists to postmodernists. “Hermes is cunning, and occasionally violent; a trickster, a robber. So it is not surprising that he is also the patron of interpreters” (Kermode 1979, 1). Kermode showed the bias among biblical interpreters to accept the superiority of latent over manifest sense, thereby elevating themselves into an “elect.” “Outsiders must content themselves with the manifest, and pay a supreme penalty for doing so” (Kermode 1979, 3). The process of unmasking, the hermeneutics of suspicion, always involved revealing meanings unavailable to the naïve. Kermode called such acts “divination” thereby linking such explanation to a long tradition of occultists and spiritualists. Like many postmodernists, Kermode accepted that interpretation remains historically embedded, a point that he shared with Dilthey, Heidegger, Gadamer and others in German hermeneutics. Postmodernists also insisted upon this point and deployed it to challenge and mock the essentialism of traditional humanists. But when Kermode noted that “we cannot emigrate from our historical moment” he targeted contemporary relativists, whom he also made temporally dependent (Kermode 1979, viii). There is no Archimedean point outside history: postmodernism too will pass though its acolytes seemed to lack a sense of their own ending. *The Genesis of Secrecy* included a number of such arguments which combine irony and complexity in an unsettling manner. “Word and book, it may be, are hopelessly plural, endlessly disappointing: we stand alone before them aware of their arbitrariness and impenetrability” (Kermode 1979, 145).

Kermode’s book was not without precedent. Like David Hume, he employed the very analytical tools whose limitations he exposed. Hume showed the limits of empirical reason in establishing scientific law: only high probability, not certainty, could be attained. Kermode used his thoroughgoing understanding of theory to disclose its limitations: interpretation could never escape its own boundaries and temporal prejudices. Kermode’s brief book shared something else with an earlier work of protest. Like Virginia Woolf in *A Room of One’s Own*, Kermode wrote a masterfully crafted text that concealed a deep passion, even anger. Woolf denounced the pretensions of male domination; Kermode unmasked the arrogance of ideology and contemporary divination. “Hot for secrets, our only conversation may be with guardians who know less and see less than we can; and our sole hope and pleasure is in the perception of a momentary radiance, before the door of disappointment is finally shut on us” (Kermode 1979, 145). Such irony would be lost on true believers, but not on liberal humanists whose values Kermode espoused.

Malcolm Bradbury exposed the limitations of liberal humanism early in his career. A scholarship boy from “that strange hinterland just above the working class but not quite safely in the middle classes,” Bradbury went to a red-brick university where in the Fifties he immersed himself in jazz and an amorphous existentialism. “I saw myself as an agonized liberal individualist, for whom politics means armies and mobs, for whom the only possible perception was a form of individualist humanism” (Bradbury 1980, 119, 122). Like a number of scholarship boys of his era, Bradbury spent time in the United States, whose citizens defined him as a cultivated Englishman rather than a class upstart. He admired the energy and optimism of the newly-emergent world power; absorbed the complex liberalism of figures such as Lionel Trilling; and seizing an academic opportunity, help found the field of American Studies in Britain. Like his friend David Lodge, Bradbury was both a literary critic and a novelist whose satires of academic life coincided with the unprecedented expansion of higher education during the 1960s. In *Eating People is Wrong*, published in 1959, Bradbury created a character, not unlike himself, who was “no aesthete, no exotic; his driving forces were self-discipline and moral scruple, or so he was disposed to think” (Bradbury 1986, 54). Treece was tolerant, non-committal, and ineffectual, not unlike characters found in E. M. Forster, whom Bradbury admired. Yet, Bradbury perceived a dark future for such fatal English charm: “their own lack of intransigence, their inevitable effeteness, betrayed them” and drove them “to the far edge of alienation” (Bradbury 1986, 201). In *Stepping Westward*, published in 1965, he drew upon his experience in the United States to show once again the flaws of ‘the bland, uncreative British liberalism that gave him his perspective on life’ (Bradbury 1968, 37).

Still, nothing quite prepared Bradbury for the lethal attacks on liberal humanism during the late Sixties and early Seventies. As a new generation of students exuberantly spurned their predecessors, Bradbury opened himself up to new ideas, sympathetic to the ideals of radicals but dismayed by their intolerance and smugness (Taylor 2012, 14–15). In 1971 he published *The Social Context of Modern English Literature*. Inspired by Raymond Williams’s *Culture and Society* and *The Long Revolution*, Bradbury defined his approach as ‘the middle ground between literary study, sociology, and intellectual history, in an area that has come to be called ‘cultural studies’” (Bradbury 1971, xi). He documented the traditions of English humanism and placed its critics in historical context. More important, he traced the rise of modern mass media as both liberating and destructive, “the proletarianization of the entire culture: a state of affairs that many earlier writers had foreshadowed and feared”

(Bradbury 1971, 125). This process now extended to higher education itself, “a world in which the liberal and humane virtues close to much art, if not all, become not only socially but intellectually at risk” (Bradbury 1971, 257). He particularly warned against politicizing knowledge, a process he regarded as reductive and determinist. He noted how Marxism considered disinterestedness as capitalistic, “a highly dubious attribution” (Bradbury 1971, 6). Frank and accusatory, Bradbury’s admonitions failed to take hold: his alternative reading to Williams’s books a decade earlier appealed to other liberal humanists but they, unlike the New Left, formed no movement and, as Bradbury’s early novels revealed, lacked political will. The weak would not inherit.

The History Man changed that, but not in the manner Bradbury envisioned. Published in 1975 but set a few years earlier, the novel marked an important departure for its author. Now Bradbury sought to hide his own point of view: he described the behavior of his protagonists without intending to provide comment. Indeed, he later maintained that its main figure, Howard Kirk, was the most three-dimensional of its characters (Bradbury 1988, 44–45). The entire story was in the present tense not unlike the Kirks themselves who took “their messages from the prevailing air” (Bradbury 1975, 2). A scholarship boy but of a new generation, Kirk viewed education in his youth similarly to his parents, as “an instrument, a virtuous one, for getting on, doing well, becoming even more respectable” (Bradbury 1975, 25). When he became a radical Marxist sociologist, he deployed it as revolutionary weapon to destroy the sexual repression and social privileges of the bourgeoisie. Kirk taught at Watermouth, a fictionalized version of the new universities created after the Robbins Report. Modernistic in concrete and glass, Watermouth reflected the impersonality of its egalitarian hopes: its rooms “stark, simple, repetitious, each one an exemplary instance of all the others” (Bradbury 1975, 66). Undergraduates, like the faculty themselves, no longer resembled an intellectual elite; “for Watermouth does not educate its students, it teaches its teachers” (Bradbury 1975, 136). An opportunist not without charm, Kirk rises in the academic hierarchy, appears on television, and sleeps around, including with students.

Yet it was not as a novel that *The History Man* registered its greatest impact. Adopted for television by Christopher Hampton, the four-part serial appeared on the BBC in 1981 (Simpson 1982). Antony Sher played Howard Kirk and, as Bradbury later admitted, inhabited the role in a manner that transformed the narrative, making it harsher and more politically charged. Howard’s progressive teaching methods, impersonally described in the novel, now became examples of authoritarian intolerance. Howard humiliates a student

who relies on the traditional manner of academic research and presentation. His sociology becomes an exemplar of all that Mrs. Thatcher, now in office, warned about Marxist zeal. Howard's sexual permissiveness becomes less emancipatory than predatory, especially when he seduces a colleague sympathetically portrayed by Laura Davenport. *The History Man* seriously damaged the reputation of sociology as an academic discipline: A. H. Halsey claimed that it "continued to exact a heavy bill long after its characters among tutors and taught had disappeared from campus" (Halsey 2004, 118). Bradbury himself distanced himself from the political appropriation of his creation. He maintained that he respected sociology as "a major component of learning... whose origins go back to the Enlightenment—like much else that is good" (Bradbury 2006, 145).

One Marxist literary critic, Peter Widdowson, dismissed Bradbury's attempt to eschew politics. In an essay "The Anti-History Men: Malcolm Bradbury and David Lodge," Widdowson sought to unmask the apolitical claims of liberal humanism and expose the social irresponsibility of its disingenuous methods. "What Bradbury fails to see—because of his fear of the threat to liberalism from the left—is that his denial of politics *is* a politics; that his reaffirmation of the old elitist liberal culturalism is just as much a part of capitalism as Mrs. Thatcher's monetarism; that individualism is the central tenet of both capitalist economics and liberal humanism; that bourgeois liberalism *is* the ideology of capitalism..." (Widdowson 1984, 12). For a committed Marxist like Widdowson, no activity escapes politics: everything falls within its perview. Attempts to transcend politics only mask a cunning disguise. Widdowson acknowledges that Bradbury deploys a clever tactic to hide his affiliations: "we are never quite sure where he stands in his satirical judgments" (Widdowson 1984, 18). Widdowson knew that irony often provokes unease in its targets: ignoring it grants permission; answering it risks scorn. Yet, he could not allow Bradbury to escape without political guilt. "*The History Man* is an unpleasantly damaging book" that reinforces "the reactionary tendencies in our society" (Widdowson, 20).

Widdowson's critique testifies to the power of the humanist defense in the 1970s. Despite his protests, Bradbury's narrative provided the Right with a justification to slash the budgets of sociology departments in the 1980s, just as *The Black Papers* contributed to the decline of progressive education in Britain. Yet the Left/Right political binary conceals as much as it reveals. Humanists of various kinds—conservative, Christian, secular, liberal—sought to preserve the special experience of the aesthetic encounter which often motivated them to become academics in their youth. In their view,

these experiences transcended politics. Yet humanism needed a home and that home was education. Scholarship boys venerated education not only because it allowed them to escape the economic deprivations of class, but also because it provided a space of renewed aesthetic encounter. Humanists supported expanding opportunity for such encounters but they recoiled when such experience became politicized and degraded. Education lost its aura. Humanists sometimes contributed unwittingly to this loss when they became drawn into political disputes. They knew their own weaknesses but they underestimated their strength. The irony of a lost dominion would not escape their notice.

Socialist humanism

New Left humanists also found themselves on the defensive during the 1970s. The assumptions which served them well in the late Fifties and early Sixties estranged a younger generation of radicals who embraced more deterministic theories of revolutionary change. In an controversial article published in 1976, Terry Eagleton castigated Raymond Williams for his allegiance to a discredited humanism. “Williams’s work remained contaminated. His intellectual relation to the working class involved at once academicist alienation and ideological complicity” (Eagleton 1976, 17). Eagleton noted how F.R. Leavis emphasis on “lived experience” affected Williams’s *Culture and Society* and *The Long Revolution*. When Williams recapitulated Burke’s explanation of tradition without censure or appreciated the spiritual vitality of D.H. Lawrence’s novels, “liberal humanism slips into Tory reaction.” Eagleton leveled a number of other charges, some more devastating than others. He showed how Williams’s rejection of the term “masses” “traded a theoretical instrument of revolutionary struggle for the short change of a liberal humanitarianism” (Eagleton 1976, 6–7). Williams’s inchoate cultural populism even threatened the notion of “classes.” Occasionally this hidden individualism took a curious turn. Williams frequently drew upon his working-class Welsh background to establish his radical credentials both as a writer and as an admired public figure. Yet, drawing upon Williams’s own testimony, Eagleton noted how in his influential autobiographical novel *Border Country*, Williams divided his actual father into two distinct characters, one a “wholly admirable” working-class radical and the other a more compromising businessman and entrepreneur (Eagleton 1976, 13). The writer who later in *The Country and the City* would expose the dangers of a mythologized past created one of his own.

Eagleton acknowledged Williams’s greater openness to European theory during the early 1970s, but argued that his ‘rapprochement with Marx-

ism is still, evidently, a fraught, dissentient, intellectually unclarified affair.” Too often Williams looked abroad to discover theorists who confirmed his own prejudices, “a symptom of intellectual provincialism.” Williams often relied upon vague formulations such as “structure of feeling” when he should have invoked the more robust notion of “ideology.” Eagleton particularly objected to Williams’s intervention in the long Marxist debate over base and superstructure. Williams thought the formulation too crude and deterministic. Yet his revisionist notion of “cultural materialism” irritated Eagleton. “Anxious to preserve the ‘primal’ reality of art...Williams resolves the dilemma by effectively collapsing art back into the material base itself.” Base and superstructure became fused into an incoherent whole. Even Williams’s assimilation of Gramsci’s concept of hegemony proved unsatisfactory since Williams regarded it as form of human experience rather than a more deterministic force, structurally differentiated into “into its economic, political and ideological formations” (Eagleton 1976, 22–23).

Eagleton later disavowed his critique of his former teacher but his embarrassment only confirmed the pertinence of his analysis. Like liberal humanism, socialist humanism wished to maintain its progressive credentials without sacrificing its allegiance to lived experience and individual agency. Like other humanists of the decade, Williams sought to accommodate his critics rather than cling stubbornly to the past, a losing strategy for radicals. Yet, as Eagleton impertinently perceived, Williams’s work was full of unresolved inconsistencies and evasions, a weakness of humanists once thought endearing rather than politically culpable. Williams compounded this problem by often speaking and writing in a convoluted style that some thought complex and others puzzling. Nowhere was this more apparent than in his extraordinary “interviews” with editors from the *New Left Review*. In these lengthy and carefully edited discussions, published as *Politics and Letters* in 1979, the interlocutors constantly sought to expose the intellectual weaknesses and political vulnerabilities of Williams’s humanism. Often covering the same ground as Eagleton, the questioners noted the anomalies of Williams’s childhood in Wales, his favorable interpretations of figures such as Burke, the influence of Leavis upon his literary criticism, and the vagaries of “structure of feeling.” Each time Williams would offer concessions and elaborate revisions that never entirely abandoned his original positions (Jay 2005, 202–205). His allegiance to “lived experience” was not simply the basis of his cultural analysis, it was also critical to his personal identity. Williams defined himself as an authentic countryman whose successful academic career never entirely separated him from his origins in a Welsh village. His political radi-

calism sought, in part, to recapture for an entire society the community that he remembered from his youth. Eagleton and the editors of the *New Left Review* unmasked the nostalgic, distorted, and politically susceptible elements of this humanistic vision but they never entirely dismissed it, in part because they lacked a practical alternative. What did an Althussarian politics or culture exactly look like?

These were questions asked by E. P. Thompson in *The Poverty of Theory*, a seminal text for the defense of humanism in the 1970s. Sarcastic and unforgiving, Thompson declared rhetorical war on Althusser and his British disciples. They were “freaks,” “aspirant intellectuals, whose amateurish intellectual preparation disarms them before manifest absurdities;” and, at bottom, “*bourgeois*, because...many of them would *like* to be ‘revolutionaries.’” The “enchanted minds” of Structuralists “move through humourless, visionary fields, negotiate imaginary obstacles, slay mythical monsters (‘humanism’, ‘moralism’), perform tribal rites with the rehearsal of approved texts” (Thompson 1978, 3, 24). Thompson’s anger matched that of Kingsley Amis and Malcolm Bradbury, but unlike them he relied upon Juvenalian, not Horatian satire to make his points. This abrasiveness, which clearly borrowed from Marx’s polemical style, deeply upset the Left, which censured him for his lack of fairness and collegiality, a curious accusation for radicals and revolutionaries (Palmer 1994, 123). Yet as with *The History Man*, satire proved difficult to answer and forced its targets to play defense. Unlike critics on the Right, Thompson could not be ignored.

Thompson’s justification of the historical method, his emphasis on human agency within the evolving social constraints of lived experience, and his revulsion against Stalinism shared a number of interrelated characteristics. First, he drew upon the common-sense traditions of British philosophy in which abstruse metaphysical problems could be solved by appeal to the immediate senses (Easthope 1988, 97). Samuel Johnson’s refutation of Berkeley’s idealism resonated in Thompson’s contempt for Althusser. Lived experience could not be dismissed as illusionary. It “walks in without knocking at the door, and announces deaths, crisis of subsistence, trench warfare, unemployment, inflation, genocide. People starve: their survivors think in new ways about the market. People are imprisoned: in prison they meditate in new ways about the law” (Thompson 1978, 9). Thompson shared with Edmund Burke the notion that social behavior evolved over time from the challenges and responses of developing circumstances. Burke invoked these rich textures to justify opposition to the French Revolution. Thompson, like Raymond Williams earlier, deployed the complexities of historical change to

validate the communitarian traditions of socialism, a dialectical materialism that drew as much from English historiography as from Marx's inversion of Hegel's logic. Thompson's seminal *The Making of the English Working Class* sought to particularize the complex historical evolution of a social structure that could not be consigned to static categories and whose characteristics depended upon the actions and decisions of individual characters. Such a work of historical reconstruction required long hours in the archives, evaluating incomplete, often recalcitrant evidence, and fabricating a provisional narrative always subject to later revision.

Second, underlying Thompson's swashbuckling and often self-indulgent condemnation of Structuralism was a disguised plea for intellectual modesty. Thompson frequently accused Althusser of Stalinism, a charge that friends of the French philosopher challenged (Hamilton 2011, 190). Thompson argued that Althusser created theoretical categories that predetermined the guilt or innocence of individuals locked within them. "Thus we can see the emergence of Althusserianism as a manifestation of a general police action within ideology, as the attempt to reconstruct Stalinism at the level of theory." Guilt by association or class affiliation infuriated Thompson who often sarcastically confessed to his own ideological deviancy. "My face is hideous, contorted with renegade malice, drooling with bourgeois spittle" (Thompson 1978, 130–131). Within the context of an impassioned academic dispute, such posturing could be amusing, but Thompson understood how catastrophic deterministic thinking could become when wedded with political power. Stalin's liquidation of the Kulaks, the Holocaust, and the contemporaneous genocide in Cambodia, were all products of ideologies that legitimized collective guilt. Ideas had consequences. Yet, unlike other Marxists disillusioned with Soviet communism, Thompson refused to abandon the aspirations of socialism. "The generation of '1956' did not say that God had failed; we said that *we* had failed, and that we meant to clear that failure up" (Thompson 1978, 138). Part of this reclamation involved an receptive intelligence, rigorous debate, admission of error, and acknowledgment of moral ambiguity, all fundamental to humanistic inquiry. "Marx was often wrong, and sometimes wrong in damaging ways" (Thompson 1978, 169).

The complexity and existential authenticity of lived experience within social constraints was a third and central trait of Thompson's defense of socialist humanism. Thompson famously illustrated his point by relating the story of a fictionalized woman, who as a wife, mistress, mother, shop steward, amateur violinist, occasional Church of England communicant, and Labour party activist occupied a number of conflicting social roles. "Is the woman then no

more than a point at which all these relations, structures, roles, expectations, norms and functions *intersect*; is she the carrier of all of them, simultaneously, and is she *acted* by them, and absolutely determined at their intersection?" Thompson rejects the binary of individual agency or social determination; one creates atomized isolates, the illusion of classical liberalism, and the other hapless victims where "we are *structured* by social relations, *spoken* by pre-given linguistic structures, *thought* by ideologies, *dreamed* by myths, *gendered* by patriarchal sexual norms, *bonded* by affective obligations, *cultured* by *mentalities* and *acted* by history's script." Each of these structures embody their own truth, but also their own limitation when asserted as uniquely causal. Here Thompson makes a provocative comparison, insulting to modern theorists. Structuralism, Thompson asserts, creates an omnipotent "Other" not unlike "God" or "Fate"—the universal causal appeals of a superstitious past. Such explanations depreciate reason and abdicate moral responsibility. The woman is "not a bloody THING!" (Thompson 1978, 151–153). She lives daily within a series of conflicting social expectations and muddled personal choices that humanists explore in detail rather than consign to omnipotent Beings, Forces, or Structures.

In his 1960 essay "Outside the Whale" Thompson labeled George Orwell an apologist for "quietism" but it is remarkable what they shared (Thompson, 1978, 223). Both rejected prevailing orthodoxies of the Left whose political goals they still espoused. Orwell exposed the oppression of social planners in *Road to Wigan Pier*; Thompson accused Althusser of authoritarianism. Both were labeled as ideological deviants; Orwell as a Trotskyite during the Spanish Civil War; and Thompson as a "empirical, liberal, moralistic humanist" early in the 1960s (Thompson 1978, 188–189). Both advocated a form of libertarianism that attracted few socialist disciples. Orwell's later works often became appropriated by the Right during the Cold War; Thompson's "libertarian Communism" coincided with the decline of the Left both in Britain and internationally (Thompson 1978, 190). Finally, both were nationalists. Orwell's broadcasts during the Second World War revealed a committed if unconventional patriot. Thompson disclosed his allegiances with characteristic sarcasm. At one point he contrasts the benighted "English historian" with the "rigorous Parisian philosopher." At another, he refers to the existentialist "Sartre, whose thought I cannot (as a good Englishman).always follow in its subtlety" (Thompson 1978, 5, 109). Thompson's admiration for English law in *Whigs and Hunters* startled his followers (Hamilton 2011, 214). Eric Hobsbawm said that Thompson was "the traditional English (not British).country gentleman of the radical Left" (Palmer 2013, 216).

Near the end of *The Poverty of Theory* Thompson predicted that Structuralist theory would “collapse in the next decade into a shambles” (Thompson 1978, 210). Perry Anderson, an old critic of Thompson, defended Althusser in *Arguments within English Marxism*, published in 1980. He challenged Thompson’s definition of “history” and “experience;” corrected some of his wilder charges against Althusser, and indicated the autobiographical origins of his dissent, an unusual tactic for a critic of humanism (Anderson 1980). Yet, Anderson’s arguments lacked the persuasiveness of his earlier writings and came at a difficult time for the aging New Left. Althusser lapsed into madness and criminal behavior; his influence waned faster than Thompson predicted. The detractors of socialist humanism themselves became discredited. But their work exacted a toll. Increasingly embittered, Thompson retreated into isolation. His often difficult personality alienated even his admirers. In the 1980s, he refused offers to defend Marxism in public (Hamilton 2011, 275).

The Left was in crisis in the late 1970s. The problems of the Labour Party and the labour movement have been well-documented. Inflation, unemployment, the humiliation of the IMF loan, trade union militancy, internecine political conflict, and uninspired leadership contributed to a deepening pessimism in Britain (Morgan 1999, 317–433). In a lecture delivered in 1978 eventually published as *The Forward March of Labour Halted?*, Eric Hobsbawm offered a prescient historical explanation for the Left’s deterioration. A Communist who defined himself as a humanist, Hobsbawm was not a typical scholarship boy. Born in Egypt in 1917 to English expatriates, he moved with his Jewish parents to Vienna when he was two years old. His father died in 1929 and his mother two years later, the family money long since lost. Hobsbawm lived with relatives in Berlin before enrolling in St Marlebone Grammar School where he excelled and eventually won a major scholarship to Cambridge (Hobsbawm 2002, 1–113). Like E.P. Thompson, Hobsbawm had reservations about the student radicalism of the 1960s but his books contributed to the academic dominance of the Left in 1970s. Unlike Williams and Thompson, no radical challenged his political allegiances before his seminal intervention in 1978.

Hobsbawm grasped what others missed. Structural changes in the economy and society after the Second World War eroded the foundations of socialism. Manual occupations declined, slowing the growth of the workforce and transforming the patterns of union organization. The growth of white-collar professions which identified with the middle-class interests drew off members of the old labour aristocracy. British capitalism increasingly mechanized its production; public sector employment grew tremendously; women entered

the work force in large numbers; and the standard of living increased even as British economy continued its relative decline internationally. Hobsbawm empirical and characteristically sophisticated multi-causal argument provided deep structural reasons for labour's decline. He anticipated what later economists would describe more simply: Britain was becoming a service economy gradually transforming the class system beyond recognition. Hobsbawm warned specifically about one damaging aspect of this social change. The labour movement was becoming sectarian: "we now see a growing division of workers into sections and groups, each pursuing its own economic interests irrespective of the rest" (Hobsbawm 1981, 14). Militant trade unions made increasingly unreasonable wage demands that harmed other workers. "Economist trade union consciousness may at times actually set workers against each other rather than establish wider patterns of solidarity" (Hobsbawm 1981, 18). Socialism lost its authenticity when workers destructively fought among themselves for selfish, materialist goals.

Hobsbawm understood his own predicament and anticipated how his analysis would be received. If the labour movement wants "to recover its soul, its dynamism, and its historical initiative" it must face facts "as Marx would certainly have done" (Hobsbawm 1981, 19). It must understand its situation before it can correct it. Not unlike Malcolm Bradbury and E.P. Thompson, Hobsbawm felt compelled to point out the intellectual and moral limitations of the politics which he supported. And, as with the student radicals of the 1960s whose protests, they always insisted, sought to improve the universities that they challenged, Hobsbawm risked alienating his allies and damaging his own radical cause. He never renounced his allegiance to Communism; yet in the 1980s he supported the moderating forces within the Labour Party and warned against a suicidal militancy that claimed Labour was not revolutionary enough.

Feminist humanism

Fragmentation affected the Left in other ways during the 1970s, particularly with the rise of identity politics. Second-wave feminism took many forms. Germaine Greer exemplified the often surprising links between the sexual revolution of the 1960s and women's liberation. In *The Female Eunuch*, published in 1970, she demonstrated a remarkable skill at sparking controversy, a talent that served her well in the mass media and drew attention to a movement that often distanced itself from her provocations (Greer 1970). Juliet Mitchell connected the movement to both Marx and Freud, providing feminism with a pedigree especially appealing to progressive intellectuals

(Mitchell 1974). Sheila Rowbotham was an activist and prolific historian of the movement whose appeal to personal experience exemplified both the strengths and weaknesses of British feminism during its early, heroic phase. A scholarship girl from a conservative, lower-middle class background in Leeds, Rowbotham shared with Greer both the emancipatory and oppressive experiences of a liberated sexuality during the Sixties. Her later memoir, *Promise of a Dream*, recorded in vivifying detail her evolution from proper young student to hippie and political activist (Rowbotham 2001). Like other bright women, she experienced the tensions between the utopian political aspirations of a radical student generation and her treatment as a female by the men who lead the movement. These experiences became absorbed into the vital feminist notion that “the personal is political.”

In *Women’s Consciousness, Man’s World*, published in 1973, she noted how a man “bullied” her into Marxism and explored how it was possible “to relate my particular experiences as a woman to the Marxism I had inherited” (Rowbotham 1973, 17, 24). Women could not understand fully their own predicament unless they shared their experiences with each other. The confessional style, often despised by men, disclosed how and why women negotiated their own oppression. This raising of consciousness was not easy. “Nobody else took us seriously, we did not even believe in ourselves. We were dolly, chick, broad” (Rowbotham 1973, 30). Yet, over time, the authenticity of personal feelings, communicated among women willing to expose vulnerabilities, created a new radical politics. How this feminism incorporated Marxism required “extending it into areas in which men have been unable to take it, by distilling it through the particularities of our own experience” (Rowbotham 1973, 45). Like other second-wave feminists, Rowbotham assumed that women shared the same experiences: the politicization of the personal would create a united front. She discovered during the 1970s that women of different classes, races, and nationalities experienced their lives very differently. Feminism in Britain began to balkanize, as Rowbotham herself later recorded in her pioneering narrative *The Past is Before Us*. “As consensus disintegrated and the community of sisterhood could not hold, the inclination was towards ostracism. It has been painfully difficult under the banner of ‘the personal is political,’ to admit that...there is not going to be a uniformity of wants among women” (Rowbotham 1989, 298).

In 1979, Rowbotham and two other feminists published *Beyond the Fragments* that sought to explain the movement’s fragmentation and find means to transcend it. Rowbotham contributed the longest article and cited E.P. Thompson’s libertarian socialism as a model of political organization.

Rowbotham first met the Thompsons in the 1960s and developed a close relationship with them (Rowbotham 2001, 55–57). She absorbed his humanistic approach to radicalism, especially his rejection of authoritarianism. She particularly objected to notions of “false consciousness” since Marxists long ignored the experiences of women and other minorities. Beginning in the late 1960s these groups sought to correct the Marxist preoccupation with economic exploitation. They resisted “oppression being reduced by the left to an economic or equal rights issue and spoken for by ‘professionals’ who claimed they knew better than the people involved in the movements.” Indeed, Rowbotham acknowledged that the Right “often grasps the significance of the connection between areas of control more thoroughly than the left” (Rowbotham 2013, 219).

Beyond the Fragments proved better at explaining the fragments than going beyond them. The authenticity of personal experience allowed women to separate themselves from gender hierarchies and demand greater equality. Yet it embodied a logic of individual grievance that undermined political solidarity and opened the door to greater division. Identities could be continually divided into interest groups, each following their own agenda, with their own foundational texts and inspirational leaders. The identity politics that emerged from the student rebellions and anti-authoritarian counter-culture of the Sixties created a reformation that eroded the catholic appeals of economic injustice, though the Left always fought division among its ranks. Alert to the ironies and contradictions of her own subjectivities, Rowbotham recognized that a feminism founded upon personal experience could eventually lead to an atomized individualism, the wheelhouse of classical liberalism. As she wrote in a reissued edition of *Beyond the Fragments*, published in 2013, “Thatcher’s skill lay not just in propounding extreme right-wing theories as genteel common sense, she shifted the political compass. Concepts of individual freedom, choice and participation, even the word ‘radical’ were coopted into the new conservatism” (Rowbotham 2013, 19).

The defense of humanism in the 1970s involved many such ironies. Eagleton and Widdowson had a point: both liberal and socialist humanism shared a respect for individualism that Thatcher could appropriate for her own uses. She too espoused a version of libertarianism. She too believed that the personal could become political. Humanists such as Kermode, Bradbury, Thompson, Hobsbawm and Rowbotham exposed the arrogance and selfishness of the Left that Thatcher also exploited. She too was a moralist, albeit of a different kind (Grimley 2012, 78–79). Politicized academics and other public sector intellectuals could no longer pretend to be detached, impartial

servants of the community: their hypocrisy undermined the institutions that sustained them. Thatcher's transformation of the universities in the 1980s followed a political logic pioneered by the Left and ironically sanctioned by humanists who saw the dangers early but feared being stigmatized as conservative, even reactionary. The Left's internal divisions undermined its social solidarity and yet feminism and other forms of identity politics endured as a legacy of the decade, sustained by a political consensus replacing the one that Thatcher helped destroy. There was perhaps a final irony: Thatcherism was part of something much larger. Reagan's America, the liberal, nationalist revolts in Eastern Europe, the collapse of the Soviet Union, and the capitalistic reforms in China after Mao's death indicate that the revival of Classical Liberalism was a global phenomenon and part of a large structural change, widely acknowledged and yet not fully explained. Was a renewed faith in personal agency structurally determined? If so, the postmodern dismissal of grand narratives missed the one hidden in plain sight.

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Pluralistic Humanism: Democracy and the Religious

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ABSTRACT

I propose we discuss *pluralistic humanism* as an alternative to both *atheism* and traditional *theism* in an effort to establish a democratic faith to which we, despite our differences, can bind ourselves. I draw on the thought of American pragmatists (James, Dewey, Rorty, and Kitcher) to articulate a constructive criticism of new atheists (Dawkins, Dennett, Harris, and Hitchens). This criticism primarily focuses on the unacknowledged affinities between religion and scientific atheism—namely, a naive realism and a conversion experience—with the hope of using such common ground as a starting point for not only shared experience but for self-examination. I conclude with the proposal that we take up a Deweyan conception of democracy as a common faith aimed at effecting religious or spiritual experiences despite the traditional oppression of institutional religion.

Keywords

Humanism, Atheism, Theism, science, religion, pragmatism, democracy

The word *atheism* and its cognates bring to mind myriad matters. For some, it is just a perspective among many. For many, however, it is a loaded term. For the better part of history, to be an atheist was to be a pariah. You could believe anything, so long as you believed in something. More recently, the tide has shifted. People are more willing to admit that they are atheists – or at least to tolerate atheists among their community. Nevertheless, Americans are more suspicious of atheists than any other group. There still remains not only a negative connotation to the word but an etymological difficulty. It is a negative word. It simply means “no theism,” “no god-belief,” “no god.” It is a denial, a rejection of another position. Despite this etymological lacking,

many atheists have been busy trying to change the negative meaning into a positive one. I think this attempt is mistaken. Among the many reasons for thinking so is that, as someone whose belief system is utterly lacking in most common conceptions of god or divinity, I don't think of myself in negative terms nor do I define my beliefs strictly in opposition to another set of beliefs. In this essay, I aim to outline in broad strokes a positive position that accounts for a meaningful life—an account that happens to have no place nor need for god. Another reason to doubt attempts to re-imagine atheism (related to the previous point) is that there are living traditions already doing the work of creating meaning. These traditions fit broadly under the label of humanism. The two most popular humanisms are secular humanism and religious humanism. But we could also add others, such as evolutionary humanism or naturalistic humanism or cultural humanism. In just listing without describing these positions, I want to draw attention to the fact that these positions are similar but different. In light of the family resemblance, I think a better name than atheism is *pluralistic humanism*.

In sketching out and defending this position, I draw from the American philosophical tradition of pragmatism. But I won't be describing it in great detail. Rather, in a typically pragmatist manner, I'll be helping myself to ideas and other tools as I see fit. I will argue that among the many problems with the use of atheism beyond its straightforward meaning is that in practice many atheists are not so different than the theists whom they criticize. I will also argue that the main issue I have with either camp is that they tend to resist change, especially in their views. In other words, I will be advocating in my pluralistic humanism a robust fallibilism—the epistemic virtue that holds that all belief is provisional and that any belief may be revised in light of further experience. Central to both the philosophical tradition of pragmatism (which includes fallibilism) and my own perspective is the creative possibility of democratic life. I conclude with a radical view of democracy that is, in a sense, a faith itself. To begin, however, I turn to the more traditional or common view of democracy as simply a political institution.

Prior to the establishment of the United States as its own nation, democratic ideas in The West were developing alongside new scientific ideas. The divine right of kings was not only challenged by growing democratic sentiment but also by direct empirical challenges to Christian orthodoxy. The first significant challenge was that the Earth was not the center of the universe. Rather it was a planet, a wanderer in space, that orbited the Sun like all the other planets. Humans lost their special place in the universe. But that wasn't the only scientific challenge to the Christian orthodoxy. Most intellectuals

in the West were able to reconcile a divine world of creation with the new physics because of a central dualism between mind and body, between mental and physical, between the world of meaning and the world of causality. From Plato to Descartes to Kant, this dichotomous perspective on the world safeguarded humanity's religious inclinations. That is, so long as science only studied the inert physical world and could not study the living world and subsequently the moral one, then god belief was safe. In fact, the best biological theory that explained how meaning was imbued in the living and mental world was special creation. Just as humans could take inert material, like iron, and form it into something useful, into some sort of artifact that serves a purpose, God created all living things, including humans. Notably, with our design, we were given a distinct purpose from the rest of nature, to tend it and rule over Creation.

Then came Darwin. Darwin's theory of evolution showed a way to produce complexity out of simplicity, to get intelligence out of stupidity—to design without a designer, as Daniel Dennett argues (1995). Natural selection is an utterly stupid process. There is no thought going on whatsoever. As long as there is variation in a population, for which resources necessary for living and reproduction are limited, and those variations are inheritable and give some members of that population an advantage in the competition for those resources, then evolution *must happen*. There is no getting out of it. The consequences of Darwin's idea are far reaching for science and philosophy as much as for religion (Dewey 1910; Dennett 1995; Popp 2007).

The implication for religion is straightforward: just as heliocentrism removed humanity from the center of it all, Darwinism removed humanity from its special place in creation to just being another animal. A further blow to the Western conception of ourselves came not long after Darwin with Freud's idea of the unconscious mind, which was a rejection of the fully transparent mind. The full effect of both Darwin and Freud on philosophy and science is complex and interesting, but well beyond my aims here. As is the claim by Flanagan and Barack that neuroscience is finishing the job by killing off the immaterial and immortal soul altogether (2010). However, there are a few things worth mentioning.

The furor over evolution did not initially come from religion but from philosophy and science (Dewey 1910). Prior to Darwin, science was understood as a deductive affair, much like Euclid's geometric proofs. The application of Newtonian science proceeded in a similar manner of deductively inferring from universal laws of nature ever more particular cases. Darwin's approach was unique because it tied together in a statistical fashion several sets of data,

from geology to ornithology. The new statistical sciences were highly inductive, meaning that there was room for error. In speaking of probabilities where his predecessors spoke of necessities and absolutes, Darwin showed a new way for doing science. This new way of doing science continues to have significant effects for how we do philosophy.

One of the immediate effects of Darwinism on philosophy was the development of American pragmatism. If human beings and everything about human beings were in some way the result of evolutionary processes, then traditionally divine matters like morality, meaning, and mind were also products of this unintelligent general process. The early pragmatists sought to reconstruct our view of ourselves and our activities in light of this new evolutionary perspective. Their line of thinking went something like this: If humans evolved out of the natural world, then we are part of and participant in the natural world. The old divisions we inherited from Plato, such as the opposition between mind and body or mind and world no longer hold. The problem of knowing about the external world dissolved because we are of that world, so our ways of getting about that world are just a matter of skill and how to improve such skills. Mind is no longer a mirror of nature; science is no longer the attempt to discover deeper truths reflected in that mirror; and philosophy is no longer the effort to clean up whatever mess science produces in the mirror (Dewey 1917, 1938; Rorty 1979).

Instead, to speak of the conscious mind is to speak of the creative process of imagining and enacting solutions to felt difficulties that emerge out of our interactions with the world. Science is the deliberate modification of parts of the world to bring about desired consequences in the effort to solve these felt problems. Philosophy is the critical organ that helps clarify what the problems are, what methods and data are best suited to the resolution of problems, and how to critically imagine new ways of interacting with the world that make such interactions better for as many as possible.

If the mind is not a mirror of nature, then what about mental things like beliefs, ideas, and mental representations? If these things aren't some sort of reflection of reality, what are they? The pragmatists argue that beliefs are habits of action; ideas are tools for thinking and action; and representations are proposals or opportunities for action. Notice the emphasis on action. Instead of the Platonic ideal of pure rational contemplation, mind, on this Darwinian account, is a function adapted to the interaction of the organism and its environment. Just as an example, consider the view that beliefs are not reflections of how reality is but are habits of action. A habit of action means nothing more than a disposition to act in a certain way under specific circum-

stances. For instance, when I am thirsty, am near a source of water, and not preoccupied with something more pressing than quenching my thirst, I go to the water and drink: that's just what it means for me to believe that water quenches thirst. Take another example of someone who believes he can walk on thin air. He may tell everybody this or keep it to himself. So long as he never finds himself in the situation in which that belief is to be tested, he'll continue to believe it. But should he find himself in such a situation, we all know how that must end.

Such tests are an everyday, commonsense approach to living. Science is experimental because it deliberately produces situations to test ideas, so conceived as hypotheses for action. Testing out an idea shows whether that idea works in various situations. The more situations in which that idea works, the truer it becomes. But there may be special circumstances in which that idea isn't very useful. Just as the general idea of a screw works in numerous circumstances, the multitude of screws, ranging in size, material, and purpose, demonstrates that pragmatic considerations play an important role in human action, from the quotidian to the scientific. Dewey's observation that "language [is] the tool of tools" is especially relevant here (1925, 134).

Given this conception of truth as one invested in ameliorative action, all truth is, in the end, ethical. William James describes truth as a species of the good (1907, 75). Dewey's instrumentalist perspective is similar in that the language we use to think is a matter of selecting and utilizing words for acting in the world—be it in imagination or immediate action. A successful action—that is to say, something that improves our experience: which is to say, something good—is the product of inquiry, itself performed with tools—including ideas or words—that make some courses of action more or less plausible.

Philip Kitcher elaborates the point with regard to language, truth, and ethics. He writes:

I now want to make what may appear to be an absurd claim. Ethical truth is fundamental to all species of truth, factual, mathematical, fictional, religious, or whatever. My claim rests on two suppositions: first, all notions of truth are subject to a pragmatic constraint; second, the pragmatic constraint presupposes a notion of ethical truth. (2014, 86)

We may employ myriad languages to discuss a situation, but most of those languages are not useful for ameliorative action. We describe situations in myriad ways in order to better comprehend the multitude of factors; yet only a few or one is best suited for immediate constraints on action. As Kitcher

puts it, “Languages are worth employing only when they are apt for realizing some human purpose” (2014, 86). He goes on to conclude:

Truth depends on the aptness of language. The aptness of language depends on the validity of the purposes the language is to promote. The validity of purposes depends on a claim to ethical truth. Thus, absurd as it may initially sound, ethical truth is fundamental to all species of truth. (2014, 87)

My concern over language—that we shouldn’t try to repurpose the word *atheism* beyond its negative connotation (i.e., its denial of an affirmative position, namely “god-belief”)—is not merely one over rhetoric: it is ultimately an ethical concern. But it also critically engages other views within philosophy and cognitive science, notably those having to deal with the metaphysical and epistemological views of imagination, representation, and idea.

When we exercise our imaginations, traditional philosophy holds that mental representations are at work. Most non-philosophers are not familiar with the loaded meaning of the word, *representation*, and I won’t go into much detail here. All that needs to be said is that traditional representations are special mental things about which and with which the mind thinks about the world. Somehow these representations are to serve as reflections of the things themselves in the world, independently of human bias. But how this works has never been made clear. Indeed, from Plato to Descartes, from Locke to Kant, the bottom-line explanation was that somehow God makes this happen because of his benevolence. To the modern scientific ear this is simply silly. The pragmatists continue to debate over whether to reconstruct the word, ‘representation,’ or to reject it outright. Regardless of that debate, the alternative to traditional representation is put in terms of imagination (Rorty 2011; Johnson 2014). When we imagine we don’t strictly think about how the world is independently of human beings or human activity. Rather, we imagine possibilities that stretch our beliefs about how the world works to see what would happen under various conditions, some not at all unreasonable, others utterly fantastic. Such musings underlie the arts, traditionally seen as the proper domain for human creativity, as well as the sciences, which, on this view, are as creative as the arts, which are as experimental as the sciences. Throughout all human inquiry, it follows from this evolutionary perspective, humans are not only engaged in figuring out the truth: they’re also engaged in the ethical project (Kitcher 2011).

The consequences of Darwin should be clearer, especially with regard to language, truth, and ethics in terms of fallible and experimental inquiry, to which I will return momentarily. For now, I bring my discussion back to

religion by means of Freud. Freud provided perhaps the most recent disruption to the Christian orthodox view of ourselves by showing that we have an unconscious mind. Combining the unconscious with the pragmatist view of beliefs as habits of action means that we have beliefs that we don't know about, of which we are unaware. That is, we often act in ways, perhaps predictable by those who know us but not recognizable to ourselves, that sometimes undermine the beliefs we champion and cherish. This insight has led many to begin dealing with various forms of chauvinism, from racism and sexism to homophobia and other forms of bigotry.

Which brings me to religion. A very common view of religion today is that it is old-fashioned and bigoted. Many of the most heated voices about the issues I just mentioned come from religious people, leaders, or institutions. The culture wars over the last forty years or so came to a particular head when Islamic fundamentalists coordinated the devastating attack on the United States on 9/11. This attack led to several Western intellectuals, many trained in evolutionary science and/or neuroscience, to respond with what has since been called the *new atheism* (Harris 2005; Dawkins 2006; Dennett 2006; Hitchens 2007). They have pointed to the successes of science over the last 500 years and how the Biblical orthodoxy simply does not hold up. So if the metaphysical claims of the Bible have been and will continue to be demolished by the advance of science, these atheists argue, why do we continue to tolerate religion, especially when it comes to morality? After all, they argue, their morality is based in some manner on the facts presented by the Bible. But if those facts are not the case, then we shouldn't continue to base our morality on them.

What is the alternative? This is not as easy as some of these new atheists suggest. For what they fail to recognize is that they share some deeper affinities with the religious people or institutions they attack. Consider two straightforward examples. The first example is that many atheists whom I have met are very eager to tell me how they came to atheism. They follow a pattern well documented in Christianity: "Before I came to my senses or to the light, I was blind; I led a false life. But then I was re-born." Taken literally, re-birth sounds ridiculous: nobody believes the person re-emerges from one's mother. Figuratively, however, being born again can be very powerful, and, indeed, life changing. Such a distinction, unfortunately, is not made regularly enough or held consistently enough – hence the ethical import of language selection.¹

1. See Rorty 2007c on the central shift he sees from modern ethics, based in Kant's deontology, to a pragmatist ethics based in Dewey. In short, Rorty takes any ethical exigency, specifically one having to do with whether to be moral, as a question about what sort of person one is going to be. Coming out of his narrative conception of self and his empha-

Giving testimony of their conversion experience is not the only affinity new atheism has with traditional religion. Another is the one-two punch of realism and fallibilism. By realism, I mean there is a world that human experience does not directly or easily access, a reality that some distinct method gets at. For traditional religion, the method varies from introspective prayer to simply receiving the divine light. For the new atheists, Science (with the capital S, to make sure you know it's serious) is that right and proper method. There are numerous problems with both views, one of which is that neither is fallibilistic.

First, consider the history of science and religion. Modern science—before Darwin, a distinction not readily recognized—was Christian science. Scientists were working to discover the natural and *rational* laws created by a *rational* God. Just as there were moral laws to be discovered through theology or moral philosophy, so through natural philosophy scientists examined the divine creation, from physics to biology. The philosophical presupposition that the universe is not only rational but accessible through rational means follows from the Christian cultural context in which modern science developed. For both religious and scientific methods, the truth found by inquiry was not only rational; it was also universal, fixed, and absolute. If what was claimed to be true could change depending on changes in experience, then it really wasn't true. The inquirer was somehow mistaken in practicing the method designed to grant special access to the reality of either the causal structure of the world or its moral lawfulness.

The main difficulty with relying on a special connection with the divine is that it is not public. This is particularly distressing in a democracy.² Consider this illustration.³ You and I have come to discuss a policy that will affect the whole community. I share my proposal, which you find a bit far fetched, so you ask me to explain myself. I happily explain that I got my wonderful idea from where I get all of my ideas, from my friend Sophia. Understandably, you ask about Sophia, who is she? Can you meet her? Does she have the rel-

sis on choosing final vocabularies, ethics is a matter of self-creation, for Rorty. But if we take up a variety of pragmatism more consonant with Dewey or Kitcher (especially his claim that all truth is ethical), then ethics is not so much a matter of self-*creation* but self-*cultivation*. This point deserves far more attention than I can devote to it here.

2. The following argument is motivated by Rorty 2007a, 2007b (especially pp. 30–31), and 2011. In some regards, it is very similar in the rejection of special access to non-human reality (the realism). In other regards, there is a significant difference with regard to the nature of truth and experience, which Rorty rejects.
3. This follows from Dennett 2006, p. 296; see also Rorty 1999.

evant expertise in these matters? And so forth. I reply by saying that she is my special friend, she only talks to me, and she doesn't meet with anybody else. I just know that she's really smart, and I have no reason to doubt her. Would you find this satisfying? Sure, it's possible that I really do have this friend, who is very shy and wise. But it would be irresponsible of you to back my policy based on this explanation alone. You would want some reasoned evidence to support my claims.

This reasoned evidence is public because anybody, regardless of background, be it a person's friends or a person's religious tradition, can access it and criticize it. It is public because it can be tested out in anybody's experience. When religious people or institutions use their special connection to the divine as evidence for public debate, it suffers the same lack of verification that my special connection with Sophia does. Just as my claim that Sophia is real is hard to believe to those who don't know Sophia, the religious claim that God is real is difficult to believe if not preposterous to those who don't know God (who, from what I and Sophia understand is claimed to be far more powerful than Sophia is).

The problem of realism in science is different but no more serious. Scientific realism is the position that Science discovers Reality such that it is not tainted by human biases or values. But how does science work? That answer is publicly verifiable. Scientific activity is the deliberate modification of a relatively controlled environment that seeks to test out various ideas or strategies—themselves the product of human beings—and to discover which of these ideas or strategies are the best solutions to the problems at hand. Notice how this description is biased and value-laden. It has the human all over it. From the problems to the proposed solutions to the actual resolutions, they are all the result of human activity. Experimentation is human modification of the experimental situation. As William James put it, “the trail of the human serpent is thus over everything” (1907, 64). So science does not uncover a nonhuman reality; but it does provide a pragmatic realism. That is, the results of scientific inquiry are the best efforts yet that humans have created for interacting with their world.

Such a pragmatic realism, however, is not the realism of most new atheists, who staunchly say things like, since we have no evidence of an immaterial soul, and since we have some evidence that intense pain is correlated with the synaptic firings of specific neurons, then we now know that there is no immaterial soul, that your feeling of intense pain is illusory, and that the mind is the brain. In other words, soul, pain, and mind are not real (they're illusory), but the brain is real. I should note that my way of putting their view may

sound uncharitable; but these are the orthodox positions strongly advocated by many audacious atheists.

What both the religious fundamentalist and the new atheist have in common is this presumption that there is this real thing, be it god or nature, that underlies the human experience. Both the religious and the atheist claim to have ways of getting to that underlying reality. The difference is that the religious way is completely private and closed off from public scrutiny, whereas the atheist's scientific realism embraces such scrutiny even to the point of rejecting the values and norms of public scientific inquiry. Recall that according to the pragmatist conception of truth, it is a good; it is not only valued but found to be valuable for its ameliorative capacity.

Some people, like the new atheists, believe that this difference is what gives their view the winning edge. Yet a significant problem remains. Science is incomplete. In fact, talking about Science (with the capital S) as this monolith that always has the final word is anti-scientific. At the heart of the successes of scientific activity is its fallibilism and its ability to self-correct in light of new experiences, in light of our new interactions with the world. To declare that Science has the final word is anathema to the experimental spirit that guides successful inquiry. Scientific realism undercuts the ideals that make scientific activity possible in the first place. The pragmatic realism I've outlined takes those ideals seriously.

The problem with talking about ideals is that people tend to think that ideals, once held, must never be given up and that once taken up the meaning of those ideals can never change, despite what experience suggests. Where the scientific realism of the new atheists ultimately leads to the conclusion that any ideals, whatever they are, must be illusory, the fundamentalism of many religions invest their ideals, whatever they are, in this non-human reality to which they claim to have special access—despite the facts produced by scientific inquiry.

In the cases of both the atheist and the theist, as I've described them, there is this tendency to make claims of infallibility about the ultimate nature of reality, from which claims about morality must necessarily follow. I think both approaches are deeply flawed. One reason that I have elaborated already is the lack of fallibilism as a central virtue (after all, if I called out most atheists or most theists on the possibility of being wrong, most would admit it; that is, they have belief in the belief of fallibilism (they have the habit of assenting to belief in fallibilism but not assenting to fallibilism),⁴ despite the

4. This parallels Dennett's argument regarding god belief (2006, chapter 8, pp. 200ff).

rest of their actions, which suggest a greater arrogance than humility).

Another reason is that both approaches are anti-democratic, and, in fact, anti-religious. But how I use both these words, *democracy* and the *religious*, are special uses. My use of these words comes from the pragmatist John Dewey, whose philosophical project was to reconstruct tradition in light of scientific advancements. Sometimes, tradition cannot be protected and must be rejected. Such was the case with the divine right of kings. New atheists would suggest that god belief or any sort of faith also needs to go. Maybe they're right, but their reasons so far are unconvincing. To appreciate the significance of this reconstructive process, consider Dewey's statement of his democratic faith, from his 1939 speech, "Creative Democracy—The Task Before Us."

Democracy is a way of life controlled by a working faith in the possibilities of human nature. Belief in the Common Man is a familiar article in the democratic creed. That belief is without basis and significance save as it means faith in the potentialities of human nature as that nature is exhibited in every human being irrespective of race, color, sex, birth and family, of material or cultural wealth. This faith may be enacted in statutes, but it is only on paper unless it is put in force in the attitudes which human beings display to one another in all the incidents and relations of daily life. To denounce Naziism for intolerance, cruelty and stimulation of hatred amounts to fostering insincerity if, in our personal relations to other persons, if, in our daily walk and conversation, we are moved by racial, color or other class prejudice; indeed, by anything save a generous belief in their possibilities as human beings, a belief which brings with it the need for providing conditions which will enable these capacities to reach fulfilment. The democratic faith in human equality is belief that every human being, independent of the quantity or range of his personal endowment, has the right to equal opportunity with every other person for development of whatever gifts he has. The democratic belief in the principle of leadership is a generous one. It is universal. It is belief in the capacity of every person to lead his own life free from coercion and imposition by others provided right conditions are supplied. Democracy is a way of personal life controlled not merely by faith in human nature in general but by faith in the capacity of human beings for intelligent judgment and action if proper conditions are furnished. I have been accused more than once and from opposed quarters of an undue, a utopian, faith in the possibilities of intelligence and in education as a correlate of intelligence. At all events, I did not invent this faith. I acquired it from my surroundings as far as those surroundings were animated by the democratic spirit. For what is the faith of democracy in the role of consultation, of conference, of persuasion, of discussion, in formation of public opinion, which in the long run is self-corrective, except faith in the capacity of the intelligence of the common man to respond with commonsense to the free play of facts and ideas which are secured

by effective guarantees of free inquiry, free assembly and free communication? I am willing to leave to upholders of totalitarian states of the right and the left the view that faith in the capacities of intelligence is utopian. For the faith is so deeply embedded in the methods which are intrinsic to democracy that when a professed democrat denies the faith he convicts himself of treachery to his profession. (1939, 226–227)

There are many things to note in Dewey's statement here. The first is to recognize the distinction Dewey makes between democracy as a government or state institution and democracy as a personal way of life. The second thing to note is the democratic intolerance for bigotry of any sort. To his list of prejudices, we should add homophobia and continue to recognize the problems of racism and sexism. A third thing to notice is that democracy as a method is self-corrective and capable of learning from experience, so conceived as the interaction with surroundings, that is, with one's world or environment. Take just these three things together, and we can start to see a very different conception of not only democracy but of human experience, be it from a scientific or religious point of view.

Democracy is experimental and forward looking, just as scientific activity is. Democracy attempts to resolve difficulties of shared lived experience among many individuals. Democracy is not only value-laden but takes the plurality of human voices seriously by refusing to dismiss them *prima facie* as illusory. Democracy takes these ideals with the seriousness that one expects from religion. There is something sacred about this democratic way of life; but its sanctity is not one derived from a non-human reality. Rather, its sanctity is drawn from the on-going achievements of human beings from diverse backgrounds cooperating to make a better world.

Of course, such efforts are not always successful, nor do all humans share such a democratic faith. The terrorist attacks of 9/11, the on-going violence in the Middle East, and the rise of white supremacy in America and the world are illustrative of how dangerous anti-democratic attitudes can be. Since these attitudes are couched in religious terms, the complaints of the new atheists should be recognized. For example, Daniel Dennett, in his eulogy for Christopher Hitchens, described the reaction many theists have had to Hitchen's *God Is Not Great* (2007). Dennett recognized the anger and frustration religious people felt in response to Hitchen's book (Dennett 2011). They wanted to throw the book against the wall, Dennett said. And that is precisely the point. For new atheists like Dennett and Hitchens upsetting the comfortably religious by showing a critical alternative to their god belief served a purpose—much in the way Socrates was a gadfly to the ancient Athenians.

Two of the tactics new atheists like Hitchens used were to reflect on the meaning of atheism and theism. With regard to atheism, Hitchens and others like Richard Dawkins point out that we are all atheists to some degree. Nobody literally believes that the Greek or Norse pantheon is real (Dawkins 2006). So, these new atheists ask, why not go that extra step and stop believing in the Abrahamic god?

To help persuade you, Hitchens has often likened the Abrahamic god to a megalomaniacal dictator, such as North Korea's Kim Jong-il (2007). This god or person is a vengeful and omnipotent individual who has very specific demands of his people. Any attempt to act or think or speak freely is quickly punished. Witness, Hitchens argues, the life and death of Socrates (2007, 255–258).

This tactic is clever and certainly speaks to a very specific conception of god. But in doing so it reveals another problem with the new atheists' attack on religion tout court: their very naive conception of god. It is ridiculously easy to point out the absurdity of a literalist reading of the Bible, just as it is for Greek mythology. But like Greek mythology, reading the Bible figuratively is not necessarily problematic. On the pragmatist and democratic view I'm offering, literature, religious or secular, is a product (or series of products) of experience, so conceived here as humans interacting with one another in an often precarious world. Literature offers tools for coping with the harshness of life. Sometimes literature does more than offer an opiate and becomes ameliorative.

Both the theist and the atheist are capable of being meliorists. That is, they believe their beliefs are best for making the world and human experience better. The mistake most people, theist and atheist alike, make is the anti-democratic presumption that there must be *one right way that fits with how things really are independently of us humans*. In other words, there is the lack of fallibilism as an intellectual and moral virtue. What is needed is not only fallibilism but also conscientiousness and pluralism (Johnson 2014).

Becoming aware of one's fallibility and turning it into an ideal to be achieved, a virtue to practice, is what is sorely lacking in much of the debate between fundamentalism and secularism. Thus far I have tried to show how similar atheism and theism can be, and how that similarity is problematic. I have also started to show that despite their apparent difference when it comes to the god question, there are underlying commonalities that are worth attending to. Given the pragmatic framework I've sketched out so far, it should be becoming clearer that there is no one right way to get at the truth, whatever that is. There are, to be sure, better and worse ways, given the pragmatic

considerations of the lived situation. For example, someone lovingly brought up in a Christian tradition may take not only solace but also great inspiration from scripture; whereas someone who has been told that he or she is worthless and a sinner because he or she loves someone of the same sex may find that same Christian scripture utterly useless if not downright oppressive.

In either case, however, the religious scripture is being used by humans toward different ends. In the first case, the end is loving if not heroic; in the other, it is hateful and cruel. We can imagine the former as an attempt to creatively re-imagine one's life in order to improve that life and the lives of many others. But, in the latter case, I find it hard to imagine how such behavior can be anything more than callous.

This distinction, which I am not universalizing (yet), brings me back to the issue of god. The atheists reject all gods, whereas the theists—at least those who don't believe in childish conceptions of a vengeful person-like god—maintain some conception of the divine. Whenever I've discussed my thoughts on the issue and a case like the one I just mentioned comes up, I'm often told that anything hateful is not god nor divine. That the love that I'm advocating is just what Jesus was doing. Perhaps so; but I don't know. For me, my position is an atheistic one because I don't understand most conceptions of god, or if I do, I just use a different idea or word for it. For example, if by god people mean love, then I suppose we agree. But, as a philosopher, I want to know more about the metaphysical and epistemological relations. In other words, I want this idea of love that I value to hold together with what our best scientific activity tells us about our interactions with the world. Equating love with god, I find superfluous. I don't know how to study god in the lab; but I have some ideas on how to experimentally study love. And so do many others; some good, some bad (see Lewis, Amini, and Lannon 2001; Dunbar 2012; Zak 2013, cf. Tschaepé 2014).

Others may have an easier time believing in god, insofar as their habits of action are much more attuned with the sorts of actions cultivated by interpretive readings of scripture than my beliefs are. I find myself much more inclined toward a form of naturalism than supernaturalism. That is, god and gods are characters, not much different than superheroes in comic books. They're literature and often very powerful. But I don't find much value in declaring or demanding that any god is real outside of the story.

Just as people have different tastes when it comes to stories that speak to them, humanism comes in varieties. The common speciation of humanism is between religious and secular. The religious humanist finds meaning and value in his or her religion; but that value is acknowledged to be one produced

by human activity. The secular humanist produces his or her value and meaning through some secular means—maybe it's comic books. But I think there are other forms of humanism that may share in both the religious and the secular. Another form would be cultural humanism, which recognizes that it's not just an individual human that produces meaning and value but entire cultures. Yet another could be called evolutionary or naturalistic humanism, which puts more emphasis on the results of natural science. Whichever form a human chooses, however, is a matter of that human's unique experiences. Hence the pluralism.

Yet part of being human is the ameliorative sensibility I've alluded to throughout. I've suggested that taking a fallibilistic and experimental attitude towards amelioration has better odds of success for living well than simply listening to whatever voice is in your head, be it Yahweh, Zeus, or Sophia. I also have suggested that this experimentalism is found not only in scientific activity but also in democracy so conceived as a personal way of life, a living, forward-looking faith in human possibilities.

Finally, I can speak to the religious. Today, there are many people, especially young people, who prefer to identify as spiritual but not religious (Kenneson 2015; Twenge et al 2015). The distinction they make is not new but quite old. Dewey made a similar distinction between religion and the religious. The parallel here is that religion is the suffocating and oppressive institution of the Church (or what young people today would call "religious" as opposed to "spiritual"), and that religious is what young people today call "spiritual." In other words, what many youths today see as spiritual, Dewey saw as the religious. Dewey elaborates this distinction in his book, *A Common Faith*, writing:

It is widely supposed that a person who does not accept any religion is thereby shown to be a non-religious person. Yet it is conceivable that the present depression in religion is closely connected with the fact that religions now prevent, because of their weight of historic encumbrances, the religious quality of experience from coming to consciousness and finding the expression that is appropriate to present conditions, intellectual and moral. I believe that such is the case. I believe that many persons are so repelled from what exists as a religion by its intellectual and moral implications, that they are not aware of attitudes in themselves that if they came to fruition would be genuinely religious. I hope this remark may help make clear what I mean by the distinction between "religion" as a noun and "religious" as adjectival.

To be somewhat more explicit, a religion (and as I have just said there is no such thing as religion in general) always signifies a special body of beliefs and practices having some kind of institutional organization, loose or tight. In contrast,

the adjective “religious” denotes nothing in the way of a specifiable entity, either institutional or as a system of beliefs. It does not denote anything to which one can specifically point to this and that historic religion or existing church. For it does not denote anything that can exist by itself or that can be organized into a particular and distinctive form of existence. It denotes attitudes that may be taken toward every object and every proposed end or ideal. (Dewey 1934, 9–10)⁵

In other words, Dewey is arguing in 1934 much as Socrates before him, and perhaps as some of the new atheists or other critics of religion do today, that the institutions of religion which initially developed out of a concern for genuinely religious experiences—experiences concerned with the greater amelioration of further experience—no longer serve that end, instead such institutions prevent such experiences from even coming about. Hence the rage and frustration many have toward even the adjective “religious.”

I have an easy time finding no or little use for the word ‘god’, hence my atheism. The positive view I put forth, an evolutionary humanism friendly toward other varieties of being human (recall the family resemblance), has a harder time with the word “religious.” On the one hand, the similarity with religion, especially in the sense of an oppressive institution, is not something with which I wish to be associated. But on the other hand, given my evolutionary views, I am tied to etymology. Dewey examines the origins of the word religion/religious, writing:

According to the best authorities, “religion” comes from a root that means being bound or tied. Originally, it meant being bound by vows to a particular way of life—as *les religieux* were monks and nuns who had assumed certain vows. The religious attitude signifies something that is bound through imagination to a *general* attitude. This comprehensive attitude, moreover, is much broader than anything indicated by “moral” in its usual sense. The quality of attitude is displayed in art, science and good citizenship. (1934, 23)

Indeed this attitude carries through to the conclusion of *A Common Faith*. Dewey writes:

We who now live are parts of a humanity that extends into the remote past, a humanity that has interacted with nature. The things in civilization we most prize are not of ourselves. They exist by grace of the doings and sufferings of the continuous human community in which we are a link. Ours is the responsibility of conserving, transmitting, rectifying and expanding the heritage of values we

5. Here is another affinity between religion and science: just as I resist speaking of Science as a monolith, we should, as Dewey argues, resist speaking of Religion as a monolith. Too many on either side of the theism/atheism debate neglect this important point. There are religions and there are sciences; but no Religion nor Science.

have received that those who come after us may receive it more solid and secure, more widely accessible and more generously shared than we have received it. Here are all the elements for a religious faith that shall not be confined to sect, class, or race. Such a faith has always been implicitly the common faith of mankind. It remains to make it explicit and militant. (1934, 87)

With James, Dewey, Rorty, and Kitcher, I advocate the experimental and democratic attitude. My faith is democratic because it rejects prejudice and seeks amelioration for all through participation of all. My faith is also an atheist one, but it is not primarily or deliberately so. It just so happens to have no necessary role for most traditional conceptions of god. That is, I've just never been inclined to couch my beliefs in a language—and ultimately my actions—that makes much use of words like “god.” Regardless of that, the positive elements of my faith (as opposed to the negation, atheist) include not just reason and science, but also love and compassion for all human beings as well as for nature. Such a humanism is one among many; but it is also one which recognizes the plurality and embraces the possibilities of pluralism for enriching experience privately and publicly.

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A Noxious Injustice as Punishment: Prisoner Sexual Violence, Toxic Masculinity, and the Ubuntu Ethic

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ABSTRACT

The argument that justice entails a form of *what is deserved* continues to inform attitudes about punishment. The belief in ‘just deserts’ is especially relevant in cases of punishment that are not court-ordered or officially prescribed, but nonetheless are considered deserved. Perhaps the most egregious example concerns incarcerated persons who are sexually assaulted. The belief in violence as justly deserved is ethically problematic, negatively affecting the health of incarcerated persons, as well as those outside of prisons. I argue that in the context of prison sexual violence, acceptance and proffering of the just deserts position is founded upon and promulgates *toxic masculinity*, which undermines the personhood of prisoners and reinforces a culture of homophobia and sexism both within and beyond prison walls. I outline an alternative based on an Ubuntu ethic that rejects prison sexual violence as a form of just deserts and fosters an approach to justice that seeks reconciliation.

Keywords

African philosophy, ethics, incarceration, justice, gender issues, masculinity, prisons, punishment, Ubuntu

Introduction

The argument that justice entails a form of what is deserved continues to inform attitudes about punishment. The belief in ‘just deserts’ is especially relevant in cases of punishment that are not court-ordered or officially prescribed, but are nonetheless considered deserved. Perhaps the most egregious example concerns the sexual assault of prisoners. Despite the high prevalence

of prison sexual violence (PSV), the subject receives little attention within ethics literature (Capers 2011). This is likely due, *inter alia*, to the following factors:

- A) The subject is uncomfortable for discussion, even as it is considered something of an open secret. While many are aware of prison rape at the level of caricature or punch line, few want to face PSV as an actual occurrence involving real persons, and most are unaware of its prevalence.
- B) Incarcerated persons are largely forgotten by those who are not directly connected to them through familial or filial ties. The very process of incarceration, especially within the United States, is dehumanizing. Once a person is incarcerated, they are often anonymized and stigmatized as somehow subhuman or unworthy of moral consideration.
- C) Many people consider PSV to be a just punishment that somehow fits within the framework of retribution for criminal acts, or they presume that the threat of PSV prevents further criminal activity by those already incarcerated and those who could be considered as having a high probability of being incarcerated. The guiding principle is a basic version of “just deserts.”

I argue for a humanist perspective, which is based on an Ubuntu ethic, that denies PSV as a form of justice and reveals that it is, in fact, a dangerous injustice. The conceptual tools of Ubuntu reveal that PSV is an egregious injustice not only for the incarcerated persons whom it directly affects, but for all of us.

I begin by addressing the basic concept of harm as justice, utilizing the argument put forth by Cephalus and Polemarchus in Plato’s *Republic*. I then discuss particular aspects of sexual violence within men’s prisons, particularly in the United States.¹ I argue that PSV is a form of toxic masculinity that comprises a series of injustices—what I deem *trickle-down toxicity*. Expanding upon the dangerous effects of *trickle-down toxicity*, I utilize the ethic of Ubuntu as a conceptual tool for diagnosing the unjust nature of PSV. Finally, I suggest that the traditional understanding of punishment as a form of retribution and prevention be replaced with one of reconciliation.² I present the

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- 1. Prison sexual violence is a problem within the context of women’s prisons as well, but it is a very different phenomenon that deserves separate treatment from sexual violence within men’s prisons.
 - 2. Ultimately, an ethics of Ubuntu can be used to question the very practice of imprisonment itself, at least or especially as practiced within the United States. However, this is a larger topic that is beyond the scope of this paper.

initial details of an Ubuntu model that has helped facilitate this transformation in South Africa. Beyond a merely theoretical ethical stance, my argument results in a practical call for advocacy and action against PSV.

Just deserts

Socrates: Is it, then, the role of a just man to harm anyone?

Polemarchus: Certainly, he must harm those who are both bad and enemies.

(Plato 1992, 10)

A basic correlation between harm and a form of just punishment is offered in Plato's *Republic*, as put forth by Cephalus and expanded upon by Polemarchus. The argument that Polemarchus inherits from his father is essentially that friends and enemies should be given what is owed to each. In the case of friends whom we know to be friends, what they deserve is something good. In the case of enemies whom we know to be enemies, what they deserve is something bad. This is, *simpliciter*, the idea that justice consists in giving each person what they deserve, i.e. their just deserts. James Rachels has captured Polemarchus' concept with the principle of desert, which states that people deserve treatment that is the same as the treatment that they have voluntarily given others (Rachels 1997, 470–479).

Plato has Socrates dismantle this argument by specifically attacking the idea that justice requires that our enemies receive their just deserts. Through analogy, Socrates illustrates that harming our enemies—providing them with just deserts, which are owed to them—does not perpetuate justice, but rather increases injustice (Plato 1992, 10–12). The argument presumes that justice is a form of *technē* by which some task is performed. In this particular section of the dialogue, Polemarchus can be understood, at least in part, to be discussing justice as a form of *technē* with regard to punishment. The Socratic objection pertains to the notion of *technē* as applied to giving enemies what they are owed, i.e. to the notion of harm as a craft by which injustice is to be remedied.

The Socratic argument against Polemarchus is brief, but the strength of the argument against just deserts is striking in its simplicity and breadth: if the aim of justice is to remedy injustice, then treating unjust persons with harm, which is itself an injustice, is unlikely to result in the desired remedy. What Plato fails to address, however, is the psychological motivation for accepting Polemarchus' argument concerning the punitive side of justice. Plato, perhaps understandably, neglects the appetitive motivation for advocating just deserts, but this seems to be the very ground upon which such advocacy

is built. If we are to engage in an exercise of empathy regarding the person wronged, just deserts might seem merited. It is not difficult to feel that the unjust person should 'get what they deserve.' Caught up in the moment of judgment and filled with feelings of resentment, we might feel that just deserts are justified. This justification is merely appearance. The appetitive desire for correcting injustice through harm must be curbed because a punishment entailing just deserts causes only more harm, not less. The true effects of advocating for and carrying out just deserts, while far-ranging and devastating, are largely ignored.

Despite the ease with which Socrates seems to dispose of the argument that justice is giving to friends and enemies what is owed to each, the belief at its core—that justice entails a form of what is deserved—continues to inform many contemporary attitudes toward punishment. As noted at the outset, the belief in 'just deserts' is especially noteworthy in cases of punishment, such as PSV, that are not court-ordered or officially prescribed, but are nonetheless considered deserved. The general idea is that if someone suffers PSV while being incarcerated, then they are receiving the punishment they deserve, regardless of what the court has dictated. This sentiment is especially common in response to those incarcerated for sex crimes, such as child molestation (Sigler 2006). Although PSV has been declared illegal by some governments, including the United States, the attitude that it is deserved as part of punishment remains prevalent.

Legal arguments for ending PSV typically characterize the detrimental effects of PSV, such as medical consequences and human rights violations, in individualistic terms that focus exclusively upon the prisoners (Zweig *et al.* 2007). Considerations of consequences beyond the confines of the prison walls are neglected. In contrast, I argue against PSV as a form of just deserts by considering the problem within a broader community context that extends beyond prison walls.

In the context of PSV, acceptance and proffering of the just deserts position is founded upon and promulgates *toxic masculinity*, which undermines the personhood of prisoners and reinforces a culture of homophobia and misogyny both within and outside of the prison. Perpetuating a culture of toxic masculinity sustains the conditions that foster injustice rather than reconciling or remedying such conditions. Prison culture is not one that is causally isolated from the outside, but is rather a source and exaggerated endpoint of ethical toxicity within society at large that is caused by and reciprocally causes bodily harm, including psychological harm, and moral illness. While I support Plato's contention that harming one's enemies only leads to greater

injustice, the scope and magnitude of harmful effects that are revealed in the case of conceiving of PSV as just deserts is especially relevant to Plato's claim and expands well beyond the dyad of the punished and the punisher.

Prison sexual violence

“The vilest deeds like prison weeds bloom well in prison air,
It is only what is good in man that wastes and withers there ...
And they scourge the weak, and flog the fool, and give the old and gray,
And some grow mad, and all grow bad, and none a word may say ...
The fetid breath of Death chokes up each grated screen,
And all but Lust is turned to dust in Humanity's machine ...
And by all forgot, we rot and rot, with soul and body marred”

(Oscar Wilde, quoted in Karpman 1948)

Currently there are over 10.2 million people held in penal institutions throughout the world, around half being held in the United States, Russia, or China. In the United States alone, the prison population rate is 716 per 100,000 of the national population, which is the highest in the world (Walmsley 2013). There were 1,487,393 incarcerated persons in men's state and federal penitentiaries in the United States in 2011 (U.S. Department of Justice 2012). The United States has traditionally had the highest known incidence rate of PSV between male inmates, even when adjusted for population. South Africa also has a high incidence of PSV, although this has not been the focal point for research in the same way that it has been in the U.S. (Gear 2007; Ghanotakis *et al.* 2007; O'Donnell 2004). The concept of just deserts has driven much of the passive, if not active, acceptance of PSV between inmates within these two countries and likely elsewhere.

In the United States, PSV within men's prisons is an open secret: most know of its existence, but few know the particulars concerning its existence, such as its prevalence. Studies of PSV, as with PSV itself, involve conflation, confusions, and contradictions, in part, because of the taboos surrounding discussions of the subject matter.

The first major study on sex in men's prisons was Joseph Fishman's 1934 *Sex in Prison: Revealing sex conditions in American prisons* (Fishman 1934). Fishman claimed, “We are living in a frank and realistic age, yet the subject of sex in prison—so provocative, so vital, so timely ... is shrouded in dead silence” (Fishman 1934, 5). Fishman viewed the problem of sex in prisons as a problem of idleness and sexual frustration, and he conflated sexual assault in prison with a perversion of heterosexual desires into homosexual desires that was brought on because of heterosexual privation. This was not an uncom-

mon view for most twentieth-century theorists. As Benjamin Karpman noted in his 1948 study, “Sex Life in Prison,” “...if the individual has a fairly long sentence to serve, the self-control, such as it is, soon breaks and he is then confronted with a choice of some abnormal sexual practice, more especially of masturbation or homosexuality in many of its forms” (Karpman 1948, 478). Karpman claims that part of the root cause of men engaging in sexual relations with one another, including anal penetration, was thought to be the combination of close living quarters and heterosexual privation. The desire for heterosexual contact was sublimated into homosexual acts, according to Karpman, because of “a considerable group of prisoners, who for all their superficial psychopathies, are basically neurotic with unconscious homosexuality entering as a large component” (Karpman 1948, 482). Essentially, the ‘feminine wiles’ of the latent homosexual were thought to be the final cause for heterosexual prisoners transitioning from masturbatory behavior to homosexual behavior. Reviewing these misunderstandings of homosexuality and the degradation of femininity is important for understanding the concept of toxic masculinity as it is actualized within prisons and in our broader communities.

The dehumanized category of the latent homosexual as the stereotypical ‘passive recipient’ of anal intercourse in prison is one of a larger collection of categories by which inmates are defined with regard to prison sex. Generally, in men’s prisons, those who are considered sexually ‘passive’ in men’s prisons are placed into three categories, both by inmates and by past researchers: targets, rape victims, and willing homosexuals (Nacci and Kane 1983, 32). Most of the inmates who fall into these categories are thought to be chosen by aggressors because of perceived weakness and inability to engage in successful self-defense (Man and Cronan 2001, 153). Those who are considered to be consensual participants are, in typical prison parlance, labeled as *feminine* and categorized as *fags, queens, kids, or punks*. A prisoner is labeled a *fag* if they are or are believed to be homosexual. The label *queen* is typically reserved for those who are, or are perceived to be homosexual or transsexual, but also particularly as *feminine*.³ *Kids* are sex slaves within the prison who are victims

3. The mistreatment of transgender women who are incarcerated, especially in the U.S., is a much more expansive issue than I am able to address here. Consider that the exact population of transgendered persons in prison is unknown; however, at least 21% of all transgendered women in the U.S. have been incarcerated at least once in their lives. At least 47% of Black transgendered persons in the U.S. have been incarcerated at some point (National Center for Transgender Equality. 2012. “A Blueprint for Equality.” Prison and Detention Reform. http://transequality.org/sites/default/files/docs/resources/NCTE_Blueprint_for_Equality2012_Prison_Reform.pdf Last Accessed: 23 April 2015). A study in California showed that 57% of all transgendered prisoners had been sexually assaulted

of coercion, usually for protection and debt-relief. Finally, *punks* are those who self-identify as heterosexual, but are targeted and eventually “turned out” by aggressors after being raped, threatened with rape, or intimidated into coerced sexual consent (Man and Cronan 2001, 155–156). Incarcerated persons who are aggressors are sometimes referred to, at least in the parlance of the prison, as *jockers* (Sagarin 1976). Interestingly, *jockers* are considered heterosexual, while victims are considered homosexual, thus creating a heterosexual bifurcation based upon one’s role within the attack. Rather than an act of homosexuality on the part of the aggressors, the gender binary of heterosexual norms is reproduced. The act of sexual violence becomes an extreme form of masculine dominance by which a man turns his victim into a woman (Man and Cronan 2001, 151).

In general, theorists during the mid-twentieth century, at least within the United States, believed that engaging in the aggressor or *jocker* role in anal sex avoided any perceived threat of being labeled as homosexual. Only those who took the *passive* or receptive role in anal sex were perceived as homosexual. The belief that those who are the non-aggressors during anal sex are actually latently homosexual and actually desire anal sex is a dominant belief among the aggressors (Sagarin 1976). Generally, this view is shared by many within the prison population. As Man and Cronan state:

Inmates do not view sex with another male as homosexual per se. Rather, inmates perceive the insertive partner as heterosexual because he is demonstrating his power and masculinity. In contrast, the receptive sexual partner is perceived as homosexual because, in their eyes, he is assuming the role of a woman. This perception of sexual assault is so profound that many rapists do not appreciate the fact that they are engaging in activity that normally would be labeled “homosexual.” (Man and Cronan 2001, 151)

A further factor obfuscating our understanding of PSV has been the hesitancy of most inmates to report assaults (Robertson 1999, 39). Fishman had noted this aspect of the “prison code” in 1934: victims are prevented from reporting for fear of being labeled *snitches*. The instrumental attitude of most prisoners has been that the consequences of reporting cases of PSV are direr than simply remaining silent. Finally, the issue of reporting is further confounded by the commonly held belief that PSV is a just desert: that being raped in prison is simply part of the punishment, regardless of offense (Dumond 2006, 102). The belief in just deserts is often held not only by

at some point during their incarceration, compared to 4% of cisgender male prisoners (Just Detention International. 2013. “Targets for Abuse: Transgender Inmates and Prison Rape.” Fact Sheet for Sexual Abuse Service Providers March: 1-2).

many prisoners, especially the aggressors, but also by the guards and other prison staff (Eigenberg 2000). When PSV as just deserts is advocated within prisons, the incidence of PSV increases and acceptance of PSV is perpetuated.

The impact of PSV upon targets is deleterious. As Robert Dumond claims, “Even one event may precipitate a lifetime of pain and suffering. One study noted that even seventeen years after the assault, 16.5% of rape victims manifested symptoms of posttraumatic stress disorder (PTSD)” (Dumond 2006, 109–110). In addition to psychological strain—to the point of thoughts of or actual attempts at suicide—there are also multiple bodily harms inflicted. A number of diseases are reliably transmitted through PSV. Among the most common are HIV, hepatitis B and C (Dumond 2006, 110). Upon release, the negative effects of being sexually victimized while in prison are often compounded by unhealthy self-medication through the abuse of alcohol and other drugs, as well as by acts of compulsive heterosexual behavior, such as unsafe sexual intercourse with anonymous partners (Dumond 2006, 111). Dumond notes that a 2002 study found that victims of rape were 4.1 times as likely to have contemplated suicide, while being 13 times more likely to have actually attempted suicide (Dumond 2006, 111). The effects of sexual violence upon a person are deleterious, but in the case of sexual victimization and targeting within prisons, the effects are exaggerated and the victim or target is constantly stuck in a double-bind wherein *any* action will be deleterious. Once a prisoner is raped, this is considered to be a license for continual victimization. Those inmates who are placed into a position of victim or target are forced to live a life that “resembles the Supreme Court’s description of hostile environment harassment—an environment ‘permeated with discriminatory intimidation, ridicule, and insult’” (Robertson 1999, 7). Once an inmate has been sexually penetrated, the gossip concerning that person’s submission is rapid, and the inmate’s reputation is one defined by the act of being sodomized. “Everyone looked upon them as homosexuals and talked about them as if they were, and they were approached as if they were open territory for anyone who wanted them, unless the consent of a specific aggressor was required” (Sagarin 1976, 253).

Given the effects of PSV, there is no question that understanding the incidence of sex within prisons is a benefit to public health. What is also pressing, but too often neglected in the case of PSV, is the ethical cost of continuing to support a system of just deserts. In order to more fully understand this ethical cost, which expands beyond the dehumanization of specific inmates to the sweeping devaluing of persons more generally, the underlying culture of masculinity at work within the men’s penal system must be examined.

Prison sexual violence as toxic masculinity

“Real men ignore precautions for AIDS risk reduction, seek many sexual partners, and reject displeasuring the penis.”

(Levine 1998, 1391)

Men’s prisons consist of hegemonic dynamics that combine internal hegemony—the social dominance of one (or more) group of men over another—with external hegemony—the institutionalization of an assumed dominance of men over women (Connell and Messerschmidt 2005, 844). Not only are there strict hierarchies of masculinity within men’s prisons, but a strict gender binary is enforced even within the presumed male singularity. As O’Donnell has stated, “Prison rape is an acting out of power roles within an all-male, authoritarian environment where strength and dominance are emphasized. This is why men who anally penetrate young and vulnerable men against their will are first, not considered rapists and second, do not incur the stigma that such an offence would attract if perpetuated outside the prison walls” (O’Donnell 2004, 243). Prison provides an exaggerated field of beliefs concerning masculinity that facilitates the acceptance and disallows the prevention of PSV. Terry Kupers characterizes the hegemonic dynamics of prison in terms of four structural elements of the prison code:

1. “There is an exaggerated dominance hierarchy wherein the toughest men dominate those who are less tough.”
2. “There is a sharp demarcation between those at the top of the dominance hierarchy and those at the bottom.”
3. “When one man beats up another and sodomizes him, the message is clear: ‘I, the dominant man, have the right and the power to use you, the loser, sexually, as if you were a woman and my slave.’”
4. “There is a narrowing of personal possibilities, and men are forced to act in hyper-masculine and dominating ways merely to prove they are not feminine, they are not anyone’s ‘punk’” Kupers 2010, 112).

Kupers defines this extreme or *toxic* form of masculinity as “the constellation of socially regressive male traits that serve to foster domination, the devaluation of women, homophobia, and wanton violence. Toxic masculinity also includes a strong measure of the male proclivities that lead to resistance in psychotherapy. In prison, toxic masculinity is exaggerated” (Kupers 2005, 714). Toxic masculinity creates an epidemic of moral disengagement within male prisons, wherein victims of PSV are dehumanized and blamed for being raped. This type of moral disengagement contributes to rape pro-

clivity, which “is associated with accepting attitudes with respect to violence, with the attribution of adversarial qualities to sexual relationships, and with the acceptance of rape myths” (Drieschner and Lange 1999, 60). Moral disengagement thus facilitates the perception of victims of PSV as receiving just deserts. Rape is considered part of the punishment for the crimes they have committed (Sigler 2006). Toxic masculinity “delineates those aspects of hegemonic masculinity that are socially destructive, such as misogyny, homophobia, greed, and violent domination; and those that are culturally accepted and valued” (Kupers 2005, 716).

Toxic masculinity beyond prison walls

Within prisons, toxic masculinity is hyperbolic, but its effects are not entirely diminished outside of the penal system. As Levan, Polzer, and Downing state, “Despite the attempts to completely separate prisoners from the general community, modern society has become one in which prison and the community may have simultaneous influence over one another.” (Levan, Polzer and Downing 2011, 680).

The constellation of beliefs and subsequent activities—especially PSV—that constitute toxic masculinity perpetuate the beliefs and behaviors that cause men to be incarcerated. Plato’s argument against Polemarchus holds quite specifically here: the harm given to those who are unjust in the name of justice simply causes greater injustice. On the level of personal health, toxic masculinity is a bodily threat to incarcerated persons, causing injury, risk of disease, and psychological trauma, but toxic masculinity that occurs within the prison also poses a threat to those outside of the prison with whom ex-convicts come into contact. For instance, a former male prisoner who has become exaggerated in his beliefs about masculinity may engage in physical abuse of his partner or spouse in order to assert what he has come to believe is his manhood. On a wider scale, the toxic masculinity of prison has a cultural effect that entails the acceptance and perpetuation of homophobia and sexism; incarcerated persons who are thought to be homosexual or known to be transgender are dehumanized. Underlying the dehumanization of homosexual men is the degradation and dehumanization of women. Insofar as homosexual men and transgender women are considered as passively female, they are stripped of their agency. This is one of the most dangerous and unacknowledged effects of advocating PSV as a form of just desert: the act seemingly involves only those incarcerated in men’s prisons, but it actually harms all persons on a global scale.

The core elements of PSV, which stand as unacknowledged justifications of rape, are linked with punishment as just desert. Here the maleficence that

contributes to rape culture is clear. Regardless of the seeming immediate appetitive relief of resentment that may be delivered through punishment as just desert, whether through the physical act or simply the attitude, Plato's message to Polemarchus should be recognized and followed: the belief that PSV is a form of just deserts perpetuates greater injustice rather than remedying injustice. The injustice facilitated by toxic masculinity contributes to bodily harms through injury, disease, and trauma. By advocating or passively permitting prison sexual violence as a form of just desert, an epidemic of moral illness is caused that reaches far beyond the confines of the prison walls. Once we recognize PSV as a just desert, then we can more easily see that continuing to advocate for or ignore the acceptance of this view entails the obvious contradiction to which Plato referred in his rejection of Polemarchus' definition of justice. Such recognition calls for remedy in the interest of public health, which includes addressing the bodily, psychological, and societal effects of toxic masculinity, just deserts, and PSV.

By using the ethic of Ubuntu as a perspective from which to further scrutinize PSV, the diagnosis of PSV as a form of just deserts makes clear the wider relevance of the problem not just within but beyond the prison walls. The perspective of Ubuntu provides an ethical basis for understanding why PSV is problematic, as well as a means by which to remedy the problematic stance of punishment as retribution.

Ubuntu

"A person with Ubuntu is open and available to others, affirming of others, does not feel threatened that others are able and good; for he or she has a proper self-assurance that comes with knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished, when others are tortured or oppressed, or treated as if they were less than who they are."

(Desmond Tutu 1999, 35)

One of the limitations of traditional Western ethical theories, such as deontology or consequentialism, has been an overreliance upon individualistic conceptions of personhood (Tschaepe 2013). While arguments against PSV could be marshaled from within these traditional approaches, their scope is unlikely to be useful for capturing the full effects of PSV as these extend to the community, both within and beyond prison walls. This limitation can be remedied by utilizing the ethical concept of Ubuntu.

Ubuntu is a term from the Bantu languages of sub-Saharan Africa. As an ethical concept, it was popularized by Desmond Tutu during the Truth and Reconciliation Commission in South African during the 1990s, following

apartheid, and further developed by philosophers, such as Mogobe Ramose and Thaddeus Metz (Ramose 2003, 324; Metz 2007). Ubuntu is useful for understanding the ethical implications of PSV because it is, *inter alia*, a pragmatic perspective that does not falsely delimit moral agency, but does provide applicable tools for action pertaining to punishment and criminal activity. Ubuntu both problematizes PSV and supplies a remedy while providing an understanding of personhood that does not require an atomistic view.

According to the African ethic of Ubuntu, the individual person is not an atomistic being that is primarily separated from all others. Rather, the individual person is born from and within a community of persons, as well as the traditions, mores, and values of the community (Tschaepe 2013). This fundamental idea of the person is captured by the proverb from the Nguni languages of Zulu, Xhosa, and Ndebele, *umuntu ngumuntu ngabantu*, which translates as “a person is a person through other persons” or “I am because we are” (Metz and Gaie 2010, 274). The person is not only born from, but is sustained by the community of which that person is a part. In fact, the root of Ubuntu (*ubu-*, being; *-ntu*, wholeness) signifies a movement towards wholeness that occurs through participation within the community (Ramose 2003, 324). The individual develops as a person through participation within the community and cannot be considered as an entity separate from the community. The community is a necessary condition for development as a person, so the person is never conceived as an atomistic individual (Okolo 2003). This conception of the person provides an essential element missing from the atomistic conception of the moral agent, which is the consistent and multi-dimensional reciprocation within community that perpetually contributes to the development of persons. Understanding individual personhood as being rooted in the community undermines the ethical atomism of individualism or ahistorical autonomy, embodied in what Walter Lippmann deemed the “omni-competent” individual (Dewey 1927, 158). A self-equipped person with all needs fulfilled alone, regardless of community or developmental context, is a fiction. Personhood, as well as the conditions that provide and sustain personhood, are created through community. Persons are also interdependent upon community with regard to their projects and achievements (Wiredu 1996, 71). Persons and community exist in a relationship of reciprocity that thereby contributes to flourishing and the possibility of fulfilling capabilities.

Regarding justice from the perspective of Ubuntu, Metz argues, “An action is right just insofar as it produces harmony and reduces discord; an act is wrong to the extent that it fails to develop community” (Metz 2007, 334). The achievement of harmony within the community guides the ethic of Ubuntu.

Harmony is a combination of shared identity and good-will. According to Metz, “To be close or part of the whole is reasonably understood as sharing an identity, whereas to be sympathetic or realize the well-being of others is to have good-will. The combination of the two conditions is what I deem to be the most attractive conception of harmony” (Metz 2007, 337). Harmony provides the community with stability from which persons may develop and flourish. Solidarity provides the community with identity that contributes to the identification of the person qua person. Actions and privations that undermine the harmony and solidarity of the community are immoral according to the ethic of Ubuntu. When individuals or groups undermine their obligation to pursue harmony and solidarity within the community, they undermine their own personhood. This obligation entails appreciating, preserving, and affirming the humanity of other persons, i.e. all those in the community of persons. As Michael Onyebuchi Eze states, “To deny another’s humanity is to depreciate my own humanity” (Eze 2008, 387).

Note that Ubuntu is *not* a commitment to communitarianism that undermines individuality; this is a common misinterpretation of the ethic. Rather, fostering individuality facilitates community flourishing. Individual freedom is not undermined by the community, but is instead always relative to the freedom of others. Leonard Chuwa affirms this when he states, “Freedom in particular and virtue in general, therefore, are contingent to, and defined by community society and the common good. No individual is greater than the society; individual members of the society are parts of, and enabled by the society” (Chuwa 2014, 36). Ubuntu does not advocate a sacrifice of autonomy; rather, an interdependence between community and individuality is recognized that entails realistic ethical freedom instead of ahistorical or idealistic atomism. Each individual is obliged to the community, and, in turn, the community is obliged to each individual. This reciprocal aspect of Ubuntu, which is based in a developmental conception of personhood, is especially relevant to understanding punishment and its relation to PSV as a form of just desert.

According to the secular ethic of Ubuntu as proffered by Metz and Gaie, criminal activity is understood as a malady rooted in disconnection between a person (or group of persons) and the community of which that person (or group of persons) is a part (Metz and Gaie 2010). The individual person, considered a person through development within and through community, is not conceived as deliberating and acting primarily as an individual apart from the community, but as a community member. According to the picture of personhood provided by the ethic of Ubuntu, personhood is pre-

ceded by community. Precedence of community entails that personhood is a developmental property of individuals that is directly tied to the harmony of community. When one commits criminal activity, this indicates disharmony within the community, not merely disharmony within the individual committing the criminal act. Punishment for criminal activity is understood as an attempt to reconcile the disharmony within the community, which is in contradistinction to the purpose of punishment as retribution or retaliation. Reconciliation is also distinct from a mere consequentialist goal of prevention, which might entail measures, such as those instilling fear, that would not provide remedies for the causes of disharmony that resulted in criminal activity in the first place.

Given that goodness is defined within the secular ethic of Ubuntu as that which provides and perpetuates harmony and solidarity, punishment for criminal activity, in order to be just, must provide and perpetuate harmony rather than disharmony. The belief in PSV as a form of just desert betrays the ethic of Ubuntu. First, by injuring and alienating a person from the community, rather than facilitating harmony between the community and the person who has engaged in criminal activity, that person is further separated from the community. The injustice of the initial criminal act is thereby increased through PSV. Justice is undermined and diminished. Second, because PSV further separates the individual from the community, both that individual and those in the community stray from personhood. Not only is justice diminished, but personhood is also diminished. Third, as indicated through understanding how PSV contributes to and perpetuates toxic masculinity, the community is further dehumanized by *trickle-down toxicity*. The effects of PSV are not restricted to what occurs within prison walls, but expand into the community, corroding harmony and solidarity. Because Ubuntu does not delimit moral responsibility and punishment to persons as atomistic entities primarily separated from the community, PSV is revealed as an unjust feature not just of prisons, but of the communities that build and sustain those prisons.

By analyzing PSV through the ethic of Ubuntu, the injustice of PSV as a form of just deserts becomes evident as a direct injustice to the victim, as mediated injustice through *trickle-down toxicity*, and as a gross form of dehumanization that degrades personhood and community. Ubuntu also provides tools for reconstructing punishment as a means for reconciliation instead of retaliation or mere prevention. By reconstructing punishment for the purpose of harmony within the community, using Ubuntu undermines the true falsehood by which PSV might have *appeared* just.

Suggestions for eradicating prison sexual violence and restoring justice

“I think it is important to use Ubuntu because it’s like a pillar. You can use Ubuntu to discuss gender based violence, you can use it to discuss HIV and AIDS, you can use Ubuntu to discuss a lot of different things.”

Khupuka Project, Participant (B) in Khanyisa (York 2014, 70)

With regard to criminal activity, the emphasis of Ubuntu is to restore individuals back into the community rather than to seek retribution (Graybill 2002, 33). This was the foundational principle used in establishing the Truth and Reconciliation Commission in South Africa in 1994/1995. Utilizing Ubuntu principles to address criminal charges, Constitutional court judge Yvonne Mokgoro argued that “collectivity, unity, and group solidarity could promote harmony between society’s members rather than the desire for retribution” (Graybill 2002, 34). Ubuntu has been successfully deployed within South Africa and other African countries as a means to address a number of social issues, such as criminality and unhealthy gender norms (Marx 2002; Metz 2014).

One model for remedying the problem of PSV and toxic masculinity within men’s prisons is the Khanyisa program in rural KwaZulu-Natal, South Africa. Although this program is only in its initial stages, it has already had moderate success utilizing the concept of Ubuntu to help transform problematic masculine beliefs and behavior. Some key components of the program may be useful for establishing remedial measures to address the problems of PSV and toxic masculinity within men’s prisons in the U.S. The components are directly rooted in the ethic of Ubuntu.

The Khanyisa program is part of the larger Khupuka Project in KwaZulu-Natal, which “works at the epicenter of the AIDS pandemic, adopting a community development approach to the provision of primary healthcare services, orphaned and vulnerable child protection, youth work, information and advocacy services and food security” (York 2014, 56). Khanyisa has focused specifically on transforming the internalized social structure of masculine domination that perpetuates toxic masculinity and works against the well-being of the community (York 2014, 59–60). Through peer-based group work with 8 males over a 12-month span, the concept of Ubuntu was introduced as an ethic directed within others, within self, and within community. The Khanyisa group found that they had moderate success in transforming the beliefs of some of the participants, especially with regard to ethical norms and the concept of masculinity. For instance, one participant reported: “My wish is to live Ubuntu and to practice Ubuntu without even thinking about

it, I want it to be a part of me, a part of my blood, something that I do automatically without even thinking about it” (York 2014, 69). Another participant (B) stated: “Since Khanyisa, I don’t beat my girlfriend anymore; I just sit down and talk things through” (York 2014, 68). Participant (B) also claimed: “I think if more people are involved then soon this thing would spill out into the whole community, if more people are involved it will help the whole community and the whole country” (York 2014, 73). Through interviews following the 12-month program, the Khanyisa group has indicated that Ubuntu training may help ameliorate the damaging beliefs and behaviors correlated with masculinity. As the Truth and Reconciliation Commission in South Africa also began to show, Ubuntu is a powerful transformative tool for addressing the disharmony that underlies criminal behavior. If Ubuntu is used as a guiding humanist foundation for both analysis and practical transformation within men’s penal systems, the injustices of PSV and the underlying false beliefs in PSV as just desert might also be remedied.

Within the United States, there are already structures and services in place by which an ethic of Ubuntu may be introduced into prisons in order to transform the culture. For instance, since the 2003 Prison Rape Elimination Act (PREA), the government has implemented various programs meant to curb PSV (U.S. Congress 2003).⁴ The National PREA Resource Center provides webinars for increasing prevention, detection, monitoring, responses to incidents, and services to victims and their families. These educational materials constitute issue education, focusing specifically upon the issue of sexual violence within the prisons. Webinars stress the importance of both staff-inmate education, as well as peer-education models (PREA Resource Center). Programs that utilize these materials, such as “Wall Talk,” a peer-education program utilized by AIDS Foundation Houston to help stop the spread of HIV in prisons, could benefit from the Ubuntu components of the Khanyisa program as a means by which to transform prison culture and beyond, reversing the trend of *trickle-down toxicity* over the long term.

Conclusion

Prison sexual violence must be stopped. This will not of course be an easy task, and it is likely to be met with resistance. Both the difficulty and the resistance can be explained by appeal to the mistaken belief in PSV as a form of just desert and the underlying toxic masculinity that fuels this belief. Changing the organizational climate of penal institutions presents one of the

4. Adherence to PREA has unfortunately weakened in some states, such as Texas, since 2003. See Bozelko 2015.

greatest challenges, as indicated by a facility warden who likened changing prison culture to “bending granite” (Zweig *et al.* 2007, 31). However, the challenge must be met. I have argued that an ethic of Ubuntu provides a useful tool by which to begin changing the culture of prison sexual violence, as well as ending the trend of *trickle-down toxicity* that permeates cultures both within and beyond the prison. By deploying this ethical tool as a response to the problem of prison sexual violence, we heed Plato’s warning that harm in the name of justice only leads to greater injustice. To neglect the fight against prison sexual violence and toxic masculinity is not only to perpetuate injustice, but it is to betray and denigrate personhood.

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A Theory of the “Rights” Concept

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ABSTRACT

This essay examines the evolutionary development of the “rights” concept. It argues that the concept is both relatively recent and fundamentally economic rather than abstractly philosophical. The essay is unique, not only in its explication of the concept, but also in the use of *ngram* data (i.e., the changing relative frequency of published words and phrases) to visualize the correspondence between the evolving rights concept and growing aggregate prosperity.

Keywords

rights, duties, entitlements, property rights, prosperity, equality

The philosopher Robert Nozick (1974, ix) prefaced his influential work, *Anarchy, State, and Utopia*, by asserting: “Individuals have rights, and there are things that no person or group may do to them without violating their rights. So strong and far-reaching are these rights that they raise the question of what, if anything, the state and its officials may do. How much room do individual rights leave for the state?” Nozick characterized rights essentially as restrictions on collective choice: “What persons may and may not do to one another limits what they may do through the apparatus of the state” (10). His argument is predicated on the authority of John Locke’s *Second Treatise on Government* (1698). Locke, a late-scholastic thinker, argued that mankind’s fundamental rights in life, liberty, and estates (collectively, “property”) are natural and God-given, and that these natural rights are the proper basis for fashioning positive law. Nozick developed Locke’s congenial argument in the Kantian moral tradition, which the philosopher Jeremy Bentham ([1798] 2009, 914) famously characterized as being “nonsense upon stilts.”

We are left to ponder whether rights flow from duties owed to “the laws of

Nature and of Nature's God," as Thomas Jefferson's *Declaration of Independence* asserted. Or perhaps they are post-political "gifts of the state," as the philosopher G.W.F. Hegel famously claimed. Or do they flow instead from moral reasoning, free will, human dignity, the pursuit of happiness, or the essence of justice. Or perhaps they flow from pragmatic human values, individual need, self preservation, self interest, inherent rationality, or emergent human behavior. Or perhaps they flow simply from strength, cunning, luck, first possession, persuasion, etc. Each of these possibilities has been argued.

Individuals nowadays purport to recognize "self-evident" rights when they see them despite being unable to articulate a basis for their claims. However, simply claiming rights based on intuition, wishful thinking, and the authority of Locke will not do. Modern law, economics, social science, and political philosophy rest squarely upon the perception of rights, as does the social process by which wealth is created, extracted, and distributed. These institutions would be regarded as arbitrary if the underlying rights concept were improperly or weakly grounded.

This essay shows that the rights concept and its myriad derivative claims have evolved from being non-existent in ancient through medieval times, to reflecting God's ostensible will in the Scholastic era, to being prudentially instrumental and often indiscriminately claimed today. This evolution has occurred in step with the growth of aggregate economic prosperity; sometimes foreshadowing it, sometimes trailing it. The rights concept is an artifact of rising economic prosperity. Rights and prosperity have co-evolved.

The first section below describes the humanistic foundation of the rights concept. The next section traces the concept's evolutionary history. This is followed by a sampling of empirical evidence. A parsimonious theory of the rights concept then is considered in the context of economic and legal analysis. The essay is summarized and concluded in the final section.

Natural rights vs. naturalistic rights

Locke's theory of natural rights is rooted in God's ostensible will. A theory of this sort—which can be accessed through pure reason and by revelation, but not empirically—is analytically shaky (Hocutt 2000; 2005; 2012). Locke conceived of rights as being that "which God hath given to be the Rule betwixt Man and Man, and the common bond whereby humane kind is united into one fellowship and society" ([1689] 1988, II: §172). This idea that rights, like the universe's physical laws, are natural, eternal, universal, mandatory, inescapable, and irreducible gifts from God (or "the gods") flows from the Stoics' natural-law philosophy of Greek antiquity. Prior to Locke, individuals had

only a natural *duty* to obey God's will. Locke's "right reason" correlated these duties with reflexive natural rights in life, liberty, and property, which could be asserted against individuals, and against the state as a whole.

Locke ([1685] 2009, 30) believed that "[t]he taking away of God, though but even in thought, dissolves all." Writing two centuries later, Nietzsche famously (and aptly) declared that God in fact had been removed as a motive force in Western thought. The concept of rights remained, however, thus obliging modern philosophers to seek empirical bases by which to detach Locke's congenial rights concept from his theology (see, e.g., Paul, Miller, and Paul 2012). Thomas West (2012, 2) argues, for example, that "the real ground of Locke's teaching is found in his understanding of the conditions of human happiness. [although this] is far from evident on the surface of Locke's writings." John Hasnas (2005) argues that Locke's concept of rights flowed from the pre-political right of Englishmen to protect (by reasonable means) their person and possessions (the "*suum*"). Nozick, by comparison, read Locke literally. Nozick's analysis proceeded from a hypothetical (rather than historical) account of how a government might arise from a "natural" state of nature, which Locke presumed to have been "a state of perfect freedom [for individuals] to order their actions and dispose of their possessions and persons as they see fit, within the bounds of the law and nature, without asking leave of dependency upon the will of any other man." In this natural state, "no one ought to harm another in life, health, liberty, or possessions. ... [Furthermore,] invalidating others' rights and ... doing hurt to one another [gives injured parties] a right to punish [if able to do so] the transgressors of that law to such a degree as may hinder its violation" (Nozick 1974, 10, quoting Locke).

A somewhat different interpretation of natural law was offered by Adam Smith in *The Wealth of Nations* (1776, Book. I, Chap. 1). Smith famously noted the "certain propensity in human nature ... to truck, barter, and exchange one thing for another." The state's responsibility in this regard is to protect its citizens against interference with the free and voluntary exercise of these natural propensities. It is in this sense that the eminent economist and philosopher Frank Knight ([1944] 1982, 323) claimed that "the law of nature has always been primarily commercial, centering in exchange in the market and specifically in contract." Two centuries passed before the limited view of government idealized by Locke and Smith grew to include protection against such derivative evils as "market failure," and more recently "behavioral failure" and income inequality (Sunstein 2013).

Modern sociobiology, evolutionary psychology, and neuroscience have

revealed that Smith's "invisible hand" is conditioned by biologically evolved—and so "naturalistic"—propensities for cooperation, reciprocity, exchange, trust, fairness, and justice. These propensities, among others, flow from mankind's inherent social instincts and unique capacity for reason (Montanye 2012; E.O. Wilson 2012). The litany of naturalistic propensities includes, among other things, mankind's inherent conception of property (i.e., relations among individuals with respect to certain things), which is so ingrained in human nature that children who are denied property rights in their possessions become socially maladjusted and remain so into later life (Pipes 1999, Chap. 2).

All naturalistic propensities are direct consequences of the natural scarcity of economic resources. Individuals are acutely conscious of scarcity in their everyday lives. Less obvious, perhaps, is that scarcity drives the Darwinian process of evolution by natural selection. This process allocates resources by favoring individuals (and ultimately species) according to the efficiency with which their inherent propensities and capacity for reason enable them to extract value from scarcity. Romantic notions aside, the underlying *telos* of human action is self-preservation and reproduction rather than the happiness and perfectibility targets that often are assumed a priori by philosophers. Whether this *telos* represents the will of a creator God is a matter for theological debate. What matters for a theory of rights is that mankind's naturalistic propensities and capacity for reason are inherently biological and instrumental, making them proper objects for empirical study.

Locke's view of natural rights prevailed, largely unchallenged, until publication of Darwin's (1859 and 1871) theory of evolution by natural selection and its particular relevance to mankind (Ceaser 2012). Darwin's radical idea, which science now accepts essentially as fact (E.O. Wilson 2013, 61), implied that rights, like living organisms, are neither eternal, nor universal, nor absolute. The rights concept represents instead a flexible and contingent value system that mitigates the adverse consequences of scarcity. Rights by this light are grounded on experience rather than moral reasoning. As with the life of the law, to which rights are closely related, the rights concept "embodies the story of a nation's development through many centuries, and it cannot be dealt with as if it contained only axioms and corollaries of a book of mathematics" (Holmes ([1881] 1909, 1). Friedrich Engels aptly (and ironically) described to Karl Marx the dialectic process by which rights arise: "what each individual wills is obstructed by everyone else, and what emerges is something that no one willed" (qtd. in Sowell 2009, 51). Engel's description anticipated the modern, technical concept of "emergent" phenomena that arise within complex systems. The neuroscientist Michael Gazzaniga (2011,

124) describes emergence as occurring “when micro-level complex systems that are far from equilibrium (thus allowing for the amplification of random events) self-organize (creative, self-generated, adaptability-seeking behavior) into new structures, with new propensities that previously did not exist, to form a new level of organization on the macro level.” Emergent rights spontaneously balance economic efficiency against collateral concerns for social cohesion, fairness, and ideals of justice (i.e., giving to each individual his or her due according to the ancient principle of *ius suum cuique tribuere*).

A brief history of the rights concept

Responding critically to the neo-Thomist philosopher Jacques Maritain's commentary on rights, *Freedom in the Modern World* (1936), Knight ([1944] 1988, 320) began by noting that:

The expressions “natural law,” “natural rights,” and “rights of man” are familiar to every student of politics or ethics ... [This] appeal to “nature” has always been a slogan or *Kampfwort*; it has been used to beg the question in favor of any position which a particular writer or school happened to wish to defend or promote—or against any one singled out for condemnation. The “state of nature” has been a symbol either for idyllic social life or for all that is horrible. ... Natural law has served as a defense for any existing order against any change and as an argument for change in any direction. Prior to the eighteenth century, natural law was chiefly a support for order and authority; since then, “natural rights” have played the opposite role, as the appeal of the individual against government. Finally, the “nature” from which laws or rights are derived has borne every possible relation to “God” or the gods.

The modern public choice program in economics, which trailed Knight's commentary by more than two decades, addresses these criticisms in complementary “rent-seeking” terms (Rowley, Tollison, and Tullock 1988): a “rent” being essentially an economic windfall, and the pursuit of rents by compulsive political means being a non-productive form of economic activity (Baghwati 1982).

Knight ([1944] 1988, 336) took particular exception to Maritain's Lockean assertion that “the same natural law which lays down our most fundamental duties, and by virtue of which every law is binding, ... assigns to us our fundamental rights’.” Knight found this claim to be “defensible in the abstract, in terms of modern ethical theory, but it is contrary to history ... and it is not illuminating to quote or paraphrase alternately Thomas Aquinas and Thomas Paine” (336): Aquinas stressed the Stoic concept of duty; Paine (like Locke) emphasized natural rights. Knight defined “rights” tautologically, albeit insightfully: “All rights, in the abstract, are rights to freedom and power, for

some use; they are conceivable only in relation to other men and as generated by a combination of harmonious and conflicting interests” (327). The economist Thomas Sowell (2009, 88) offers a harsher, yet complementary characterization: “Rights, as the term is used ideologically, imply no mutual agreement of any kind, whether among individuals, enterprises, or nations. ... [They] are ultimately assertions of arbitrary authority by third parties to prescribe what others have never agreed to.” Justice Oliver Wendell Holmes as well viewed rights claims harshly, as being “the most deceptive of pitfalls ... a constant solicitation to fallacy” (quoted in Sowell 2009, 90).

The historian of ideas Isaiah Berlin ([1958] 1997, 194) was more analytical in his conception of rights and liberty. Berlin consolidated the ideas of Woodrow Wilson and John Dewey when famously characterizing the essence of freedom in “negative” and “positive” terms:

The first of these political senses of freedom or liberty (I shall use both words to mean the same), which (following much precedent) I shall call the “negative” sense, is involved in the answer to the question “What is the area within which the subject—a person or group of persons—is or should be left to do or be what he is able to do or be, without interference by other persons?” The second, which I shall call the “positive” sense, is involved in the answer to the question “What, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?”

Berlin’s essay has become a touchstone for both the progressive-liberal concept of positive rights and the contrasting, conservative-liberal ideal of negative individual liberty. The philosopher Nicholas Wolterstorff (2008, 314), for example, characterizes Berlin’s distinction along similar lines: “A positive or benefit right is a right against others to their treating one a certain way; a negative or freedom right is a right against others to their refraining from treating one a certain way. ... [T]here are relatively few positive rights that are truly human rights.” By comparison, the historian and political philosopher Anthony de Jasay (2002, 256–257, footnote omitted) argues along more nearly Hobbesian lines that “[w]e are at *liberty* to do something if we are under no constraint or obligations to act[;] otherwise, we have a *right* only insofar as others have certain obligations toward us to act in ways demanded by us.” The difficulty, Jasay notes, lies in defining those acts that should be constrained, and those that should be allowed, even though they might harm another’s interests: “Define them [those acts], and you have defined the rights that may be *exercised*—‘positive freedom’—and must not be *violated*—‘negative freedom’—the two kinds appearing as two perspectives of one and the same system of ‘rights.’ ... Concisely, the harm principle affirms no more

than that liberties are liberties and rights are rights" (288).

Jasay's clarification offers more than a lexicological quibble. A system of rights is a system of "ordered liberty" that displaces the dynamic social relationships that emerge spontaneously from the natural state of individual liberty according to the dialectical process explained by Engels, as quoted earlier. A rights system undeniably is efficient along some dimensions; for promoting social and economic equality, for example, and conversely for protecting existing power and privilege. However, it also compromises efficiency by restricting the scope and flexibility of voluntary cooperation, and by obliging individuals to compete for rights within costly, mischievous, and corruptible political arenas in which the benefit of rights created in response to the pleadings of narrow social factions can pale in comparison to the aggregate value of lost liberties. I revisit these points in more detail later.

Knight's commentary on Maritain's conception of rights partitioned history into epochs of rights-thinking, beginning with the Stoic philosophers of Greek antiquity. The Stoics imagined ideal forms of social conduct as being governed by universal, eternal, and unchanging laws of nature about which reasonable men could agree (Plato of course believed that only philosophers could comprehend the natural law properly). Aristotle, by comparison, regarded human beings as social animals, and so conceived of the "natural" as being that which best served mankind's biological needs (Arnhart 1998; D.S. Wilson 2015). The concept of "natural" here implies rational means for achieving the sort of good ends that promote *eudemonic* happiness. The extent and limits of "right" behavior, and the duties it entails, were thought to be discoverable through the rational pursuit of self interest. Self interest in turn was constrained by *kenosis*, meaning "self-limitation for the sake of others" (Oord 2010, 203; see also Rose 2011), and also by the ideals of justice (*dikaion*) that prevailed perforce in a rightly-ordered society. The mainstream of ancient philosophy and law entailed no separate concept of subjective, individual rights (Maine 1861, 269–270; Wolterstorff 2008, 149–179).

The second epoch briefed by Knight is Christianity, which he described as an extended system of Stoic (Platonistic) thought and values that conflated knowledge with the love of God and of one's neighbors. Note, however, that the Christian duty to "love thy neighbor" never was interpreted to mean that neighbors have a "right" to be loved. Only God has a "right" of this sort. Mortals, by comparison, have only duties owed to God, which include the duty to love thy neighbor. The revealed law of the Old and New Testaments and the Qur'an are distinctively positive in this regard.

Scholasticism, which spanned the late eleventh century to the late seven-

teenth century, applied Aristotelian reason to the tenets of Christianity with the goal of perfecting mankind's spiritual nature by strengthening the logical foundations of religious faith (Passmore 1970). The Scholastics' strove initially to discover rational insights into God's will. This is evident in the second article of Question 94 in Thomas Aquinas' *Summa Theologica* (1274, Ia IIae, q.94, a.2), which embodies the influential theologian's only commentary on natural law: "there is in man an inclination to good according to the rational nature which is proper to him; as man has a natural inclination to know the truth about God, and to live in society." The Scholastics' focus eventually shifted away from knowing God, and (without abandoning God) turned toward discovering secular laws that allowed individuals to live together in relative peace and prosperity. Locke's view of natural rights grew out of this late-Scholastic tradition, which already had produced such seminal secular works as Thomas Hobbes' *Leviathan* (1651), Samuel Pufendorf's *The Whole Duty of Man According to the Laws of Nature* (1673), and Hugo Grotius' volumes on the natural laws governing relations among sovereign states by which cooperation and reciprocal obligations (rather than claims of natural rights derived from God's will) provided the only feasible alternatives to war.

The Scholastic's shift toward secular thinking was spurred in part by a realization that political philosophy and theology were intrinsically incompatible streams of thought, one being grounded on reason (the Aristotelean stream), the other on revelation (the Platonic stream). Interest in secularism also was spurred by the fact that fifteen hundred years of Christian theology had done little to improve mankind's lot on earth, a point famously underscored by Machiavelli ([1531] 1996, 132) in his *Discourses on Livy*. Seventeenth century secular thinking and values—especially the transformation of personal ambition from a vice into a virtue (King 2013)—proved more effective than medieval theology in the battle against scarcity (about which more later).

Knight's final historical epoch was the Age of Reason and Enlightenment, during which emphasis shifted further away from the divine, and onto the individual. Thinking about natural law and natural rights changed as well. According to Knight ([1944] 1988, 323), Enlightenment arguments over rights came to be "used to beg the question for what is called either liberalism or bourgeois class morality, according to taste or prejudice. It was now the 'nature' of man (whether 'created' or not) to be 'free and equal,' free from the shackles and custom and authority, in his economic, political, and religious and social life, free for the pursuit of happiness—and, it should be added, for actively promoting 'progress,' material, intellectual, and spiritual."

Knight's historical commentary ended short of the ensuing Communitar-

ian epoch, except for a passing comment noting that “still more novel and artificial are modern natural rights, extended to include the various ‘freedoms’ and claims of the individual at the hands of government, which are recognized in the legal systems of liberal society, or demanded through legal action” (324). These novel ideas were pioneered by Thomas Paine, Karl Marx, and other “progressive” thinkers.

Like Locke before him, the English-born philosopher Thomas Paine regarded the natural law as comprising a set of divine rules. Individuals satisfied their duty to God by obeying their rulers, whose duty in turn was to govern by the light of natural law. Paine (1987, 218) reasoned in the first volume of *The Rights of Man* that “[s]ociety grants him [the individual] *nothing*. Every man is a proprietor in society, and draws on the capital as a matter of right.” The scope of Paine’s rights-thinking expanded in the second volume of his opus. After proposing a detailed plan for cutting the British government’s annual budget in order to eliminate “shew and pomposity,” Paine declared the projected fiscal saving to be a fiscal “surplus.” He proposed that this surplus be used not only to enable tax reform, but also to fund social welfare programs providing for public education, child support, poor relief, marriage and birth benefits, funeral expenses, and old age pensions. He described his pension proposal as flowing “not as a matter of grace and favour, but of right” (336), a right attributable (naïvely) to the excess taxes individuals had paid over a lifetime. Otherwise, Paine’s proposals flowed from the belief, which he shared with Aristotle, Aquinas, and Jefferson before him, that the purpose of all human action is happiness. Consequently, “[w]hatever the form or constitution of government may be, it ought to have no other object than the general happiness. When, instead of this, it operates to create and encrease [*sic*] wretchedness in any of the parts of society, it is on a wrong system, and reformation is necessity” (307). Whereas Locke had shifted “rights” from God and Church onto the individual, Paine shifted them from the individual onto the state. The state became the secular equivalent of Locke’s deity. Paine’s vision is viewed in hindsight as the opening salvo in progressive-liberal rights thinking (Levin 2014). The upshot was that Locke’s classical-liberal conception of natural law and rights became congenial to both progressive-liberal (e.g., Paine) and conservative-liberal ideals (e.g., Edmund Burke, and then Nozick two centuries later).

Paine’s social welfare proposals were ignored by England’s conservative governing elite, which subsequently convicted him in absentia of treason. His views nevertheless fit comfortably with the *avant garde* of European social thinking. Marx, whose writings demonstrated an unexpectedly keen grasp of classical economics, argued that growing prosperity should be distributed as a

matter of right according to individual need. Correlative duties were defined less precisely as entailing the individual's ability and implicit willingness to contribute to society's overall well being. Political pressure in Europe developed quickly along the lines scored by Paine and Marx. It had become sufficiently great in Germany by 1868 to cause Bismark's government to implement a national pension program in order to blunt the growing political threat posed by the socialist movement. These progressive ideas and opinions arrived in America shortly thereafter atop the wave crest of German intellectual idealism. They quickly gained traction among America's populist and progressive-liberal thinkers, who defined social "progress" in terms of individuals' ability to perfect themselves as human beings. Many of these ideals achieved fruition in Franklin Roosevelt's "New Deal" programs (Social Security, for example, began in 1935). The United Nations' *Universal Declaration of Human Rights* (1948) followed Roosevelt's progressive-liberal conception of "Four Freedoms" (1941), which introduced the novel right to be free *from* "want" and "fear."

A cascade of social programs subsequently flowed from progressive-liberal and conservative-liberal thinkers alike. Even the conservative Austrian economist F.A. Hayek ([1944] 1994, 133) argued that the state has an affirmative duty to ensure the provision of basic necessities, including "a minimum of food, shelter, and clothing, sufficient to preserve health and the capacity to work." (Notice how normatively moral rights are cushioned by a measure of pragmatism.) Hayek (1960, 285–86) later argued that "the amount of relief now given in a comparatively wealthy society should be more than is absolutely necessary to keep alive and in health. ... Up to this point the justification for the whole apparatus of 'social security' can probably be accepted by most consistent defenders of liberty." Like Paine and Marx, Hayek grounded his beliefs upon the duty of government rather than invoking the subjective concept of individual rights.

Twentieth century progressive-liberal thinking became far more generous than Paine, Marx, and Hayek had envisioned (see, e.g., Sunstein 2004). This generosity was enabled partly by the increased scale of aggregate economic prosperity, and partly because the rights concept has become de-coupled, as a practical matter, from the correlative concept of natural duties by which Locke's political philosophy was derived. Modern progressive programs became justified both by gossamer, Kantian appeals to human dignity and perfection (Habermas 2013), and by empirically-based claims to such ideals as economic equality (Greenspan 237–44). Knight, Holmes, and Sowell (quoted earlier) were duly cynical of such rights claims, which fall short of being ultimatums, but which carry greater rhetorical weight as social trumps

than do supplications and whining. By the wit of the librettist W.S. Gilbert ([1885] 1932, 390), these claims amount to little more than "corroborative detail, intended to give artistic verisimilitude to an otherwise bald and unconvincing narrative."

Visualizing the evolution of the rights concept

Intellectual ideas and opinions matter. Sowell (2009, 5, 282) emphasizes the importance of studying the process by which elite opinions develop and spread: "Because of the enormous impact that intellectuals can have, both when they are well known and when they are unknown, it is critical to try to understand the patterns of their behavior and the incentives and constraints affecting those patterns. ... [Most consequential] is their creating a general set of presumptions, beliefs and imperatives—a vision—that serves as a general framework for the way particular issues and events that come along are perceived." Former Federal Reserve Chair Alan Greenspan (2013, 258) makes the point more narrowly with respect to the co-evolution of rights and prosperity: "The roots of the issue of economic fairness, rarely discussed outside the halls of academia, date back to the long-simmering debate about who among the multitude of economic participants in the interconnected capitalist production process has valid claims on shares of its output. To this day, it remains an issue in dispute."

Shifts in influential thinking and disputation can be studied empirically by examining the relative frequencies of words and phrases appearing in published books. Quantitative measures of word frequencies are called "ngrams," a term of art in the argot of computational linguistics. (Note that "ngrams" are unrelated to "engrams," the latter being hypothetical changes in brain states that explain the process of memory.)

The ngram data depicted graphically in the two Figures below are drawn from the online "Google Books Ngram Viewer" (2013), which can be accessed freely using Google's *Chrome* browser. Google has digitized several million books, which by some estimates total 15 percent of all books ever published. A substantial number and assortment of these digitized volumes exist as searchable text, from which Google has compiled a database containing ngram frequencies. These data are stratified by language, and in some cases by geographic region as well, for books published between 1500 and 2000. The years 1800 and 2000 constitute the default search range for English-language books; earlier data is more volatile due to the relatively small number of books published and scanned.

Also shown in the two Figures below is a trend line indicating prosper-

ity growth. These data are drawn from work by the economist J. Bradford DeLong (1998), who has assembled and critiqued economic growth estimates spanning the years 100,000 BCE to the present. Of relevance here are his “preferred” estimates of real purchasing power, which are stated in terms of real per-capita gross world product expressed in hypothetical 1990 international (“Geary-Khamis”) dollars. These estimates provide a useful proxy for economic “prosperity.”

DeLong’s figures show real purchasing power increasing by an estimated *total* of three percent between the Athenian Golden Age and the beginning of the seventeenth century. In other words, the average individual living in the year 1600 CE enjoyed roughly the same standard of living as Plato and Aristotle nearly two millennia earlier. Accordingly, individuals in the Middle Ages would have lived by essentially the same wealth-maximizing social rules and norms as the ancient Greeks. By 1700—the eve of the Industrial Revolution, which conventionally spans the years 1750 to 1850—purchasing power had increased by an estimated total of 20 percent over that of ancient times. The gain that occurred between 1600 and 1700 implies not only a somewhat different set of social mores, norms, customs, and practices (King 2013), but also new ideas about how society’s growing economic “windfall” ought to be distributed. By 1800, purchasing power had increased by 42 percent over that of antiquity. By 1900 it had increased by 396 percent. The growth rate inflected upward following World War II, and by 2000, the cumulative increase in real prosperity totaled 4,673 percent. This pattern of increase, which is visualized in the Figures below, implies that today’s rights-based rules bear little relationship to the social patterns of ancient Athens and colonial America.

No theoretical explanation for the Industrial Revolution’s timing, and the spurt of prosperity growth that foreshadowed it, entirely satisfies economic historians. Some attribute these phenomena to the developing Protestant work ethic. Others interpret them teleologically as the inevitable result of gradually increasing physical and human capital, coupled with increasingly efficient social, economic, and political institutions. Gregory Clark (2007, Chaps. 6 and 9) uniquely attributes them to a “survival of the richest” manifestation of Darwinian natural selection, by which the human propensity for personal gain suddenly achieved critical mass. Other economists attribute humanity’s escape from millennia of Malthusian equilibrium to a sudden shock to the social system. The historian William Casey King (2013) identifies one feasible possibility along this line as being the political and religious transformation of personal ambition from a vice into a virtue. This transformation accompanied the New World’s sudden opening to explora-

tion, exploitation, and religious proselytizing. Freeing ordinary individuals to indulge their natural ambition through these and related pursuits not only increased aggregate income and wealth, but also began the process of defining positive rights within an expanded sphere of ("negative") individual liberty. The genes and memes responsible for growing prosperity would have spread as a result for the simple reason that successful individuals tended to leave behind more offspring (Clark 2007).

Clark notes that "[e]conomic institutions [are] just a set of rules [i.e., rights] about who owns what and how ownership is determined" (212). An efficient institutional rights structure, whether achieved through spontaneous interactions among individuals or by means of positive law such as began evolving during the seventeenth century, tends to be socially inclusive. The economic historians Daron Acemoglu and James Robinson (2012, 364) argue that, "[r]ich nations are rich largely because they managed to develop inclusive institutions at some point during the past three hundred years." Rising prosperity therefore resulted perforce from the early evolution of the rights concept. At the same time, however, rights came to be defined in the context of rising prosperity. In other words, rights and prosperity co-evolved.

Figure 1 below shows the trend of elite thinking regarding Locke's (1698) reflexive rights–duties paradigm, by which X has right R_x if and only if Y has duty D_y . The increasing emphasis on "rights" and declining emphasis on "duties" in nineteenth century intellectual opinion (following the ideals of Paine and Marx and Darwin's biological insights) is evident in the respective ngram frequencies drawn from Google's "English One Million (2009)" corpus. The social philosopher Leo Strauss (1953, 182) notes that "in the course of the seventeenth and eighteenth centuries a much greater emphasis was put on rights than ever had been done before. One may speak of a shift of emphasis from natural duties to natural rights. But quantitative changes of this character become intelligible only when they are seen against the background of a qualitative and fundamental change..." Strauss attributes this change to Thomas Hobbes' exposition of secular natural law doctrine in which "there are perfect rights but no perfect duties" (p. 184), which makes rights claims easier to promote. By comparison, the legal scholar Mary Ann Glendon (1991, 22) argues that the purpose of Locke's treatises on government

was to marshal persuasive arguments to legitimate the transition from unfettered royal power to constitutional monarchy. ... Locke's inspired choice of property as *the* prototypical natural right served simultaneously to delegitimize the monarchy as it then existed, and to buttress the political power of both the landed gentry and the rising merchant class. Property was the linchpin in his

foundations for government based on consent. Once the goal of parliamentary supremacy was established in England, the Lockean property story faded into the background there. Property rights continued to be subject to significant limitation by custom and positive law.

The observations by Strauss and Glendon are accurate. However, the data depicted in Figure 1 also demonstrates the correspondence between the developing rights concept on one hand, and the growth of aggregate prosperity and economic surplus that seemingly begs to be redistributed in the name of social equality.

Modern thinking about “rights” is reflected in the *Stanford Encyclopedia of Philosophy*’s comprehensive entry by that title. The entry begins with a definition: “Rights are entitlements (not) to perform certain actions, or (not) to be in certain states; or entitlements that others (not) perform certain actions or (not) be in certain states” (Wenar 2011). The entry goes on to note that “[r]ights dominate modern understandings of what actions are permissible and which institutions are just. Rights structure the form of governments, the content of laws, and the shape of morality as it is currently perceived. To accept a set of rights is to approve a distribution of freedom and authority, and so to endorse a certain view of what may, must, and must not be done.” The essential point is that rights nowadays are defined largely in terms of

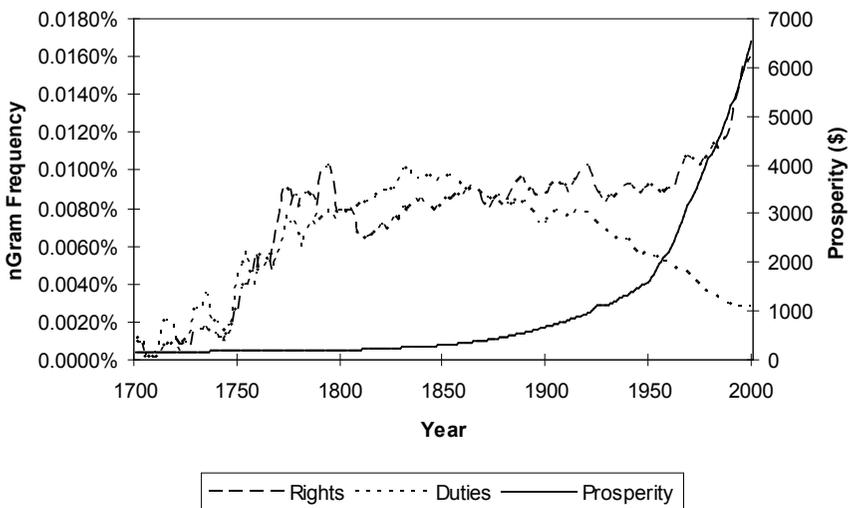


Figure 1. Rights, Duties, and Prosperity. Data sources: Google (2013) and DeLong (1998).

positive legal entitlements. The once-intrinsic link between rights and the correlative duties prescribed by natural law thinking largely has been abandoned even within philosophical circles.

The practice of defining rights in entitlement terms traces generally to the early 1960’s, and specifically to writings by the legal scholar Charles Reich. Reich stretched the meaning of “entitlement” to apply not only to the prerogatives of a society’s titled elite (the term’s historical meaning), but also to any and all recipients of public largess. In a seminal article titled “The New Property” (1964), Reich argued that welfare benefits are a form of property in which beneficiaries have legally defensible claims as a matter of positive right. Reich claimed, in other words, a meta-level entitlement—that is, a *right*—to receive entitlements.

Figure 2 below contrasts the recent trend of “entitlements” thinking with the older view that natural rights are integral to “human dignity.” A visualization based on Google’s English-corpus ngram data shows “human dignity” tracking the trend of prosperity from 1800 until the 1930s, then increasing during the Great Depression and World War Two, and finally leveling off coincident with the rise of “entitlements” thinking in the early 1960s. “Entitlements” shadows the pattern of prosperity growth from 1960 onward.

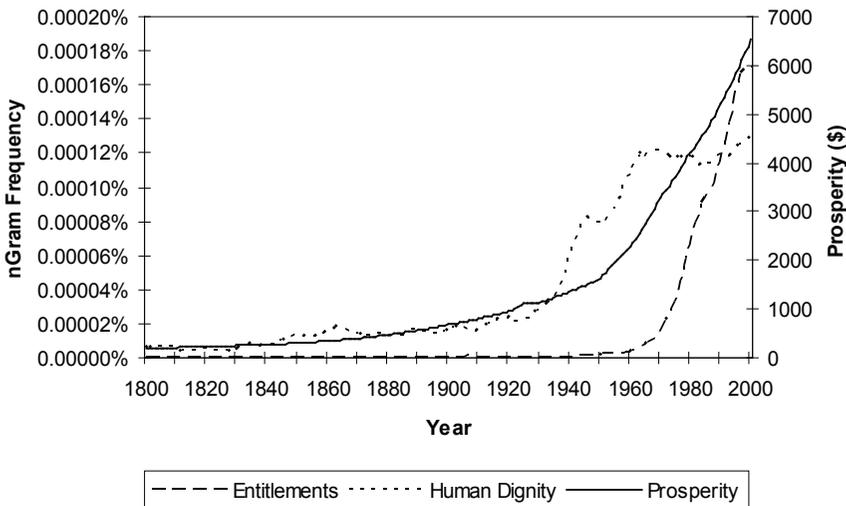


Figure 2. Entitlements, Human Dignity, and Prosperity. Data sources: Google (2013) and DeLong (1998).

An evolutionary theory of the rights concept

The history outlined above reveals that rights are related to economic prosperity, and that the evolution of the “rights” concept has tracked the steady increase in prosperity. History, however, provides no straightforward insight regarding a positive theory of rights. Fortunately, a rational (economic) theory of rights is straightforward and easily summarized.

The concept of rights is the basis for social mores, norms, customs, and practices. These derivative constructs amount to “fast-thinking heuristics” (Kahneman 2011) that serve the complex needs of inherently social individuals. They are the result of an endless trial-and-error process. Successful heuristics spread through a society by means of negotiation, acclimation, repetition, imitation, elite opinion, and faith. They strike a pragmatic balance—a social compact—between individuals’ natural obligation to themselves, and the rational, correlative obligations owed to others within a social context of competition for scarce resources. They foster individual prosperity by facilitating mankind’s natural propensities for cooperation, reciprocity, exchange, and trust. The resulting balance is emergent rather than being the result of applied economic and political logic, and so the result is neither entirely predictable nor necessarily reducible to first principles.

Evolved heuristics trade-off between the competing needs for (i) low social friction between and among individuals, classes, factions, occupations, sexes, etc., and (ii) the economic efficiency necessary for overcoming scarcity’s adverse effects. These separate needs conflict in part because a perfectly frictionless society would be unsustainably costly, while a narrowly efficient (e.g., Swiftian) society might oblige the rich to eat the children of the poor rather than subsidizing their existence. A dynamic balance of some sort therefore is required. This balance need not be utopian or even optimal by the standards of perfect rationality. It must, however, be generally acceptable. The number of acceptable arrangements is indefinitely large, and it varies with the level of aggregate prosperity.

Naturally evolved heuristics are stable (i.e., they change slowly) over time so long as local conditions (e.g., population, resource availability, and technology) are stable. Any significant shift in these variables—the discovery of new lands for colonization, for example—requires a re-balancing of heuristics in order to maintain the implied social compact while simultaneously exploiting new economic possibilities. Change and re-balancing ineluctably create groups of winners and losers, prompting those who are made worse off to assert status-quo-ante claims (i.e., “rights”) to be kept (or made) whole.

Rather than restricting social change to strictly Pareto-optimal improvements, by which some individuals are made better off while none is made worse off, those initially made worse off can be made whole in principle through compensatory payments and in-kind transfers (affordable health care, for example) funded (perhaps by means of compulsion) by the winners.

Change in this sense can be viewed as fluctuating patterns of economic cost and benefit externalities. Thinking in terms of externalities is helpful for understanding the universal nature of correlative rights and duties. Virtually every human action entails both positive and negative externalities (Buchanan [1968] 1999). For example, one individual's taste in hats confers a positive externality (an unpriced benefit) on others who find the choices agreeable, while simultaneously imposing a negative externality (an uncompensated burden) on those who find the choices disagreeable. Both sorts of externalities are passive effects with respect to the individuals upon whom they fall. While externality theory requires a full accounting of costs and benefits, individuals tend as a practical matter to cut each other some slack (albeit sometimes grudgingly) by ignoring trivial externalities. They do so both because accounting for them is uneconomical, and also because it is reasonable to assume that small pluses and minuses even out over time. Individuals and societies tend to adopt specific allowances and constraints only where benefit and cost externalities are substantial and unique.

Individuals do not necessarily benefit equally from growing aggregate prosperity even when compensatory payments are made. While a rising tide lifts all boats, some individuals inevitably rise higher than others due to their talents, skills, ambition, cunning, etc. Moreover, population growth increases a society's absolute number of relatively poor individuals, whose circumstances are attributable to their age, fitness, skills, and to specialized social roles that make them especially vulnerable to changing circumstances. The presence of poverty and inequality prompts mankind's inherent sense of duty, fairness, and justice (e.g., a sense of *noblesse oblige*) by affecting a neural cluster of cortical "spindle cells" that constitutes a portion of mankind's biologically-evolved moral module (Newberg and Waldman 2006, 118). The resulting sense of fairness and justice calls spontaneously for a portion of economic gains to be transferred from winners to losers as a matter of charity (i.e., an "imperfect duty" owed to others) rather than as a matter of individual right. Politically, however, these transfers must be styled for the sake of human dignity as matters of right rather than acts of charity (Greenspan 2013, 190–191). More rights claims are made and granted as prosperity increases. Conversely, fewer claims are granted when prosperity growth slows, and previously successful

claims may be revoked when prosperity ebbs (248–249).

Once the principle of transfer payments becomes generally acceptable, wishful claims to social largess can grow like Topsy, testing and often transcending the foundational ideals of duty and justice. These claims are asserted as matters of right and entitlement. Claims are constrained and channeled via intense competition for the scarce resources available for redistribution.

Buried within this explanatory theory is the implicit utilitarian interplay of costs and benefits that fosters intuitive notions of rights and duties. A useful framework for understanding this interplay entails four questions, which are styled here from the position of Party X relative to Party Y, and which resemble both Locke's reflexive rights–duties paradigm, and the discussion of “positive” and “negative” rights given earlier:

- Q1. To what extent does X have an acceptable claim to internalize the benefits of a private action to the fullest extent possible?
- Q2. To what extent does X have an acceptable claim to externalize the cost of that action?
- Q3. To what extent does X have an acceptable claim to prevent Y from internalizing fully the benefits of a private action?
- Q4. To what extent does X have an acceptable claim to prevent Y from externalizing the cost of that action. Alternatively stated, to what extent does Y have a *duty* to internalize the cost of that action?

Common sense seemingly dictates that X has a proper claim to any and all benefits stemming from private action (Q1). By the same token, X is obliged to internalize fully the cost of that action (Q2), and also (implicitly) to shoulder a share of the fixed, joint, and common social costs that catalyze the action. This much is consistent with Locke's rights–duties paradigm. On the other hand, X has no obvious rights claim to the fruits of any private effort by Y (Q3) so long as Y bears a correspondingly full measure of relevant costs (Q4). Q4 also addresses X's passive right to be left alone, which arises by dint of Y's duty to internalize costs. Q1 and Q4 define the extent of X's “negative” liberties and rights. Q2 and Q3 define X's “positive” right to externalize costs and to claim Y's earned rewards.

The Lockean concept of rights and duties loses its hard edge and moral connotation when viewed as objective patterns of externalized costs and benefits. Thinking about rights and duties in externality terms is especially useful for analyzing the *marginal* adjustments necessary for maintaining an acceptable social equilibrium in response to changing social circumstances. The analytical alternative to marginal analysis is to flounder with the feckless task

of describing, in an unsuitable taxonomy, the indefinitely large, inframarginal core of emergent reciprocal obligations that maximizes some ineffable socio-economic production function.

A marginal "right" by this light entails a successful claim to a change in the treatment of a benefit or cost. The reflexive concept of duty shrinks to being an obligation both (i) to honor successful rights claims, and (ii) to oppose nascent claims that appear on their face to be unjust (e.g., political rent seeking). Rights might exist as abstract philosophical concepts prior to being successfully claimed (e.g., the "right" of slaves to be free), but they do not exist in reality.

This approach to rights accommodates both the economics and legal conceptions of rights.

Economics

Modern economists (*qua* economists) focus upon two efficiency issues: (i) ensuring that scarce resources flow to their highest-valued uses (allocative efficiency); and (ii) achieving "the most bang for the buck" (productive efficiency). Abstract notions of morality and fairness typically are ignored. Economists work and speak principally in terms of "property rights," which legal scholars and moral philosophers, by contrast, often disparage as representing unjustifiable claims to entrenched wealth (about which more below).

James Madison, one of America's founders and a devotee of Adam Smith and the Scottish Enlightenment, characterized all human rights as property rights; that is, as claims upon scarce economic resources. Madison ([1792] 1906, 6:101) drew from Locke, and foreshadowed John Stuart Mill, when writing that property: "embraces every thing to which a man may attach a value and have a right; *and which leaves to every one else the like advantage.* [It includes] ... a man's land, or merchandize, or money ... [as well as] ... his opinions and the free communication of them." Modern economists and legal scholars add the further qualification that property entails not just a single right, but rather a great many separate, and separately alienable, rights that are gathered together, like individual sticks, into indefinitely large bundles. Yoram Barzell (1989, 2, 49, 65) explains rights in the economics context:

Property rights of individuals over assets consist of the rights, or the powers, to consume, obtain income from, and alienate these assets. Obtaining income from and alienating assets require exchange; exchange is the mutual ceding of rights. Legal rights, as a rule, enhance economic rights, but the former are neither necessary nor sufficient for the existence of the latter. The rights people have over assets (including themselves and other people) are not constant;

they are a function of their own direct efforts at protection, of other peoples capture attempts, and of government protection. ... I suggest that the structure of rights is designed to allocate ownership of individual attributes among parties in such a way that the parties who have a comparative advantage in managing those attributes that are susceptible to the common-property problem will obtain rights over them. ... People acquire, maintain, and relinquish rights as a matter of choice. Individuals take such actions directly in the private sector and indirectly, through the state, in the public sector. People choose to exercise rights when they believe the gains from such actions will exceed their costs. Conversely, people fail to exercise rights when the gains from owning property are deemed insufficient, thus placing (or leaving) such properties in the public domain. What is found in the public domain, therefore, is what people have *chosen* not to claim. As conditions change, however, something that has been considered not worthwhile to own may be newly perceived as worthwhile; conversely, what was at first owned may be placed in the public domain.

This concept of rights has contributed mightily to prosperity growth, although not always to income and wealth equality. The inseparable relationship between property rights and rational human behavior is one reason economists often counsel against drawing an “overly sharp distinction between closely related sets of human actions” (Buchanan 1975, 9).

Legal

The contemporary legal view of rights comprises a blend of philosophical and economics thinking. The legal scholar Bruce Ackerman (1977, 42, 71, embedded quote from 64) distinguishes two themes: “One is ‘Efficiency’—which among the competing rules will maximize something-or-another-that-sounds-like-Social-Utility [in other words, ‘which individual or social group can bear the burden with the smallest loss in overall utility?’.] The other theme is less well developed but is becoming clearer, if only in reaction to the growing Utopian chorus. This stream of talk I shall call Kantian simply to suggest its general concerns ... that individuals are entitled to certain rights simply because they are autonomous beings worthy of respect—rights which cannot be overridden simply by an appeal to general Utility.” Ackerman (26–27) explains the resulting legal synthesis:

I think it is fair to say that one of the main points of the first-year Property course is to disabuse entering law students of their primitive lay notions regarding ownership. They learn that only the ignorant think it meaningful to talk about owning things free and clear of further obligation. Instead of defining the relationship between a person and “his” things, property law discusses the relationships that arise *between people* with respect to things. More precisely,

the law of property considers the way rights to use things may be parceled out amongst a host of competing resource users. Each resource user is conceived as holding a bundle of rights vis-à-vis other potential users; indeed in the modern American system, the ways in which user rights may be legally packaged and distributed are wondrously diverse. And it is probably never true that the law assigns to any single person the right to use any thing in absolutely *any* way he pleases. Hence, it risks serious confusion to identify any single individual as *the* owner of any particular thing. At best, this locution may sometimes serve as a shorthand for identifying the holder of that bundle of rights which contains a range of entitlements more numerous or more valuable than the bundle held by any other person with respect to the thing in question. Yet, like all shorthands, talk about "the" property owner invites the fallacy of misplacing concreteness, of reification. Once one begins to think sloppily, it is all too easy to start thinking that "the" property owner, by virtue of being "the" property owner, must *necessarily* own a *particular* bundle of rights over a thing. And this is to commit the error that separates layman from lawyer. For the fact (or is it the law?) of the matter is that property is not a thing, but a set of legal relations between persons governing the use of things.

Jennifer Nedelsky (1990, 238) comments on this approach's implications for the legal concept of rights :

If property is not a "thing," not a special entity, not a sacred right, but a bundle of legal entitlements subject, like any other, to rational manipulation and distribution in accordance with some vision of public policy, then it can serve neither a real nor a symbolic function as boundary between individual rights and governmental authority. Property must have special nature to serve as a limit to the democratic claims of legislative power. ... The most recent cases suggest that some of the [Supreme Court's] justices are deliberately trying to emphasize the thing-like quality of property so that they can use it as a barrier, while others seem to accept that when property is seen as a bundle of rights, it is not a boundary, but a basis for calculation.

The upshot of contemporary legal thinking is described by Richard Epstein (1985, x): "The state now can rise above the rights of the persons whom it represents; it is allowed to assert novel rights that it cannot derive from the persons whom it benefits. Private property once may have been conceived as a barrier to government power, but today that barrier is easily overcome, almost for the asking. ... Under the present law the institution of private property places scant limitation upon the size and direction of the government activities that are characteristic of the modern welfare state."

Modern legal and legislative thinking inverts the rights concept from the days of Locke, Madison, and the English jurist William Blackstone ([1765]

1979, 1:135) who once described rights in property as being absolute: “So great, moreover, is the regard of the law for private property that it will not authorize the least violation of it; no, not even for the general good of the whole community” (except, of course, to the extent permitted by positive law). By contrast, rights are protected nowadays by virtue of being either positive gifts of the state, or else the inadvertent consequence of legal loopholes caused by sloppy legislative drafting (Drucker 1993, 127).

Another relevant concern is developed by Mary Ann Glendon (1991, 14):

Our rights talk, in its absoluteness, promotes unrealistic expectations, heightens social conflict, and inhibits dialogue that might lead toward consensus, accommodation, or at least the discovery of common ground. In its silence concerning responsibilities, it seems to condone acceptance of the benefits of living in a democratic social welfare state, without accepting the corresponding personal and civic obligations. In its relentless individualism, it fosters a climate that is inhospitable to society’s losers, and that systematically disadvantages caretakers and dependents, young and old. In its neglect of civil society, it undermines the principal seedbeds of civic and personal virtue. In its insularity, it shuts out potentially important aids to the process of self-correcting learning. All of these traits promote mere assertion over reason-giving. For a heterogeneous country committed to an ongoing experiment in ordered liberty, these are grave matters.

The concerns of Epstein, Nedelsky, and Glendon arguably are overshadowed by the benefits generated by the prevailing rights structure, benefits of economic efficiency and distributional equity in particular. Nothing in life is free. Society must accept the rough with the smooth. Whether the present tradeoffs involving rights are optimum is the grist of perpetual debate.

Another pertinent legal question entails the extent to which rights, which ostensibly attach to individuals, can be ascribed instead to groups (Jones 2008). Individuals become mere statistics when private rights are transformed into group rights, as occurs when official policies attempt to balance social solidarity and normative notions of fairness against aggregate prosperity and individual happiness. Examples include laws that initially were intended to protect individuals from unjust discrimination in employment, housing, education, etc., but which morphed subsequently into constructive quota schemes that operate without regard to the merits of individual claims. Rights, and the benefits they entail, tend in such cases to be defined and captured by unintended beneficiaries who are best able to compete for them (e.g., lawyers, consultants, politicians, bureaucrats, academics, etc.). This phenomenon explains, for example, the conspicuously mired efforts of America’s so-called War on Poverty.

Summary and conclusion

The rights concept evolved from being a null concept in antiquity to become the foundation of modern law, economics, social science, and political philosophy. Whereas Locke saw God as the natural source of law and rights, the modern state—as guided by elite intellectual and scholarly opinion—has shifted that mantle onto itself. Equating government and state with God is no mere exaggeration. The economist Ludwig von Mises (1949 [1996], 151) explained that “[t]he terms ‘society’ and ‘state’ as they are used by the contemporary advocates of socialism, planning, and social control of all the activities of individuals signify a deity. The priests of this new creed ascribe to their idol all those attributes which the theologians ascribe to God—omnipotence, omniscience, infinite goodness, and so on.” This impersonation rests partly on the false portrayal of government as being, like God, unconstrained by resource scarcity. This misperception is maintained by systematically misrepresenting the true costs of official policies and programs. The upshot is a tandem, upward spiral of rights-based claims and associated state power. Locke could agree that removing the God-like state at this juncture would dissolve a great deal.

Rights and duties are neither God-given nor immutable. Rather, they are empty vessels into which instrumental meaning is poured. This essay demonstrates that the evolution of these ideas have tracked (i) growing aggregate prosperity, and (ii) changing intellectual and scholarly opinion regarding the distribution of prosperity. In other words, rights and prosperity have co-evolved and are inseparably linked.

A “right” is defined parsimoniously as being a successful claim for a change in the treatment of a marginal benefit or cost. This essay’s overarching view is that rights, as a practical matter, are instrumental economic tools rather than moral confections. Individuals have a “duty” not only to respect successful rights claims, but also to oppose nascent claims that are deemed to be unjust. This conception is especially helpful for understanding the adjustments needed to compensate for the negative externalities arising from changing social conditions.

The success of rights claims tends to follow mankind’s inherent propensities for cooperation, reciprocity, exchange, trust, fairness, justice, property, etc. Rights are “naturalistic” and pragmatic rather than Lockean. Social friction increases, and aggregate prosperity declines when successful rights claims become unnatural, as often occurs when unjustified rent seeking influences positive law (Hayek 1973).

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The Eros and Tragedy of Peace in Whitehead's Philosophy of Culture

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ABSTRACT

One of the most intriguing and underappreciated aspects of Alfred North Whitehead's philosophy is his treatment of peace as a civilizational aim of culture. The problem of peace is the subject in the final chapter of Whitehead's *Adventures of Ideas*. It is considered along with the other four qualities of civilized societies, "Adventure, Art, Beauty, and Truth." Although his analysis is driven by examples from Western and Christian history, respectively, the treatment of peace developed is not limited to this or any specific experiential epoch. Peace is a transcultural value, the "harmony of harmonies," which lies at the heart or in the "nature of things." Whitehead designates the permanence-flux contrast of peace in human life as a tension between the "dream of youth" and "harvest of tragedy." Our lives give way to the dance of the possible and actual that both unites and divides us. This article explains how Whitehead attempts to argue for peace by way of "balanced intensity" in response to the triumphs and tribulations of life. Section one deals with the ways in which youth and eros symbolize possibility and orient us toward the possible. Tragedy, or the determination of the individual in its own subjective realization and the consequent nature it produces through the "unity of adventure," is the focus of the second section. In section three, the erotic-tragic contrast is presented in relation to peace as an "intuition of permanence." In conclusion, Whitehead's humanism will be offered as a viable alternative against the modern belief of progress or the quest for worldly success, in which prosperity becomes antithetical to the achievement of peace given its propensity to evade or outrun tragedy.

Keywords

peace, Unity of Adventure, Erotic-Tragic Contrast, Permanence of the Possible

Introduction

It is not an exaggeration to contend that Whitehead's philosophy and humanism centers on the problem of peace. Peace is an ideal satisfaction of civilized societies and, as the "capstone" of culture, is a limiting concept which is why "the language employed to discuss the concept is evocative, metaphorical, and vague" (Hall 1973, 151). The problem of peace is the subject in the final chapters of *Adventures of Ideas*. Whitehead never attempts to give a definition of peace, "rather, it is discussed from alternate points of view in order to evoke some factors implicit in its intuition" (Hall 1973, 107). It is considered along with the other four qualities of civilized societies, "Adventure, Art, Beauty, and Truth." Peace is distinguished among these four qualities of the ideal satisfactions of civilized societies as a unity "in a way which presupposes the relevance of Truth and Beauty to the datum, and of Art and Adventure to the process of experience" (Hall 1973, 107). These four aims can be achieved *without* the realization of peace. But Whitehead warns that absent peace the pursuit of these four qualities "can be ruthless, hard, cruel" (Whitehead 1967a, 284). Although his analysis is driven by examples from Western and Christian history, respectively, the treatment of peace Whitehead develops is not limited to this or any particular experiential epoch. Peace is a transcultural value, the "harmony of harmonies," which lies at the heart of the "nature of things." Peace involves the need for transcendence from what David L. Hall calls "below" and "beyond" the individual. The symbolism of below and beyond represent Whitehead's erotic-tragic contrast.

Whitehead's articulation of peace is concerned with the quality of freedom for the individual in the broad cultural sense, which is not simply a matter of establishing the "right" socio-political relations—"I am not referring to political relations. I mean a quality of mind steady in its reliance that fine action is treasured in the nature of things" (Whitehead 1967a, 274). Our understanding of peace stems from the metaphysical principle consistent with empirical reality that "that no static maintenance of perfection is possible. This axiom is rooted in the nature of things. Advance or Decadence *are the only choices offered to mankind. The pure conservative is fighting against the essence of the universe*" (Whitehead 1967a, 274, emphasis added). Whitehead claims that often times it has been "error" or "a history of mistakes" that advances human civilizations to the freedom, justice, and progress they strive to achieve. But such error is hardly recognized for its contribution by the status quo. The "pure conservative" in Whitehead's sense, is not to be taken politically because he applies it culturally to mean, those famous and power-

ful people “who fight against the essence of the universe.” Progress becomes the buzzword for those who don't really want it because this might greatly jeopardize their own standing. It is also highly likely they will fail to acknowledge the genuine, blood, sweat, and tears contribution of so many dehumanized, unknown people. Whitehead teaches us that those responsible for “progress” don't usually end up in the popular narratives, but they must not be forgotten. “The slaves were the martyrs whose toil made progress possible. There is a famous statue of a Scythian slave sharpening a knife. His body is bent, but his glance is upward. That figure has survived the ages, a message to us of what we owe to the suffering millions in the dim past” (Whitehead 1967a, 21). Whitehead offers a workable humanism that does not romanticize nor exaggerate the grandeur of Western civilization. He famously says, in *Process and Reality*, that “error is the price we pay for progress,” and, in *Adventures of Ideas*, he writes,

The history of ideas is a history of mistakes. But through all mistakes it is also the history of the gradual purification of conduct. When there is progress in the development of favourable [*sic.*] order, we find conduct protected from relapse into brutalization by the increasing agency of ideas consciously entertained. In this way Plato is justified in his saying, The creation of the world—that is to say, the world of civilized order—is the victory of persuasion over force. (Whitehead 1967a, 25)

The youthful unity of Eros

In his theory of peace, Whitehead situates its intuition between the dreams of Youth and the harvest of Tragedy. Whitehead finds that the deepest definition of Youth is “Life as yet untouched by tragedy” (Whitehead 1967a, 287). Youth symbolizes the “undimmed” freshness of experience as moved and captivated by eros, which seeks the ideal actualization of things. “It is the feeling as to what would happen if right could triumph in a beautiful world, with discord routed. It is the passionate desire for the beautiful result, in this instance” (Whitehead 1967a, 289). The exuberance of eros as the “dream of Youth,” leads to the form of peace Whitehead calls the “intuition of permanence” (Whitehead 1967a, 286). *Memories* of our youth elicit feelings symbolic of the permanence of the possible, which is an intuition of peace. It is the nature of peace from the standpoint of Youth that it values all occasions as “ideal possibilities.” We symbolize the experience of youth with the sheer force of possibility, the kind that says “they have their whole lives ahead of them” or “they can achieve whatever they want.” Unfortunately, as Whitehead repeatedly notes, possibilities don't do anything in themselves. In

order for possible relations to have any efficacy they must be made “definite” through the concrete “ingression” with an actual entity. Possibilities have a powerful orientation on the world, but they alone, are incapable of actualization. Yet, what can be more permanent than possibilities?

This is the reason Whitehead suggests that the memories of our youths are better than the experience of youth itself. Such reminiscence enlivens us to imagine being present in the mode of youth in a way that is “vivid rather than happy. The memories of youth are better to live through, than is youth itself. For except in extreme cases, memory is apt to count the sunny hours. Youth is not peaceful in any ordinary sense of that term. In youth despair is overwhelming. There is then no tomorrow, no memory of disasters survived” (Whitehead 1967a, 287). Youth, as an orientation of all actual occasions as “ideal possibilities” symbolize the experience of youth with the sheer force of possibility, the kind that says anything is possible for you now. But those ideas pertain more to what is thought about or remembered, than through the actuality of lived experience. Besides it is only later in life that we become more aware of these conditioned relations once we are able to look back upon, and encounter our younger selves. That is why Whitehead argues that a strong sense of satisfaction from the possible stems from the memory of our youths—we are in an advanced position to better appreciate those ever-fleeting occasions. Although Whitehead’s symbolization of youthful eros as an intuition of peace and the permanence of the possible is profound, its importance has not been ignored in Western philosophy. For example, as the Athenian Stranger recounts, in Plato’s *Laws*,

Ath. Our young men break forth into dancing and singing, and we who are their elders deem that we are fulfilling our part in life when we look on at them. Having lost our agility, we delight in their sports and merry-making, because we love to think of our former selves; and gladly institute contests for those who are able to awaken in us the memory of our youth.

(Plato 2005, 657d)

The dreams of youth have an impact which enlivens us into those memories we hold dearly. “Youth is peculiarly liable to the vision of that Peace, which is the harmony of the soul’s activities with ideal aims that lie beyond any personal satisfaction” (Whitehead 1967a, 288). As Hall notes in his excellent study *The Civilization of Experience*, “Eros, the subjective aim at ideal harmony, acts as a lure toward maximal achievement of harmony both internal to an experience and beyond it” (Hall 1973, 178). The lure of eros is dynamic, creative, and aims at the intensification of subjective experience. Whitehead is concerned with the imaginative free play of the world in all its

nuance and endurance. This character of youthful potential reveals a “tendency in nature which urges toward a creative confirmation of Reality and Appearance” (Hall 1973, 109, 166). There is a comfort of peace that accompanies the togetherness of appearance and reality, which is most intense the younger you are. The more we age and reach higher levels of self-determinacy the *less likely* we will take things at face-value and this explains why we associate a tender innocence with youth that is “peculiarly susceptible to appeals” (Whitehead 1967a, 287). This does not mean, of course, that older people are not “stuck in their ways,” as is commonly remarked. As we will see in the next section, the experience of tragedy points away from such a clean convergence of appearance and reality; it is the sharp awakening of Plato’s claim that “seeming is not being.” Peace in the mode of youth and age symbolizes, therefore, the life of love as the love of life—the circle of all harmonies. Once youth, with its quick cries and laughs, gives way to adulthood there is the onslaught of anguish that accompanies the hardships of life. We pity the youngster who must face the catastrophic, which it is commonly said to rob them of their innocence and youth.

Whitehead describes the funk of life in terms of these two focal regions of an organism—the temporal rise and fall of life’s adventures—as the structure that grounds our personal, historical, and cultural interpretations. To understand what Whitehead means by the erotic-tragic contrast take the common example of older generations who look upon the youth with condescension. They are often heard complaining about how much easier younger folks have it today, that they are “entitled,” “privileged,” or “don’t have to work as hard as we did.” From this attitude a false superiority is presupposed with an outspoken disdain for emerging trends. As if they have been abandoned by eros and left with sour grapes, such harsh judgments are offered with an emphasis only on the “harvest of Tragedy,” which overemphasizes the relevance of the actual at the expense of the possible. Older people struggle to take seriously the erotic orientation on possibility that pervades the experience of youth, and cannot imagine being “untouched by Tragedy.” Likewise, youths fail to resonate with the sorrows and afflictions of life which can dry-up the well-springs of eros. Both perspectives, however, are short-sighted. Whitehead contends that peace is an intuition of *permanence*—permanence of possibility and actuality as symbolized in the erotic-tragic contrast. Every older and younger generation presumes the other to be out of touch, not recognizing the *permanent* structures and play between age and youth. Therefore, both younger *and* older generations can fall for the bifurcation of life and short-sightedly put themselves on a pedestal. Instead of peace they are perturbed

and anxious. They fail to recognize they are looking at Eros and the drive of possibility free from the historical actualizations in the mode of tragedy. To see the permanence of the erotic-tragic structure is the intuition of peace Whitehead refers to as the unity of adventure—"that the perfection of life resides in aims beyond the individual person in question" (Whitehead 1967a, 289). For Whitehead the "soul is a society," and "Care for the future of personal existence, regret or pride in its past, are alike feelings which leap beyond the bounds of the sheer actuality of the present. It is in the nature of the present that it should thus transcend itself by reason of the immanence in it of the 'other'" (Whitehead 1967a, 290). To bring together the immanent and transcendent into a metaxic balance symbolizes the self-persuasion to which peace is open. American culture, as an ideal, is noted more for its youthful eros than for its tragic individuality, but there is no peace without both. "The Adventure of the Universe starts with the dream and reaps tragic Beauty. This is the secret of the union of Zest with Peace:--That the suffering attains its end in a Harmony of Harmonies. The immediate experience of this Final Fact, with its union of Youth and Tragedy, is the sense of Peace" (Whitehead 1967a, 296).

Adventure as the experience of tragedy and individuation

Whitehead connects the aim of peace with the function of catharsis and the enlivening of emotions. Whitehead states that the inner feeling related to the grasp of tragedy is "Peace—the purification of the emotions" (Whitehead 1967a, 286). Historically, Aristotle is notorious for his analysis of tragedy as the arousal and "purgation" or "catharsis" of pity and fear. Poetry and philosophy share an affinity that "tend[s] to express the universal," by which Aristotle means "how a person of a certain type will on occasion speak or act, according to the law of probability or necessity" (Aristotle 2005, 1451a). Tragedy is, as Suzanne Langer describes, that "calling, the attainment of an ideal, the soul's pilgrimage, "life's ordeal," or self-realization" (Langer 1953, 333).¹ Catharsis does not mean that we follow some type of fixed pattern. As Aristotle states, "The poet's function is to describe, not the thing that has happened, but a kind of thing that might happen, *i.e.* what is possible" (Aristotle 2005, 1451a–1451b). In the achievement of catharsis we are able to bring out the hidden relations within an experienced duration. We are able to make

1. Langer continues: "Tragedy is the image of Fate, as comedy is of Fortune. Their basic structures are different: comedy is essentially contingent, episodic, and ethnic; it expresses the continuous balance of sheer vitality that belongs to society and is exemplified briefly in each individual; tragedy is a fulfillment, and its form therefore is closed, final and passional."

explicit what is implicit in the process, giving us a transformative claim. The cathartic effects of tragedy cannot be calculated nor are they necessary for the outcome of the process. Instead they can be radically precarious, bordering on the strange or bizarre involvement of contingent, as well as necessary, factors transforming our felt expectations. When one attends a movie or a sporting game, for instance, there is a sense in which what is supposed to happen is generally known and largely predictable. The enthusiasm or excitement lies in what “might be,” or what could happen. There is transcendence of the individual that speaks to the individual’s shortcomings and attainments. In our trials and errors, we have the potential to grow amidst loss and tragedy. The ways in which the future is felt, via anticipation, for example, stems from the survey we consider along with the finite selections of self-determination.

In a similar way we noted how youthfulness is associated with freshness and other forms of harmony, the process of coming to age is “entwined with pain, frustration, loss, tragedy” (Whitehead 1967a, 286). While dealing with the obstacles of tragedy, Whitehead proclaims “the importance of Peace and the *hope for a renewal of the sense of Peace as Eros and Unity of Adventure*” (Hall 1973, 188, 190, emphasis added).² Peace is capable of holding within a unified experience tragic contrasts as a felt permanence of “Eros and the Unity of Adventure.” This sense of adventure provides the basis for an alternative to modern progress, as will be clear in the final section. Adventure is central to Whitehead’s sense of peace as a response to tragedy. As Hall argues,

Whitehead’s concept of Adventure is the principle novelty in his understanding of civilization. For Whitehead the term ‘civilization’ has a meaning which transcends any given civilized society. Civilization is a process of civilizing. The civilization of man is the civilizing experience seen in terms of the pursuit of balanced complexity, i.e., aesthetic intensity and contrast, within the single actual occasion as well as within nexus and societies. (Hall 1973, 101)

Whitehead addresses tragedy through the form of art as a cultural function and challenge of how to balance novelty and germaneness, when so much emphasis is placed today on the importance of technique. The social worth of artistic production can be interpreted in many ways but what is of interest here is how it brings together traditional and progressive forms in novel ways, which adds to the aesthetic intensity and our experience of the cultural data, processes, and satisfactions generated from such works of art. But art gives way to truth and beauty, as youthful eros is actualized in the harvest of tragedy. The processes of transition from unity to individuation exemplify the

2. Hall adds, The Eros is the “luring each occasion of experience toward maximal harmony.”

temporal structures that underlie the poet's epic narratives, and any derived necessity from such actualities is to be contrasted with the freedom of "persuasion" and "adventure" as Whitehead describes,

We have found the growth of Art: the sublimation of the egoistic aim by its inclusion of the transcendent whole: the youthful zest in the transcendent aim: the sense of tragedy: the sense of evil: the persuasion towards Adventure beyond achieved perfection: the sense of Peace. (Whitehead 1967a, 294–295)

As will be noted shortly, the concept of adventure is "grounded upon the fact that progress is possible, and necessary, because of the finitude of perfections. The intermingling of beauty and evil is a fact of all existence" (Hall 1973, 103). This aspect of Whitehead's philosophy has been neglected or not taken seriously by those eager to work out a process theology. In comparison with contemporary existentialist philosophies, Whitehead has a radical eschatology without presumption of grand narrative: "Whitehead's concept of man is imbued with greater poignancy and tragedy. *The crucial fact is not that, soon or late, death will put an end to an individual's achievements; it is rather that no present achievement is fully open to conscious enjoyment. Existence is an ever-not-quite*" (Hall 1973, 107, emphasis added). The experience of tragedy conveys this "ever-not-quite" character that is *essential* to the features of process, individuality, and finitude. Disharmony and disequilibrium are just as much a part of the natural processes. Error is a necessary condition of the experience of actual occasions, which establishes various types of value and intensity. Connected to the notion of "selection," Whitehead writes in Part V of *Process and Reality*, "the nature of evil is that the characters of things are mutually obstructive. Thus the depths of life require a process of selection. But the selection is elimination as the first step towards another temporal order seeking to minimize obstructive modes. Selection is at once the measure of evil, and the process of its evasion" (Whitehead 1978, 340). "The autonomy of each actual occasion entails the possibility of deviation from its initial aim such that the final satisfaction expresses a distinct variation from the initial aim" (Hall 1973, 109). All actualizations bring about the "stubbornness of fact" as a condition for all future experience, which is of a rhythmic and vibratory character of infinitesimal tempos. Reality is transitory and no entity or occasion is immune to the fluctuations of the process, including God. "Each creative act is the universe incarnating itself as one, and there is nothing above it by way of final condition" (Whitehead 1978, 245).

One of the positive features of Whitehead's philosophy of organism, I believe, lies in its employment of aesthetic categories in the scope of the inquiry. Trag-

edy is the way in which we come to cope with the transitory and fleeting nature of all life; the passing-away “flux” of all reality. Whitehead recognizes the danger of narrow conceptions of perfection that tend to drive the triumphal interpretations of Western civilization. When one thinks of the greatness of the Greeks or Romans, for example, it should only be as inspiration and not as imitation, as is so commonly the intention. As Hall notes in his study, “most theories of civilization are model theories, theories which determine the quality of a present order by appeal to some former model culture such as Periclean Athens or Renaissance Italy” (Hall 1973, 103). Thus, from Whitehead’s standpoint, most outlooks on culture are static, and traditionalist. There is a type of timelessness read into the interpretation of historical consciousness. In twentieth century philosophy, for example, we find this egregious error in Martin Heidegger, who not only worships “the Greek experience of Being,” but claims that we await in our own time another beginning similar to the primordial encounters of Heraclitus or Anaximander. Whitehead’s warning about the Greeks at the beginning of the chapter on Adventure could easily apply as a warning against the sentiments of Heidegger’s philosophy:

Also I suggest that the Greeks themselves were not backward looking, or static. Compared to their neighbours [*sic.*], they were singularly unhistorical. They were speculative, adventurous, eager for novelty. The most un-Greek thing that we can do, is to copy the Greeks. For emphatically they were not copyists. (Whitehead 1967a, 273–274)

The “zest for peace” symbolizes for Whitehead the willingness to be wrong or limited, but never stubborn. Given the nature of finitude, “Peace is the ideal subjective form according to which one affirms as worthwhile individual creative effort in the face of the seeming transience of all achieved perfections” (Hall 1973, 108). In each experience there is decay and germaneness that takes over the novelty in the drive of its rhythmic cycles. This ties into Whitehead’s famous discussion about the “Way of Transience” in his essay, “The Rhythm of Education” (Whitehead 1967b). He writes that “youth is not defined by years but by the creative impulse to make something” (Whitehead 1967b, 154). Whitehead’s sense of tragedy is not imbued with the fatalism of Heidegger’s “being-towards-death,” given the emphasis he places on adventure and eros. “Tragedy interprets the sense of Peace as related to all actualizations” (Hall 1973, 154). The actual brings about the “stubbornness of fact” as a condition for all *possible* experience. This is the other side of peace as an intuition of permanence. In other words, whereas the “dream of Youth” as eros intuits the permanence of the possible qua possible, the “harvest of Tragedy” channels the

possible qua actual. Whitehead uses the distinction between Plato's Receptacle and the Unity of Adventure to illustrate this difference.

This Adventure embraces all particular occasions but as an actual fact stands beyond anyone of them. It is, as it were, the complement to Plato's Receptacle. its exact opposite, yet equally required for the unity of all things. In every way, it is contrary to the Receptacle. The Receptacle is bare of all forms: the Unity of Adventure includes the Eros which is the living urge towards all possibilities, claiming the goodness of their realization. The Platonic Receptacle is void, abstract from all individual occasions: The Unity of Adventure includes among its components all individual realities, each with the importance of the personal or social fact to which it belongs. Such individual importance in the components belongs to the essence of Beauty. (Whitehead 1967a, 295)

The ephemeral nature of beauty derives from the "Advance of the Temporal World," which also allows for the "renewal" that grounds adventure. It is in concern for the "individual components" and their importance that leads to the sense of peace as related to actualized individuation. "The essence of Peace is that the individual whose strength of experience is founded upon this ultimate intuition, thereby is extending influence of the source of all order" (Whitehead 1967a, 292). Both the permanence of the possible and actual are experienced in the intuition of eros and tragedy through the unity of adventure. Tragedy is concerned with the permanence of individual actualizations and involves the value of finite determinations, both positive and negative of actual entities. By means of the tragic we are confronted with transient agency in which we feel what might have been, but was not. Whitehead writes, "Each tragedy is the disclosure of an ideal:--What might have been, and was not: What can be" (Whitehead 1967a, 286). Individuation of our experience corresponds with our experience of the world in its transitory character, articulated most radically in process philosophy; one might even say that in the experience of a tragic durational epoch "the many become one and are increased by one" (Whitehead 1978, 21). This is what Whitehead has in mind when he writes that "Peace carries with it a surpassing of personality" (Whitehead 1967a, 285). Tragedy overcomes the feeling of peace experienced in the "ideal" mode through eros for an "actual" approximation, as Hall explains:

In Eros there is self-forgetfulness in relation to ideal possibilities, but such possibilities are referred to a single individual. The feeling which expresses the sense of Peace as the sense of tragedy involves a broadening of the sense of Eros to include all individuals, and an intuition of the actualization of the ideal possibilities in relation to these individuals with the consequent transience and decay of perfections. (Hall 1973, 155)

Consistent with our experience Whitehead contends that reality is in transitory process, and a permanence can be felt from the possibility and actuality of the process that elicits peace. Such peace is the “capstone” of civilized experience and is a fundamental element in the development and maintenance of civilization. Peace is held as the “intuition of permanence” that is *not* devoid of fluency for its satisfaction. It is peace that cultivates intense contrasts and radically grants to each individual the freedom of self-formation, in which an entity is determined only objectively by the world which pervades it, but peace determines that response to the world it pervades. “The essence of Peace is that the individual whose strength of experience is founded upon this ultimate intuition, thereby is extending the influence of the source of all order” (Whitehead 1967a, 296). It is through the experience of tragedy that the individual reaches its threshold for peace. Whitehead writes, “Peace is the understanding of tragedy, and at the same time its preservation” (Whitehead 1976a, 286). Experiences of the tragic forces one to adjust and mature quickly. These are not simply fads that one passes through but convey the permanence of the actual or “what Locke ought to have meant by his doctrine of time as a ‘perpetual perishing’” (Whitehead 1978, 29).

There is an intuition of Peace, or permanence felt in the flux of actuality or “ever-not-quite” manner of existence. Whitehead claims that the aim of experience lies in the achievement of “balanced intensity” which manifests a “unity in contrast” (Whitehead 1978, 285).³ It is in this attainment that the intuition of peace can be realized only in ways that transcend or strive beyond the pain and tragedy of life in its uprootedness. Whitehead’s philosophical orientations encapsulate the qualities of innovativeness and “the recognition of finitude as inherent in the ever-not-quite character of existence allows for the confrontation with a fundamental fact of cultural existence in contemporary society” (Hall 1973, 195). The use of aesthetic processes as the lens for the study of culture and its impetus to peace shares many features with the nature of experience in general. Hall rightly observes: “Art proclaims what Whiteheadian philosophy proclaims: Existence is transitory; individual attainments are beyond complete enjoyment; beauty is tragic—but beyond the ephemerality of the aesthetic experience, beyond tragic beauty, there is the sense of Peace which prevents cynicism and overcomes despair” (Hall 1973, 195). It is in this sense that Whitehead’s aim of Peace can be grasped in the forms of

3. Whitehead discusses the importance of “balanced complexity” or “balanced intensity” throughout many of his works. For our purposes, I would like to point out that “‘balance’ is the adjustment of identities and diversities for the introduction of contrast with the avoidance of inhibitions by incompatibilities.” See, *Process and Reality*, 278.

entertainment which convey a trust in the efficacy of Beauty and the Truth that life does not come without pain, loss, sacrifice (Whitehead 1967a, 285). According to Judith Jones' provocative study of Whitehead's theory of intensity "[t]he intuition of 'Peace,' Whitehead's recommended apex for civilized thought, is the recognition that in the midst of the inevitable destruction of some intensities by other intensities, given the atomicity of experience, there is the impetus to transcend destruction in an aim at a wider, broader intensity or Harmony" (Jones 1998, 190). Jones goes on to conclude that "Peace witnesses to the tragedy in experience 'as a living agent persuading the world to aim at fineness beyond the faded level of surrounding fact [...]" (Jones 1998, 190).

The intuition of permanence in erotic-tragic contrasts

Primordial Eros and consequent Tragedy are the main focal points that comprise the unity of Adventure. Whitehead's philosophy of organism sufficiently accounts for these paradoxical dynamics. Erotic-tragic contrasts are propositional in character acting as generic contrasts and "lures for feeling" (Whitehead 1978, 25, 87). Generic contrasts are of two types for Whitehead, those that are specific to the experience and others that are without exception in any experience. Unlike "ultimate contrasts," such as one would find in traditional metaphysics, there is the potential that the generic contrasts will *not* be a part of the experience itself. In the sense of *enjoyment* regulative of an actual occasion, Whitehead deals with the ways in which generic contrasts emphasize the importance of self-determination or authentic freedom. Enjoyment is something that can only be ontologically accounted for on the level of individuation, given the predicament of the entity coming to the experience. What a percipient entity brings to an experience conditions the intensity of the enjoyment felt. Therefore, the percipient's value of enjoyment is an open question, depending in part on the role of self-valuation. In vernacular language, there are no wholly novel perceptions; all are shot through with the "objective immorality" of past valuations. Enjoyment refers to the way concrete experience leaves open the "might-have-been" of experience. Common characteristics of youth or tragedy do not wholly determine the experience at even a generic level. The emotional content in the experience integrates with transmuted forms as additional components to be (self)-determined (Whitehead 1978, 85). Tragedy can fulfill a larger role, however, of achieving higher levels of aesthetic intensity and unity under contrast that cannot be captured in the language and commodification of crass economics. Unconscious or spontaneous changes in our experience of eros and adventure, for example, contribute to more intense variations of the same forms.

Experiences of erotic-tragic contrasts are a kind of “partaking” in the pursuit of personal and cultural “enjoyment” through “adventure,” to express it in Whitehead’s language.⁴

They may improve on sustaining levels of individual enjoyment necessary for our cultural development. In this light, these contrasted orientations serve a crucial function for civilizational development within societies, in which “the members recognize each other as individuals exercising the enjoyment of emotions, passions, comforts and discomforts, perceptions, hopes, fears, and purposes” (Whitehead 1967a, 10). Despite the finite condition of all experience and cultural uprootedness, truth is never absent the sense of peace as eros, nor is beauty ever without the unity of adventure. Whitehead finds these historically antithetical orientations as joined in novel ways, which have the potential to impede or promote growth. The intuition of peace incorporates the ephemeral and tragic nature of the beautiful, as a “balanced contrast” articulated in the relations between eros and tragedy, permanence and flux.

Beyond the narrow bounds of the analytic tradition and philosophy of language, Whitehead defines propositions as “lures for feeling” which is meant to be applied in a very wide sense. He seeks to avoid an error *of little or no value* in the history of logic and its “moralistic” treatment of propositional relations in terms of truth and falsity. The co-author of *Principia Mathematica* scolds the traditional conventions of logic and epistemology for failing to appreciate the vibrant role of propositions. “The notion of one ideal arises from the disastrous overmoralization [*sic.*] of thought under the influence of fanaticism, or pedantry. The notion of a dominant ideal peculiar to each actual entity is Platonic [not Plato]” (Whitehead 1978, 85). Such a “dominant ideal” of order will never get at the erotic or tragic pulls and drives, Whitehead argues, that comprise the nature of things. The aesthetic has the advantage of not privileging one type over another, it upholds individuality and the creative origination of every subjective aim, while reserving judgment. Whitehead’s metaphysics of peace relies on the metaphor of art “in its task of proclaiming, in creative expressions, the quality of Truthful Beauty,” without any overarching claim to logical necessity (Hall 1973, 190). For “Propositional feelings are not, in their simplest examples, conscious [intellectual] feelings.” He writes:

The fact that propositions were first considered in connection with logic, and the moralistic preference for true propositions, have obscured the role of propositions in the actual world. Logicians only discuss the judgment of propositions. Indeed some philosophers fail to distinguish propositions from

4. These two notions play an especially crucial role throughout *Adventures and Ideas*.

judgments; and most logicians consider propositions as merely appendages to judgments. The result is that false propositions have fared badly, thrown into the dust-heap, neglected. *But in the real world it is more important that a proposition be interesting than that it be true.* The importance of truth is, that it adds to interest. The doctrine here maintained is that judgment-feelings form only one subdivision of propositional feelings; and arise from the special sort of integration of propositional feelings with other feelings.

(Whitehead 1978, 259, emphasis added)⁵

Whitehead speaks more to the forward looking orientations of cultural adventure but, as will be argued in the final section, without the self-assured myth of progress. For not every adventure will be a success. The openness of adventure accepts the call to take risks while being mindful of the need to resist recklessness. Both the liberal *and* conservative cultural interests are necessary for the intensification, stability, and health of civilized societies to flourish with the best prospects for freedom. Certain interests such as religion and myth are conservative and seek to preserve traditional stories and rituals, whereas art and science are forward-looking and encourage the development of novel theories and practices. Philosophy acts as a mediator among these forms without positing a necessary order or unity between these independent interpretative horizons. The role of the philosopher is to enfranchise and cultivate each interest in a seamless manifold of interpretations conducive to a pluralistic cultural maintenance. Whitehead presupposes dynamic and ubiquitous relations that can result in harmonies and disharmonies among the interests as Hall explains:

No single value-interest, or specialized science, or group of sciences, is adequate to encompass the entire meaning of things. Each of the individual interests is partial and limited, and it is the business of philosophy to construct a classification of these various interests exposing their limitations.

(Hall 1973, 131)⁶

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5. Earlier in *Process and Reality*, Whitehead writes on page 187 “The conception of propositions as merely material for judgments is fatal to any understanding of their role in the universe. In that purely logical aspect, non-conformal propositions are merely wrong, and therefore worse than useless. But in their primary role, they pave the way along which the world advances into novelty.”
 6. This is *not* to be taken as an argument for the subordination of all other interests to the authority of some “philosophical elite,” similar to Plato’s case for the rule of philosopher-kings in the *Republic*. “The emphasis, in the formal concepts of philosophy, upon the higher phases of experience to the exclusion of the primitive, emotional feelings of derivation, has no defense unless the formal abstractness of the scheme is such as to safeguard the autonomy of the principle cultural interests which are conceptually included within

To claim Whitehead argues for the necessary subordination of morality or politics to the aesthetic value of experience, for instance, would be an “overstatement,” an example of what he calls in the introduction to *Process and Reality*, the “chief error” of Western philosophy—“the aim at generalization is sound, but the estimate of success is exaggerated” (Whitehead 1978, 7).

Progress or prosperity? Fame as the “half-way house” to peace

Whitehead writes: “The experience of Peace is largely beyond the control of purpose. It comes as a gift. The deliberate aim at Peace very easily passes into its bastard substitute, Anaesthesia” (Whitehead 1967a, 285). Such substitutes come by way of “fame” or “the love of individual things.” Fame, according to Whitehead, is “that last infirmity of noble mind.” It is the aim to seize upon something valuable, or “worthwhile,” but for the sake of one’s ego. Whitehead describes this drive as dependent upon the “pathology of feeling” which “consists in the destruction of the audience for the sake of fame. There is also, of course, the sheer love of command, *finally devoid of high purpose*” (Whitehead 1967a, 288, emphasis added). This lack of “high purpose” is experienced as an inversion of permanence. Fame is like a shadow of what is steadfast and enacts “the feeling that each act of experience is a central reality, claiming all things as its own. The world has then no justification except as a satisfaction of such claims” (Whitehead 1967a, 288). Further, the star athletes, artists, and other public figures act as the prototypes of such self-inflation and are recognized or remembered as personas of fame. The cult-like frenzy of celebrity which drives so much of current culture privileges experience insofar as it is deemed egophanic, or only of value to the self. Nothing else matters or has meaning outside this sphere of interests. In his fourth volume of *Order and History*, entitled *The Ecumenic Age*, political philosopher Eric Voegelin argues that the imperialistic colonialism violence and ideological mass movements of the twentieth century stem from an “egophanic revolt,” which debilitates human receptiveness to the worth of others as persons. It is no surprise that the advancement of this age has been in the mode of technological expediency that masks alienation and interacts from the comfort of virtual engagement.

it. Whitehead is as much concerned as was William James with insuring that abstract concepts have real “cash value” in concrete, perceptual currency. Thus philosophy is, in one sense, the most impotent of all disciplines. Without its aim at defining the limits of, and of helping to bring harmony into and among, the various cultural interests, it would have little real value.”

Fame or what Machiavelli often called “glory” is a worldly good and mark of one’s success without regard for an individual’s character, duty, or happiness. It is distinguished from honor because fame is disinterested in the existence or quality of the person behind the perceived greatness. Rather, being famous is about the magnitude of one’s impressions on the public and has more to do with one’s aesthetic appeal. When Dante depicts the afterlife in the *Inferno*, for instance, the damned of Hell are as famous as the saints in Heaven because the deeds of either can be widely revered. It is only the Trimmers on the rim of Hell who are truly anonymous, who lack name and fame, since they “lived without infamy and without praise” (Dante 2005, 24).⁷ The esteemed biographer Plutarch reports the lives of famous men, while admittedly being indifferent as to whether they were good or bad natured. Honor is therefore distinct from fame given that it does not presuppose a moral indifference and, we can further claim, honorable acts may not receive their praise or recognition. It is a tragic fact that the virtuous and just character may be honored in posterity or, sadly, not at all. Fame is fleeting and “precarious,” as Voegelin notes in his study of Poggio Bracciolini. The secularization and “redivinization” of the modern world can be traced to the emergence fame as a symbol of the desire for worldly admiration.

Ever since the thirteenth century, the desire to develop an intramundane meaning of life had been growing, and now, by the middle of the fifteenth century, fame had become the first generally accepted symbol for expressing this sentiment. *The intramundane afterlife of fame is replacing the life beyond*. Salvation by fame, however, is precarious, just as is salvation by Grace; many are called, but few are the elect. This orientation within the world requires no less a theology of fall and redemption than does the transcendental orientation.

(Voegelin 1998, 139).

Salvation, or peace in Whitehead’s sense of the divine gift, becomes success, transformed from the Platonic and medieval Christian orientation on transcendence to a secular immanence of modernity, and the condition of alienation and estrangement is reinforced by the scant hope that one’s military, literary, or political legacy will live potentially in the hearts and minds of future generations. Like Polybius’ experience, we “shudder” in the reality that just as we conquer a people today, the same demise will visit our people

7. Dante, *Inferno*, Canto 3. “Such is the miserable condition of the sorry souls of those who lived without infamy and without praise. They are mingled with that base band of angels who were neither rebellious nor faithful to God, but stood apart. The heavens drive them out, so as not to be less beautiful; and deep Hell does not receive them, lest the wicked have some glory over them.”

someday. The historians will comfort others with stories about those great deeds and achievements of the past, but “[t]his history discloses the happy balance attained in periods of culminating greatness, and it also exhibits the tinge of excessiveness in all such peaks of achievement. Thereby it gives the reason for the tragic transience of supreme moments in human life” (Whitehead 1967a, 109). Whitehead’s sense of tragic beauty brings us to recognize and relate with our own finitude, which leaves us vulnerable to the “climate of opinion” as Whitehead called it. The anxiety this can generate is met with the worrisome burden that one will be forgotten, or worse yet, despised. Voegelin and Whitehead articulate the same structure of unity and individuality, as symbolized in the possibilities of youth and the finite actualizations of life. Voegelin continues:

By the nineteenth century the biological formula of the survival of the fittest has replaced the Renaissance speculation on the *fortuna secunda et adversa* [fortunate and the unfortunate], and the survival of the fittest implies the plebian assumption that he who survives is the better man. Poggio is still aware of the tension between fate and value; he is sensitive to the tragedy of history; and there is something alive in him of the Polybian shudder in the face of victory. In the later adoration of success the two dimensions of action, victory and value, are made to coincide and the flow of action becomes untragically progressive; the plebian victor does not like to see the shadow of fortuna; he wants to be the victor by his merit. (Voegelin 1998, 139–140)

Such a misconception of peace is commonly interpreted through the possession of status, wealth, power, or progress, however broadly defined in the phrase “survival of the fittest.” “She who dies with the most toys, wins,” as the popular saying goes. Peace is not ultimately measured by our successes and failures. One of the biggest threats to the intuition of peace is the large misconception that worldly power and progress will secure it; that to be rich can be measured in one’s possessions. Whitehead argues rather that from the structure of these up-and-down experiences, we can tap into the intuition of permanence conveyed through the erotic-tragic contrast. The actual things we accumulate or seek to attain but could not, are ultimately fleeting and superficial.

As Hall explains, the factors that concern those consumed with notoriety and wealth are insignificant to Whitehead’s wide vision: “Whitehead’s reading of history, as well as his reflections upon the meaning of human experience, led him to the conclusions that man does seek to create beauty, that beauty does fade and pass away, that such passing is experienced as tragedy, and that there must be some antidote to tragedy, other than stoic endurance, if civilizations are to be created. Peace, the intuition of the transcendent per-

manence of beautiful things, is life's reply to inevitable tragedy" (Whitehead 1967a, 110). It is the "balance" between novelty and triviality that drives the experience to its completion and beyond, with the possibility for maximal or minimal achievement of the aim. The novelty of the "initial aim" of the artist, athlete, or actor gives way to the crystalized determinations of fulfilled and unfulfilled dreams. "The 'Great Fact' is the object of the intuition of Peace, because in its union of Youth and Tragedy, of Ideal and Actual, it has provided the sense of each occasion of the world as valued in terms of both its ideal possibilities and its concrete actuality" (Hall 1973, 154).

The "unity of adventure" is the intuition of Peace in recognition of tragedy. In the same way that the "consequent nature of God" is "God's judgment on the world," the unity of the entity in its finite reality consist in the concrescence phase of its determinations. In *Religion in the Making*, Whitehead distinguishes human experience from God's with the claim that God does not experience tragedy because what is lost to the world is not lost by God. This grounds the divine possibility for not only a wider and deeper knowledge, but the capacity by which God saves and feeds the world. An(y) entity in its processes of becoming comprises the phases of concrescence developed into a self-creative unity, which is manifest in the consequent nature of God. Whitehead posits God as the unity or whole underlying the finite processes of the universe. He writes, "Apart from God, there could be no relevant novelty" (Whitehead 1978, 164).

Therefore, it does not follow that Whitehead's unity of adventure is consistent with the modern myth of progress. Such a view remains not only naïve but fails to take seriously the reality of finitude and the transitory nature of experience at the heart of Whitehead's philosophy of organism. No civilization is immune to the factors of decline and the eventual crystalizing of its practices into mundane social customs and habits. The "balanced complexity" of Whitehead's approach seeks to harmonize the novel and germane as a means to cultivate stable, yet vibrant cultural intensity. In Whitehead's account of balance between novelty and germaneness he is aware that we need to be mindful of those possible dislocations that can occur in the appearance-reality contrast when novelty or tragedy are overemphasized. It is through the permanence of eros and tragedy that our unification and individuation can be most felt, and such an intuition can deliver us the peacefulness that can help us to sustain the kind of adventure Whitehead deems fit for civilized societies to remain vibrant.

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Morality Without A God

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ABSTRACT

This essay defends the basis of morality as held by non-believers by arguing that we just like believers learn our morality by learning our language—which necessarily involves learning about the world, the “forms of life.” First other attempts by Niise, Epstein and Harris to argue for humanist morality are considered and rejected, the latter rejection based on G.E. Moore’s “open question” argument against naturalism. Contrary to Hume’s contention that it is impossible to jump the logical chasm from “is” to “ought,” it is contended in this essay that to understand morally relevant concepts, one has to already understand that they are either good or bad because to learn one’s native language is to learn what sorts of actions are right or wrong. This allows critical judgment about what is right or wrong. Humanism is based on such critical judgment. That is what makes it most moral. Deciding which acts are right or wrong is a matter of deciding what relevant facts apply to the situation. Some corollaries of the fact that humanism is moral because it relies first and foremost on critical judgment are considered.

Keywords

ethics, morality, moral hazard, atheism, non-belief, faith critical judgment, Wittgenstein

The intent of this essay is to provide a defensible basis for our morality for those like myself who are non-believers. We do not find support for our ethics in belief in a higher authority, in particular in any supernatural higher authority. In this essay I make the case that we are nevertheless ethical on a rational basis and can justify our beliefs at least as well if not better than believers can. Here I am opposing what is a common opinion among believers and I am

afraid also among some non-believers too that without an external “higher” authority to which to adhere, an individual will bound to be amoral or even immoral. This essay concludes with general remarks about what it is for anyone to justify her or his moral position.

It is the case that holders of one faith or another often just assume that those who do not profess their faith or at least some other faith have no moral scruples. Personally this writer has encountered this response more than once. To cite just one instance, when telling the executive director of a professional organization that I was a non-believer, the director immediately told me that I had to be “without morals.” Other non-believers have expressed to me that they have had similar experiences.

The charge of relativism is made in intellectual circles against those who do not accept the absolutist ethical dicta of one faith or another. Relativism is the view that that there is no objective morality, that the morality (or lack thereof) that one person or group holds cannot be successfully opposed by any others. Thus the morality of one “tribe” or another such as that, say, of the Nazis is just their morality. “They have their morality, we have ours.” Relativism makes individual morality just a subjective choice analogous to one party preferring chocolate ice cream to another preferring vanilla.

The prejudice often held by believers is that one cannot maintain an objectively justified moral outlook without absolute and unqualified adherence to some faith-based moral authority. This causes many of us who do not adhere to one religion or another to remain “in the closet.” We may hide our lack of religious belief, our “faithlessness” from others in the business world or in our social life. This often strikes non-believers as an easier course than having to deal with possible prejudice and mistrust.

Despite the constitutional injunction against a “religious test” for holding office, in various places atheists have in fact been banned from office. There have been cases, such as a recent one in New Jersey where notaries have refused to certify documents for atheist or their organizations (Wright-Piersant 2014).

The wide spread disapproval of atheists is well documented. This is a general problem. A recent Pew Research “Religion and Public Life Project” survey (Egdell 2014) reports that about half (52%) of eligible voters would have serious reservations against voting for an atheist.

In another survey (Pew 2014) it was indicated that while those in the US feel less strongly about this than others around the world, that a majority, “53% say belief in God is necessary to be moral.”

David Niose, former president of the American Humanist Association in his book, *Non-Believer Nation* (Niose 2012) has expressed the hope that once believers are exposed in daily life to atheists and agnostics that they will become more accepting. The analogy here is to the increasing acceptance of LGBT individuals by those “straight people” who become familiar with LGBTs in daily life as co-workers, acquaintances and even family members (24ff). Niose thinks that the believing public can become generally more tolerant of non-believers at least in the medium term as they become more familiar with non-believers.

It is true that the emergence of the “new atheists,” Sam Harris, the late Christopher Hitchens, Richard Dawkins and the rest has generated more public awareness of what non-believers believe or, rather, don’t believe. However, the analogous hope that non-believers will become more generally accepted by believers as they become familiar with atheists and agnostics in daily life is wishful thinking. Whereas straight people can increasingly come to see that LGBT individuals may act “normally” outside of whatever they do in the bedroom and thus come to treat them with tolerance, contrary to Niose, non-believers may not be so accepted as moral no matter how “nice” they act in “daily life.”

LGBT people gain acceptance by acting “normal” among straight people. They come to be seen as individuals, average folks despite their sexual orientation. I do not mean to suggest that prejudice against LGBTs is a thing of the past anymore than I would suggest that racism in this country is a thing of the past. Despite some manifest progress, this is not a post-racial society anymore than it is post-homophobic. But rather dissimilarly, prejudice against non-believers is unlikely to as easily diminish over time. A good way to explain this is to discuss the concept of “moral hazard.”

A useful way to begin to elucidate the idea of moral hazard is to recount an old joke. The joke goes like this:

It is the first night out of port on a cruise ship, there is a formal ball for the passengers. A woman is standing by the ship’s rail in the moonlight looking quite attractive in all her finery. A man that she has never seen before approaches her and with the first words out of his mouth propositions her. She angrily replies “What kind of woman do you think I am? You don’t know me. Why do you think that I would just go to bed with a total stranger, someone who just walks up to me and asks me.” The next night he approaches her and offers her one hundred dollars to spend the night with him. She angrily rebuffs him again with “What kind of woman do you think that I am?” The third night (these stories always come in threes) as he approaches her she is already in a rage. One might

even think that she would throw him overboard if she could. He says to her “Now just wait a minute. Hear me out. How about ten thousand dollars for one night? I am very rich. That amount of money means very little to me.” She falls silent. He can see her hesitating and thinking about what he has just said. She repeats the words “ten thousand dollars” under her breath but audibly. He quickly responds “Stop right there. Now that we have established what kind of woman you *are*, let’s haggle about the price.”

“Moral hazard” has to do with people often discovering that they do have a price in a particular instance and being tempted, perhaps being willing to do something of which they might otherwise outwardly disapprove. All of us know temptation. As someone who has dealt for decades in the real estate and associated finance business, I have become imbued with a sense of the darkness that pervades our capitalist economy. Moral hazard is rife in the business world and often given in to. Add to this how we know such things as how lust infects the behavior males especially at a young age everywhere and it is hard to deny how widespread moral hazard is and how it is often accompanied by attendant hypocrisy.

Among religionists the idea of temptation is part of the sin and redemption picture that preachers paint. And that picture is profitable for those in the religion business. For instance, if the “flock” is repeatedly admonished by the “shepherd,” coveting one’s neighbor’s wife on Saturday night will lead to larger contributions in the collection plate Sunday morning.¹ Add to this religion based guilt installed in children at a young age. This is further compounded by filling children with “the fear of God” and it is easy to see the essential benefit of this guilt machine profit engine for “organized religion.”

But non-believers by definition have no fear of a god since they don’t believe in a god. They may have abandoned this picture when they abandoned a religious upbringing. Or perhaps they never had it to begin with if they were raised in a secular household. This makes atheists and agnostics suspect to believers. Non-believers may appear “nice” to believers in the ordinary course of events—but what about the behavior of non-believers with for instance no “fear of God” in the face of moral hazard?

Believers can easily see non-believers as essentially untrustworthy con-men and women. For instance, knowing how corrupt politics is, and given the propaganda spewed against non-believers, it is no wonder that they would not trust a candidate for office who comes out as a non-believer—as if they should anymore trust a politician who professes belief to attract voters. Despite example

1. The metaphor of the shepherd and the sheep when applied to religion is truly marvelous considering the fact that sheep get sheared and eventually slaughtered.

after example of professed believer politicians being “found out” and exposed as hypocrites, it generally does not strike the voting public that those aspirants for office who do not spout religion are less likely to be such hypocrites. Instead a non-believer aspiring to office is to be regarded as an outlier, outside the fold.

Secularism is much more prevalent in Western Europe especially in Northern Europe than in the United States, From my perspective culture is much more advanced there as compared to here. The two previous Roman Catholic Popes have written extensively inveighing against what they see as relativism increasing in secular Europe (See for example Pope John Paul 1993 and Ratzinger 1996). These popes have seen their faith based alleged morality as the only alternative to this relativism. We will see where the current “it is not for me to judge” pope comes down on this issue. In any case the picture this dichotomy presents is wide spread. Only if this either-or choice can be seen as a *false* dichotomy can one avoid the choice of blind adherence to a faith based morality or having no defensible morality at all.

The worry that non-believers may have no basis upon which to base their morality is not confined solely to believers. Non-believers may have this worry too. This is behind the lament, “God is dead. All things are permitted.” as if some things are not permissible *only if* there were a higher authority to condemn them. “God is dead. All things are permitted” was originally annunciated by Dostoevsky in *The Brothers Karamatsov* (Dostoyevsky 1880) through the character, Ivan Karamatzov. This expression of grief was then popularized by Jean Paul Sartre and other Existentialists (See, for example, Sartre 1946).

Having lost their faith, these disappointed Christians—in the case of most French Existentialists, disappointed Catholics—find themselves without any moral compass whatsoever. They don’t have the belief any longer that there is a god who will tell them what to do and what to believe. They say things like “man makes himself” as if morality can be conjured up in an individual by a sort of spontaneous generation. A moment’s reflection indicates that what one person conjures up with as her or his morality may differ from what the next person comes up with. There is then no way to chose between competing moralities arrived at by a sort of moral pathogenesis. So on this view held by Existentialists we are back again stuck with relativism.

Humanism attempts to solve to this dilemma. “Humanist Manifesto III” (2003) puts this as follows:

Ethical values are derived from human need and interest as tested by experience. Humanists ground values in human welfare shaped by human circumstances, interests, and concerns and extended to the global ecosystem and beyond.

However, just like the Existentialists, “Manifesto III” does not say *how* such values are derived. Just how are valued grounded in human welfare? There is no explanation in the “Manifesto” of this process.

“Humanist Manifesto III” goes on to say that we [Humanists] “are committed to treating each person as having inherent worth and dignity and to making informed choices in the context of freedom consonant with responsibility.” Now such commitments are wonderful sentiments in which I personally share. Commitments are a wonderful thing but what are we to do in the face of those that do not share them? What do we do about those who do not recognize the “inherent worth and dignity” of others? How do we defend those sentiments against those who, no matter what they may or may not advertize, do not give a damn about other people? What about bigots who do not acknowledge the worth of one or another minority? We can’t simply shout “you are bad and we are good.” The values expressed in the Manifesto are admittedly aspirational (see the last paragraph of “Manifesto III”). Humanist may hold to them. Unfortunately these values are not manifested by everyone. These values cannot be justified by just announcing them. The bare announcing of views and values is a problem with manifestos.²

Sometimes it is argued that from early hominids on and right up to modern *homo sapiens* people have needed to cooperate in order to survive—and this is how morality has evolved. Early humans alone in the primeval forest were quite defenseless against, say, saber tooth tigers. In later times it is still the case that “no man is an island.” People have to cooperate in order to survive and this is how morality supposedly arises.

It is sometimes argued that as people have evolved in nature so has their morality. Unfortunately evolution has not universally led in a positive direction. For instance, one could note that natural selection has resulted in men being bigger and by and large much more physically strong than women. The story goes that men were the hunter-gatherers and women “kept the hearth,” responsible for fostering the young and so insuring the survival and prospering of the species. In consequence women have not needed to be as big and strong as men. This has led to women generally being abused and subjugated

2. After this essay was originally written the Humanist Press published *Creating Change Through Humanism* by Roy Speckhardt. This book is a well meaning attempt to present humanism to the general reader. However Speckhardt unfortunately following “Humanist Manifesto III” does not provide any justification for the reader who is not already a humanist for adopting humanism. Chapter 3, “An Argument for Humanism” (23–43), is devoid of any arguments. All Speckhardt can do is ask the reader (Chapter 1, 3–9) whether she/he is already a humanist as he describes it. He might as well be asking the reader whether she/he likes chocolate or vanilla ice cream.

by men in many places worldwide. In all too many places this physical power differential between women and men has not led to a very morally acceptable set of “values.”

As similar point can be made about male aggressiveness to the point of over-aggressiveness. If the “selfish gene” is encouraged by evolution to replicate itself, male aggressiveness toward females can be seen as an advantage in nature. More sex results in more replications of the male’s genes. Aggressiveness can become aggression toward women to the point of forcing “non-consensual sex” on women, especially women of breeding age. I discuss *rape*, the real name for this euphemistically labeled vicious activity below. In any case the notion that evolution has led humanity to greater morality among humans is not evident on the face of it.

Furthermore that people need to cooperate may even be acknowledged outwardly by those who will in secret not cooperate when tempted by moral hazard. If the opportunity to cheat is available and the resulting benefit seems great enough, hypocrisy is a temptation to which many individuals may succumb—especially if they could get away with it. Plato suggests in Book 2 of the *Republic* relating the “Myth of the Gyges” where the story is about a ring that would render the bearer invisibility, impunity from accountability would allow the bearer to get away with most anything. Possession of this ring would provide the true test of the bearer’s ethics. So a believer might think that non-believers might engage in evil in secret thinking that there is no higher being looking down on them. There is a cynical saying most typically heard in the entertainment world: “Sincerity will get you far. Fake it as long as you can.” (Bob Fosse in the movie “All that Jazz” had great fun in humorously exploiting this chronic hypocrisy in show business.)³

As noted above believers are prone to think that such hypocrisy is in the hearts of nonbelievers, that without uncritical adherence to a “higher author-

3. In an article “How Morality Has the Objectivity that Matters—Without God” (*Free Inquiry*, Vol. 34, Issue 5) Ronald A. Lindsey also argues against the need for a belief in a god to maintain an objective morality. Lindsay bases his argument on the over-arching utility of being moral. The obvious response to this, I maintain, is a Kantian one: maintaining morality may be a *means* to general human well being but any means must be justified in term of its end. I argue below that justifying the objectivity of morality in terms of social well-being is for run afoul of G. E. Moore’s “open question” argument. Furthermore Lindsay fails to recognize that one may appear to follow moral norms even most of the time and even profess them while violating them behind everyone else’s back when it seems to her/his advantage on a given occasion. In short Lindsay does not take into account the prevalence of moral hazard and attendant hypocrisy. I want to thank Fred Edwards for calling my attention to Lindsay’s article.

ity,” nonbelievers may just be faking it. And even if non-believers are sincere, how are we to defend ourselves against the accusation that this just happens to be the way we feel, just habit without justification. What is just habit can be overcome in an instance of sufficiently strong moral hazard.

Humanists believe that we can be “good without God.” *Good Without God* (Epstein 2009) is the title of a popular book by Greg M. Epstein. Epstein is Humanist Chaplain at Harvard University. In his book, Epstein explains what humanists believe, outlining the long history of humanistic thought. He also provides guidance toward fully living according to humanist principles and exhorts people to live by these principles. Unfortunately paralleling what is not in the “Humanist Manifesto III” what he does not do is explain *why* one should live by these principles.

What he says (137) is the following:

Still, while it’s not important or (I hope) necessary to spend any further time explaining that it is every bit as plain for nonreligious people as for religious ones to recognize that murder, adultery, thievery, and lying—among many other such pernicious activities—are wrong, we might profit from some discussion of *how* Humanists go about determining which such actions are worthy of censure and which are punishable offenses. We’ve talked about [and rejected talking about] the obnoxious question of whether we have a method for determining right and wrong generally.

With this I disagree. While it *is* important to spend time as I will below “explaining that it is every bit as plain for nonreligious people as for religious ones to recognize that murder, adultery, thievery, and lying—among many other such pernicious activities—are wrong,” it need to be asked how do we just “recognize” it? Religious folks cite their scriptures, their commandments as justifications for their moral beliefs. Without such authorities, how do non-believers justify the moral principles that they hold?

Epstein goes on to say (137):

... in the words of Erich Fromm, “Humanistic ethics, for which ‘good’ is synonymous with good for man and ‘bad’ with bad for man, proposes that in order to know what is good for man we have to know his nature. *Humanistic ethics is the applied science of the “art of living” based on the theoretical ‘science of man.’* Contrary to the notions of those who would demonize Humanists and the nonreligious out of ignorance, fear, or outright hatred, we do not have a very hard time determining that murder, adultery, theft, and lying are bad, not only because we can see the effects they have on people, but most likely also because we evolved to have a sense regardless of which religious beliefs we do or do not hold, that such things are wrong. [Italics in original]

But how do we “determine” these things? If determining these things is “an applied science,” there must be some pure science from which to apply it. Epstein following Fromm doesn’t cite any such science. Epstein does not explain how we non-believers determine these things. He just says that we do. One might be tempted to say that these things are self-evident. But, as I have been pointing out, what is self-evident to one person may not be to another. Saying that we see what is bad (or good) because we can “see the effects they have on people” may be no better than basing morality on emotional reactions. We need better than this.

There is another prominent book that *does* try to base morality on science. Sam Harris in his *The Moral Landscape* (Harris 2010) understands, indeed defines goodness as relating to the “well-being of conscious beings” right at the onset of the book. This is connected to the subtitle of the book, “How Science Can Determine Human Values.” This subtitle is more instructive of what Harris is about than the title. Harris wants to argue that moral questions can be settled by the unearthing of facts, by science in the wider sense, that is, by assembling the relevant facts via empirical investigation. This is the theme of the book. When responding to the widely held view that ‘controversies about human values are controversies about which science officially has no opinion,’ he says (1–2):

I will argue, however, that questions about values—about meaning, morality and life’s larger purpose—are really questions about the well-being of conscious creatures. Values, therefore, translate into facts that can be scientifically understood: regarding positive and negative social emotions, retributive impulses, the effects of specific laws and social institutions on human relationships, the neurophysiology of happiness and suffering etc.

Harris says near the beginning of his book (12) that we must *define* (his word) “good as that which supports well-being” and elsewhere calls this equation a “first principle” (5). His argument is that one cannot sensibly deny this. The problem is that various critics do deny this and make sense in doing so.⁴

It can be easily seen that Harris with his idea that “the good” is what enhances well-being is explaining what is good in terms of its consequences. This makes his ethics what is called “consequentialist.” A most prominent form of consequentialism in philosophy is Utilitarianism, the philosophy of Jeremy Bentham (Bentham 1781) and John Stuart Mill (Mill 1861). Bentham

4. See the *Wikipedia* entry on *The Moral Landscape* for references to a number of the many critiques of Harris’ equating what is good with “that which supports well-being.” It is beyond the scope of this essay to discuss these in detail.

and Mill define goodness in terms of maximizing human happiness. Harris substitutes well being for happiness but the same sort of objections made to classic Utilitarianism obtain to Harris.

Attempting to base “questions of values” on facts, scientific facts or facts otherwise, is what is labeled as “naturalism” by philosophers. To attempt to define morality based on facts in general and consequences in particular is what G.E. Moore claimed would be committing what he called ‘the naturalistic fallacy.’ The charge of committing this fallacy was leveled against Bentham and Mill and applies equally to Harris.

Moore argues that naturalistic attempts to define what is good in terms of happiness or, by extension, well being fall prey to “the open question argument.” Against any claim that what is good or bad can be defined by any feature in the world. Moore argues that it can sensibly be asked “Is that really good (or bad)?” The answer may be that such a thing indeed *is* good or bad but the fact that the equivalence is open to question establishes that the feature in question is *not the same* as what is good or bad. Whether something may be defined as good or bad is subject to further discussion.

Here is an obvious objection to Harris’s equivalence of what is good with the well-being of conscious beings in this world. This objection shows that Harris is vulnerable to the accusation that he is committing the naturalistic fallacy. Suppose a religious zealot believes that misery in this life will be outweighed by well-being “in the next life”? Think of the well-being that a jihadist suicide bomber will expect in the next life: 70+ virgins waiting for him and eternal happiness for his family if he just goes for the well-being that this future life might bring if he blows himself up in this life. This could be and is an easy sale to those mired in poverty with little prospect of much well-being in their current lives or those of their loved ones.⁵

There are other objections to Harris’s main thesis. Harris tries to deal with these objections but it is sufficient to say that once a philosopher pronounces something as “self-evident,” a debate will quickly break out. I should also add following Moore that once a thinker begins to defend an idea on some basis, this establishes that the idea is not a “first principal,” that there must be some justification(s) for it.

From the point of view of a non-believer it is certainly an improvement trying to justify actions in terms of enhancing human well-being over trying to satisfy some vindictive “Big Daddy in the Sky.” But it is pretty obvious

5. By the way one can wonder what female martyrs should expect in a supposed afterlife. 70+ men as sex partners? Are female martyrs destined to become nymphomaniacs through eternity?

that justifying actions in terms of well-being is itself in need of justification. Another way of putting this is to say that finding the means to enhance well-being is a means to that end but the final end itself, well-being, must be justified.

Moore's open question argument exposing the naturalistic fallacy is sometimes thought to be an intellectual descendant of the "is-ought" dichotomy first enunciated by David Hume in the eighteenth century. Hume's classic critique is mirrored by Moore's. Hume's logical separation of "is" statements from "ought" statements (in *A Treatise of Human Nature* (Hume 1731) has become the starting point of very many philosophical debates over morality ever since. Hume says (469) that no matter how long one goes talking about *what is*, one cannot get to the point of establishing "*what ought*." Per Hume, facts themselves are morally neutral. According to Hume, facts by themselves do not lead to moral conclusions. In his by now famous words, Hume says that in every "system of morality" with which he is "acquainted, the author proceeds for some time in the ordinary ways of reasoning, and establishes the being of a God, or makes observations concerning human affairs" when, Hume continues "all of a sudden I am surpriz'd [sic] to find, that instead of the usual copulations of propositions, *is*, and *is not*, I meet with no proposition that is not connected with an *ought*, or an *ought not*." Hume concludes that what seems "altogether inconceivable is how this new relation, an ought statement "can be a deduction from others [that is, "is" statements] which are entirely different from it." When applied to Harris's arguments, Hume's separation of facts from values means that all Harris's talk about brain states and their relationship to facts in the world will not lead to his moral conclusions regarding well-being.

Rather than struggle along with Harris, let me propose an alternative way of looking at morality. A hint of what I want to say is indicated by Harris when he says (39) "It seems uncontroversial to say that a change that leaves everyone worse off, by any rational standard can be called 'bad' if this word is to have *any meaning at all*" (italics added).

What I want to focus on here is the reference to words and meaning. If there are already both strictly factual but also moral elements in the very concepts that we use to describe morally relevant situations, then there is no reason accept an unjumpy gap from facts to values per Hume. Similarly, if using certain words to describe any situation, person or whatever already implies that they are good or bad, we do not have to confront Moore's "open question" regarding whether it is good or bad. Moral concepts are different from what are alleged to be the purely descriptive concepts that we employ

to describe, say, scientific facts in nature but they nevertheless involve the understanding of facts.

To learn language, to begin to listen and speak—here I am not speaking of learning *another* language but rather the native language by which we first learn to communicate—is to learn about the world and this includes what is good and bad about it.

To demonstrate the point that I am making here, let us discuss the concept of rape. That rape is a physical act of violating someone's person is basic to understanding what rape is. Understanding what rape is goes beyond a dictionary definition which explains rape in terms of vaginal or anal penetration. That it is evil is *part of understanding* what rape is. There is no "open question" here. A truly ignorant remark sometimes attributed elsewhere to various football coaches was uttered by the Republican candidate who lost to the governor's race in Texas to Ann Richards in 1990. This candidate, Clayton Williams, said "if one is going to be raped, she might as well lie back and enjoy it."⁶ To this we can reply "You don't know what you are talking about." Rape is not something to be enjoyed by its victims. Rape is a hurtful, violent act that often does permanent mental damage to the victim as well as physical damage. It can't be adequately described in "morally neutral" terms. Anyone who thinks that one can adequately describe any incident of rape in "morally neutral terms" does not understand the concept or is pretending not to understand it. In the alternative, such a person might be a psychopath, someone in general who cannot properly distinguish right from wrong.⁷

Following Wittgenstein, to understand a term is to understand it in the context of experience. To paraphrase Wittgenstein "to understand a form of words is to understand a form of life."⁸ To understand what rape is to understand what it is, that it is evil *without question*. Since it is evil without question, there is no "open question" concerning it.

6. See Shaw 2008 for an account of this incident.

7. I want to acknowledge here my debt to my long term friend, Jörn Bramann. Jörn delivered an unpublished paper many years ago at the University of Oregon where we were both graduate students at the time. He made the point that someone who accepted the Swift's "modest proposal" to that Irish babies be eaten, babies being the only product that the Irish "seemed to produce in abundance" was likely insane rather than just in error. Jörn's point back then is undoubtedly the seed from which my thesis here grew.

8. Section 19 of the *Philosophical Investigations* says "...to imagine a language is to imagine a form of life." Section 23 says that the term 'language game' is meant to bring into prominence the fact that the *speaking* of language is part of an activity, or form of life." I am paraphrasing these quotations to say that one must understand the role, the activity in a part of life described by a term, in what the activity consists to be able to use the term correctly.

Rape is a straightforward and unequivocal concept to explain. When one considers such ideas as justice, fairness and equality on the one hand and deceit, oppression and discrimination on the other, things can get more complicated. Sometimes conflicts between values can arise such as the possible opposition of the value of privacy with the value of safety. These both have positive value but balancing between them is not easy in, say, dealing with the threat of terrorism. Privacy seems to be compromised by safety and *visa versa*. Personally I have mixed feeling when I see the proliferation of video surveillance cameras everywhere in public. We are about to see a proliferation of drones flying around observing us allegedly in the interest of “public safety.” Still there is no open question as to the facts that even in conflicting situations privacy and personal safety are positive values.

When attention is called to these values, there is in fact no room for disagreement as to whether what they describe is good or bad. For instance no one is going to defend murder in general. No one needs some list of “commandments” for this. We know that murder is evil because, again, we know what it is. The issue is to which real life situations to apply the term.

Deciding which extinguishings of human life are murder and therefore evil is a different matter from understanding that murder is evil. There are of course extreme pacifists who at least say that they will “turn the other cheek” no matter what. But for the vast majority of people there are cases where killing is not murder—such as plain cases of self defense—and despite any “commandment” to which they profess adherence. The term “justifiable homicide” is not an oxymoron. If a killing is deemed justified, we do not consider it murder.⁹

Deciding whether a particular human caused death of another person is murder or not depends on the circumstances. There is a useful maxim among lawyers which is relevant here: “Circumstances alter cases.” We need to know the situation, all the relevant facts, before we can decide whether a certain killing, such as in a case of self-defense, was justified. One can observe that very often when people are having what might be classed as a moral debate, they are actually disagreeing as to what the relevant facts are, what facts apply in a given case. They don’t disagree about what is right or wrong. They know for example that murder just is wrong. They disagree about what the relevant facts are that allow us to apply a morally charged concept such as murder in a specific instance.

Sometimes the distinctions are clear-cut. Sometimes they are not. In this context let me reference the socially contentious issue of abortion. Everyone

9. “So you are saying that human agreement decides what is true and what is false?” It is what human beings *say* that is true or false; and they agree in the language they use. That is not agreement in opinions but in form of life (Wittgenstein 1953, Section 241).

can agree that killing a person who is not out to harm anyone else is murder. So the question that arises is “What is a person?” This is a factual question, though not always an easy one to answer. We are familiar with the extreme religionist view—one without any empirical evidence whatever—that once a sperm cell meets up with a human egg in the womb, there is a person there with the right to live. To someone who does not hold that idea “on faith” it may seem absurd to attribute “personhood” to a zygote of a few dozen cells. Yet none of us would countenance the abortion of a viable fetus eight months into a pregnancy because the mother to be just doesn’t feel like giving birth to a child. Despite the insinuation of some anti-choice demagogues, no sane person today is for such unlimited “abortion on demand.”

The issue is trying to draw a line here, deciding at what point in a pregnancy there is a person whose extinction would constitute a murder. Where between a handful of cells, a zygote, and a fully formed healthy fetus who could easily survive a cesarean delivery should the line get drawn?

Laying aside ideologically charged, arbitrary and uncritical notions such as “human life begins with a heartbeat,” or “twenty weeks into gestation, that’s it,” when there is a person there remains a difficult question. That drawing an exact line here is difficult if not impossible does not mean the distinction between when there is person in a womb as opposed to when there is not cannot be drawn at all. That one may not be able draw an exact line on a color chart that continuously goes from orange to red does not mean there is no distinction between orange and red. Surely the colors marked out near either end of this spectrum are clearly either orange or red. One does not need a commandment here either to see this.

What I am insisting upon here is that learning our native language, our first language, as opposed to a foreign language subsequently learned, involves learning about the world. This involves learning the application of the concepts which words signify. These learned concepts include morally relevant concepts.

We non-believers learn these concepts at least as well—and I would submit probably with less intellectual confusion than those with “faith.” So when a non-believer is challenged as to the foundation of her or his moral standards, the answer is plain: “I know what decency on the one hand is versus injustice on the other, what democracy versus tyranny is. I know the evil of murder, theft and rape. I understand these things as well as anyone else who has learned the language that they speak. I have grown up as you have to have learned to understand these concepts as I have learned about the world. I don’t need any list of commandments which I am supposed to accept uncritically ‘on faith’ to understand these things.”

This is the answer that we can give to those who accuse us non-believers of being amoral or even being immoral. We can feel confident in our morality without depending on any belief in a god.



That concludes my defense of justifying one's morality without believing in a god or gods. Now I want to go on the offense. I want to argue that faith cannot ground morality. Any list of injunctions such as list of commandments cannot establish morality. Uncritically accepted moral rules are subject nonetheless to Moore's open question critique. For example I discussed murder above. "Thou shalt not kill" cannot be just accepted on its face. For example there is a vast literature among religionists explaining the idea of just war. Similarly I once asked a supposedly religious woman who had been molested by her father how she felt now about honoring her parents. Honoring the second commandment turned out to be quite difficult for this woman. Every one of the commandments (except maybe the one about not "putting any other god before me" which seems more a matter of jealousy than morality and implies polytheism) is subject to rational discussion and therefore cannot be a "first principal."

The fact is that all of us have to deal with competing moral concepts. We don't hold all of these at the same time consciously in our minds. Anyone who has taught logic as I have should have become aware that one can list competing moral statements on a board but people pay attention to one or the other of them to the exclusion of others at any given time. Simultaneously holding contradictory ideas is what Orwell called "double think" (Orwell 1949, 32). Contradictory notions can exist buried in the fog of our minds until we are reminded of them.

This fact can be applied to the recent debate between Sam Harris and Bill Maher on the one side vs. Reza Aslan actor Ben Affleck on the other. (HBO's "Real Time", October 6, 2014. See YouTube <https://www.youtube.com/watch?v=vln9D81eO60> for the video.) Harris called Islam "a storehouse of bad ideas." Aslan and Affleck defended the great majority of Muslims in the world as not holding bad ideas. The *Quran* of course says that infidels should be slain and adulterers should be stoned to death, part of the "storehouse of bad ideas" to which Harris alluded. It is true that non-jihadist Muslims may ignore these ideas, not think of them just as most all Christians ignore the more toxic ideas in both the Old and New Testaments. The vast majority of believers cherry pick through their "sacred texts" and do not maintain consciousness of much of what is in their "books." Likely very many Christians

are not aware and might in fact be appalled by what is enjoined in “Leviticus” and elsewhere in their “gospels” until if and when they are reminded of what is actually in their “sacred texts.” It can be pointed out in defense of Harris’s position that believers can be reminded of what is in their “god inspired” texts. This “inspiration” can have negative, even awful consequences.¹⁰

Those who do not live in at least a more secular and modern culture may not have at their command scientific and other ideas with which to oppose the jihadists. In those places where imperialism formerly dominated, Western ideas may be rejected out of hand as part of an anti-colonialist response. Witness *Boko Haram*—the name means “Against Western Education,” that is, against Western culture. In such a situation critical consideration of the storehouse of bad ideas may be hampered or not occur at all. In more conservative Islamic countries believers may often be defenseless against the acceptance of atrocious ideas.

The fact is that *if* people do not allow their brains to be turned off by an abject, uncritical acceptance of articles of faith, they retain the capacity to weigh competing ideas, competing oughts. Those of us who are not blinded by faith can and maybe have an obligation to remind the faithful of what they know or should know regarding morality in general and moral oughts in particular.

To sum up what I have been saying in this essay, let us return to looking at Moore’s argument. As I have noted above, G. E. Moore used the open question argument against those who would commit what he called “the naturalistic fallacy.” However one should not think that Moore thought that this left the ultimate justification of morality without any basis. Moore had a positive thesis in regard to the justification of morality. He thought that one could discover the “good” by “simple inspection” (Moore 1903, 270ff).

This view is remarkably similar and may in fact be equivalent to the view that one may simply intuit what is good. That this gambit is not automatically acceptable to a critic should be obvious. It is as little persuasive as Moore’s purported ‘proof of the external world’ (Moore 1925). This alleged proof consisted of Moore holding up one hand and the other and announcing that

10. It is quite remarkable how few “believers” have even read the books that are supposed to be the foundations of the which of the myriad of “faiths” to which they profess that they adhere. In fact very few Christians have read their two testaments from cover to cover. I invite the reader to take an informal survey her or his self. Perhaps this ignorance is a good thing given the quite appalling divine dicta in many passages of supposed “good books.” On the other hand a good way to advance an individual toward abandoning their faith is to have them actually critically examine what is in their texts.

since his hands were real, so was the world in general, This proof hardly put an end to epistemological speculation regarding what we can know as real. Similarly just asserting that one can know what is good by simple inspection and go on to derive which things are good and right as opposed to which are bad and wrong does not settle moral controversy. As I have been at pains to point out, asserting these things as intuitively obvious by one person does not preclude someone else from asserting something contrary—on the basis of their “intuition” or otherwise.

So where does rejecting Moore’s positive assertions regarding the basis of morality leave us in regard to his negative critique of naturalism? The answer is that Moore’s negative critique still holds up notwithstanding the rejection of his positive doctrine. In this regard it is useful to take a look in what the critique actually consists.

When Moore tells us that we cannot settle on what is good by asserting that it is what promotes pleasure or well being, he is in effect telling us that these proposed goods need to be examined. So what his open question argument is telling us is that we cannot uncritically accept attempts to simply define what is good in terms of something else. Moore’s critique extends against any doctrine beyond just naturalism, any doctrine which would simply identify what is good or bad with anything else.

Dressing Moore’s critique in more modern clothing while at the same time still rejecting his own positive doctrine of what is good means that one has to apply *critical judgment* to any claims as to what is good or right. This is to reject any attempt to explain morality on intuition or for that matter on blind faith.

Irrespective of what may produce happiness or well-being, a religionist might argue that these things do not matter, that what is good is what conforms to “God’s will.” Plato deals with this idea in the dialogue, the *Euthyphro*. Plato in the voice of Socrates challenges Euthyphro to say whether something is pious (read “good for “pious” according to the ancient Greek concept of piety being part of justice and justice determining what is good) because the gods approve of it—in which case the gods might approve something that might otherwise appear evil. Or in the alternative do the gods approve of something which they know to be pious already? In that case the gods are not the final word as to what is good and right. Euthyphro avoids answering the question. It is obvious that either answer would be troubling for him—as it would be for anyone who is ready to consider what it means to just accept what is right simply because a deity or deities “will” it. This links up with the “problem of evil” which is most vexing for believes: How

can an all-powerful deity also be “all good” given how much evil and misery there is in the world? Does it just have to be accepted that this is “the best of all possible worlds”? Does it just have to be accepted that the world is what some supreme deity says is good? Or can we question whether the world supposedly created by some supreme being is truly good? If this last question is truly an “open question” the faithful have a real problem answering it. This is Euthyphro’s dilemma.¹¹

Critical judgment, insisting on being rational in the face of naked assertions of faith or any ideology which “knows” the answers before examining the question, is central to humanism. Contrary to being the source of amorality or even immorality, humanism because it insists on being rational, exercising critical judgment, is moral at its heart.

There are occasional critics who want to insist that humanism is just another faith, a belief. But since humanism rejects beliefs based on faith, calling humanism just another faith misses the point. Calling humanism another faith is as simple-minded as just saying that zero is a number. Yes, zero is less one less than one but you can’t multiply anything by zero and get anything other than zero. Adding it to or subtracting it from any previous result does not change that result. So, if someone wants to insist that zero is a number, one has to remind that person that it is not like whatever else they call a number. So calling humanism a faith misses the point that just as zero is like other “numbers” in some ways, it is not in others, similarly humanism lacks what might properly be called “faiths” in not resting on any uncritical accepted doctrines. Instead, humanism *begins* and ends with critical judgment, examining various views and opinions *before* accepting them.

Humanism, if it is in any way a doctrinal position is not a faith. It is a zero when it comes to accepting any belief on faith. We insist on verifiable evidence for any belief. That makes us more moral, not less.

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11. Plato in the mouth of Socrates was trying to force Euthyphro to consider an open question, in other words to exercise critical over two millennia ago.

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