

Washington and Lee University

The Mudd Journal of Ethics

Volume 2

Spring 2017



MUDD CENTER
for ETHICS

Cover art drawn by Mary Corcoran.

The Mudd Journal of Ethics Editing Team

Editor in Chief

Zachary Taylor '17 is a senior from Syracuse, New York. He has majors in Philosophy and Classics and a minor in Poverty and Human Capability Studies. Zachary is a member of Phi Beta Kappa and Omicron Delta Kappa, serves as a hearing advisor for Washington and Lee's student government, as secretary of the Virginia-Mu chapter of Phi Sigma Tau philosophy honor society, and as a community assistant as part of the Residential Life staff. He is also involved in peer tutoring and DJs a weekly show for 91.5 FM WLUR. Zachary hopes to pursue a Ph.D. in religious ethics after graduation.

Associate Editor

Austin Piatt '17 is a senior from Dayton, Ohio. A Politics and Philosophy double-major, Austin will work in Washington, D.C. upon graduating from Washington and Lee and eventually plans to attend law school. Austin is a member of Phi Beta Kappa and Omicron Delta Kappa, and is also the 2016-2017 Head Resident Adviser and president of the Virginia-Mu chapter of Phi Sigma Tau philosophy honor society. He has served on Washington and Lee's Mock Convention Platform Committee as well as its White Book Review Committee.

Assistant Editors

Shaun Soman '17 is a senior from Rewey, Wisconsin. They have a major in Philosophy and minors in Women's, Gender, and Sexuality Studies, and Film and Visual Culture Studies. Shaun is a member of Phi Beta Kappa and Phi Sigma Tau philosophy honor society, and is one of the two music co-directors at 91.5 FM WLUR. They have published work on *The Rocky Horror Picture Show* in *Film Matters* and intend to pursue careers in film and music journalism.

Spencer Payne '17 is a senior from Davenport, Iowa. He is an Economics major and a double-minor in Mass Communications and Education Policy. Spencer is one of the founding members of Washington and Lee's Leadership Education and Development program and has served on the Faculty Executive Committee. He is also a member of the men's golf team and is very involved in his Greek organization, Lambda Chi Alpha. Spencer will be working for M&T Bank after graduation and, in his spare time, enjoys playing pool, ping-pong, and badminton.

Kassie Scott '18 is a junior from Pennsville, New Jersey, with majors in English and Anthropology and a minor in Poverty and Human Capability Studies. She is a member of Phi Beta Kappa and Omicron Delta Kappa. On campus, Kassie serves as a writing center tutor, peer counselor, university ambassador for Washington and Lee Admissions, head career fellow for Washington and Lee's Career and Professional Development, communication facilitator for the Gender Action Group, and outgoing co-director and co-founder of *Friday Underground*, a weekly coffeehouse event run by students. Off campus, she has

served abroad as a human rights intern in Romania and a cultural ambassador in London through the U.S.-U.K. Fulbright Commission. Kassie plans to study applied ethics and promote human well-being after graduation.

Parker Butler '18 is a junior from Mobile, Alabama. A Journalism major and Creative Writing minor, Parker is also a class representative for Washington and Lee's Development Ambassadors. She is a member of the local sorority, Delta Society, a writer for the student magazine "inGeneral," and a volunteer at Campus Kitchen, a volunteer organization at Washington and Lee. After graduation, Parker hopes to pursue a career in magazine publications.

Alex Farley '19 is a sophomore from Houston, Texas. He is pursuing a double major in Philosophy and Economics. Alex is a member of University Singers, Washington and Lee's premier choral ensemble, and General Admissions, the university's premier coed a Capella group. Alex is also co-director of Friday Underground and will serve as a Peer Counselor next year. This summer, Alex is researching how social networks impact ethical leadership. After college, Alex hopes to either attend law school or graduate school for philosophy.

About the Roger Mudd Center for Ethics

The Roger Mudd Center of Ethics was established in 2010 through a gift to the University from award-winning journalist Roger Mudd. When he made his gift, Mudd said, “Given the state of ethics in our current culture, this seems a fitting time to endow a center for the study of ethics, and my university is its fitting home.”

Today, the Mudd Center furthers that study of ethics by organizing rigorous, interdisciplinary programming. In addition to welcoming distinguished lecturers throughout the year to speak on ethical issues, the Mudd Center also sponsors and organizes ethics-based conferences, professional ethics institutes, and other public events that further discussion and thought about ethics among students, faculty, and staff at Washington and Lee University and beyond.

About Roger Mudd

Roger Mudd graduated from Washington and Lee University with a degree in History in 1950. Mudd’s distinguished career in television journalism includes positions at CBS, NBC, PBS, and the History Channel. He has won five Emmy Awards, two George Foster Peabody Awards, and the Joan S. Barone Award for Distinguished Washington Reporting. Mudd serves on the board of the Virginia Foundation for Independent Colleges (VFIC) and helped establish the VFIC Ethics Bowl, an annual competition in which teams from Virginia’s private colleges and universities debate ethical issues. He is also a member of the advisory committee for Washington and Lee’s department of Journalism and Mass Communications and an honored benefactor of Washington and Lee.

Letter from the Editor

On March 12, 2017, four undergraduate students traveled to Washington and Lee University to deliver papers on a wide variety of ethical issues, ranging from what our attitudes should be toward death to whether citizens are morally obligated to contribute to their communities' media outlets. It is not hyperbolic to characterize this second annual Mudd Undergraduate Ethics Conference as a tremendous success, both on account of the students' excellent papers and their enthusiasm to put forth publicly their own ethical ideas, which they defended with thoughtfulness and intelligence. Perhaps most importantly, each student's presentation stimulated rich discussions about salient issues that were readable and of considerable import to those who attended the conference.

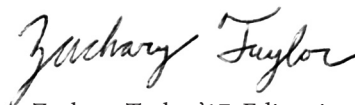
The second annual publication of *The Mudd Journal* represents our attempt to continue these important discussions among our readers. Essays on abortion and the local media landscape call us to think critically as citizens about current political debates in the public sphere. Essays on our relationship with death and practical-regret cause us to reconceive ethical attitudes in our personal lives. In addition, this second volume of the journal includes two papers from students unable to attend the conference, whose ethical conclusions are no less provocative and noteworthy. Luke Brown asks whether an acclaimed work of contemporary fiction treats embodying responses to the Holocaust, or the Shoah, in an ethical manner. Lorenzo Nericcio admirably combines utilitarianism, one of the foremost moral deliberative theories in analytic philosophy, with existentialism, a notable school of thought in continental philosophy. Despite not being able to listen to their papers at the conference, we are eager to publish their work here.

The *Mudd Journal of Ethics* is a product of extraordinary effort on behalf of numerous individuals whom I would be remiss not to thank. Debra Frein of the Mudd Center helped make our conference possible and has been just as valuable to the publication of this journal. Mary Woodson and Denise Watts of the Publications office at Washington and Lee have both been essential in our effort to create an attractive journal that we are proud to publish. I also want to thank Teddy Corcoran, who founded *The Mudd Journal*, and whose advice I have consistently relied upon throughout this academic year. Of course, I am especially appreciative to the editors of the journal who read each of the paper submissions, provided feedback, and proposed useful edits and alterations. I want to thank each of them: Austin Piatt, Shaun Soman, Spencer Payne, Kassie Scott, Parker Butler, and Alex Farley. They have all been exceedingly helpful in this collective endeavor.

Finally, I would like to thank Dr. Angela Smith, Director of the Mudd Center for Ethics, who really made the second volume of this journal possible. Thanks to the full support of the Mudd Center and her enthusiastic commitment to this project, we have been able to host a successful conference and publish one of the only undergraduate journals in the country solely dedicated to the study of ethics. I am so appreciative of Dr. Smith's guidance and profound wisdom.

I hope that the reader will enjoy this excellent collection of ethics-based scholarship from undergraduate philosophers across the country. Their ideas are important, and we are honored to present them here, in this second volume of *The Mudd Journal*.

Sincerely,



Zachary Taylor '17, Editor-in-Chief

TABLE OF CONTENTS

PAPERS PRESENTED AT THE CONFERENCE

Reason And Practical-Regret.....1 <i>Nate Wahrenberger, College Of William And Mary</i>	1
Reconstructing Scheffler’s Afterlife: Levinas and the Relationship with Death as Alterity.....7 <i>Matthew Fee, University of Utah</i>	7
On Maternal Obligation: The Lens of Motherhood in the Abortion Debate..... 13 <i>Kipp Hopper, Quinnipiac University School of Health Sciences</i>	13
Saving Local News: Our Moral Obligation to Contribute to Journalism in Communities..... 19 <i>Caroline Utz, University of Richmond</i>	19

ADDITIONAL PAPERS

Who Gets to Mold the Clay? Questions of Post-Shoah Fiction in <i>The Amazing Adventures of Kavalier and Clay</i> 27 <i>Luke Brown, Georgetown University</i>	27
Consequential Existentialism: Qualifying Existential Responsibility 35 <i>Lorenzo Nericcio, California Polytechnic State University, San Luis Obispo</i>	35

REASON AND PRACTICAL-REGRET

Nate Wahrenberger, College of William and Mary

Abstract: Christine Korsgaard argues that a practical reason (that is, a reason that counts in favor of an action) must motivate the agent to whom it applies, but only insofar as the agent is rational. She calls this requirement for practical reasons the *internalism requirement*. I will argue that the internalism requirement, as Korsgaard applies it, is a trivial requirement because it does not rule out any theories of practical reason. We should therefore consider a different requirement of practical reasons that actually rules out implausible theories of practical reason and helps explicate our concept of practical rationality. I suggest that practical reasons are such that they inspire what I call *practical-regret*, not under conditions of full rationality, but under counter-factual conditions of (1) psychological normalcy and (2) an agent's failure to comply with a reason. My paper will attempt to explain what practical-regret is, why it matters for our concept of practical reason, and why the eliciting conditions for practical-regret are normalcy, rather than perfect rationality. I will end my paper by showing how certain kinds of practical reasons, which the internalism requirement could not rule out, can be ruled out by my practical-regret requirement.

KORSGAARD ON THE INTERNALISM REQUIREMENT

Philosophers who write on practical reason typically acknowledge two possible senses of the term "reason": internal and external. Internal reasons characteristically depend on some fact about our internal motivational states (our desires, aims, etc.). External reasons do not depend on any such facts. External reasons are often taken to be facts about what actions are prudentially good for an agent. They are also sometimes taken to be the type of reasons that ground our objective moral requirements. It should be noted that even among externalists, there is fantastic diversity in opinion about what an external reason is and what external reasons we have.

Some philosophers, like Bernard Williams, reject all externalist views of practical reason for failing what Christine Korsgaard calls the *internalism requirement*. The internalism requirement is the requirement that "practical reason-claims, if they are to present us with reasons for action, must be capable of motivating rational persons."¹ The internalism requirement seems to present a problem for certain externalist theorists who believe that reasons for action are independent of our internal motivational states. For most externalists, it is possible for an agent to have an objectively binding² reason to do something she cannot be motivated to do. On most externalist views, external reasons will fail to motivate individuals who lack particular subjective ends or desires. Because external reasons lack the motivational efficacy that rational considerations are supposed to have according

¹ Christine Korsgaard, "Skepticism about Practical Reason," in *The Journal of Philosophy*, vol. 83, no. 1, (1986): 11.

² A norm (rational, ethical, legal) is objectively binding if it applies to an agent independently of the agent's own mental states.

to the internalism requirement, Williams concludes that external reasons do not exist. Only motivationally efficacious internal reasons are allowed on Williams' view.³

Korsgaard observes, however, that the internalism requirement, as Williams applies it, poses a problem for even the least controversial kinds of internal reasons. She asks us to consider means-end reasons, which directly depend on our subjective ends. Suppose I have a means-end reason to go for a run because running is a means to losing weight. Even though I want to lose weight, I might nevertheless be unmotivated by my means-end reason to run. Just as it is possible for a rich person to be unmotivated by an external moral reason to give to the poor, so too is it possible for me to be unmotivated by a means-end reason to run. Indeed, any plausible theory of practical reason provides practical reason claims that may fail to motivate a fully informed agent. As Korsgaard puts it, "true irrationality" must be possible.⁴ Since the possibility of true irrationality ostensibly does rule out internal reasons, neither should it rule out external reasons.

Korsgaard observes that, according to a plausible reading of the internalism requirement, a reason need not motivate every agent. Rather, it merely has to motivate a *rational* agent. But different theories of practical reason typically idealize rational agents in different ways. Thus, Korsgaard believes that normative theorizing about practical reason can yield conclusions about what rational procedures humans are capable of (rather than attempting, as Williams does, to arrive at normative conclusions from empirical claims about how particular humans reason).⁵ That is to say, if *a priori* moral philosophy yields the conclusion that an agent has reason to act altruistically, that means that there must be some "deliberative route" (to use Williams' language) from the agent's current motivations to the motivations that would cause altruistic action. A descriptive fact about human psychology can therefore be derived from a normative fact about rationality.

Because of these considerations, Korsgaard thinks that the real debate over external reasons is not a debate over whether external reasons can motivate agents. Instead, it is a question of whether a given theory of practical reason (be it internalist or externalist) has the most theoretical points in its favor. On Korsgaard's view it looks like the debate will be won through moral philosophy, not through psychological investigation.

THE PRACTICAL-REGRET REQUIREMENT

Korsgaard may be right in her interpretation of the internalism requirement, but I think she is mistaken to assume that, simply because the internalism requirement places no limits on what can count as a practical reason, *a posteriori* facts about human psychology do not serve as basic explanatory considerations for what reasons are. Even though Williams does not successfully articulate his reservations about external reasons, the intuition remains that facts about the reasons I have (or do not have) for action depend, in some sense, on certain facts about my particular psychology. It seems clear to me that some kinds of reason-claims properly take into account normal human psychology while others simply do not. My goal, in this paper, is to propose a way to clarify this intuition in the form of a "practical-regret requirement" on practical reason claims. The internalism

³ Bernard Williams, "Internal and External Reasons," in *Rational Action*, ed. by Ross Harrison (Cambridge, UK: Cambridge University Press, 1979) 101-113.

⁴ Korsgaard, "Skepticism about Practical Reason," 14.

⁵ Williams, "Internal and External Reasons," 101-113.

requirement does not rule anything out, so if we want to use psychological considerations to limit what can be properly considered a reason (which I believe Williams rightly intuited), we must improve upon the internalism requirement in two ways.

First, our requirement should not idealize agents in terms of perfect rationality as the internalism requirement does. Instead, it should require an agent to respond to rational considerations under conditions of psychological normalcy. To make this switch is, naturally, to invite debate about what “normalcy” means. Yet, I think there is an available account of normalcy (to be discussed later in this essay) that (a) is non-normative and (b) explains our talk about what normal people are like in naturalistic terms. Why talk about the psychology of a normal person rather than an ideally rational one? First, there are a number of well-documented problems with idealizing in terms of full rationality that I will not discuss here.⁶ My greater concern, however, is that if our requirement for practical reason idealizes in terms of full rationality, it misses the point of why people mistrust certain kinds of externalist views. When Bernard Williams claims that there is no “sound deliberative route” through which external reasons can motivate an agent, he is not asserting that the externalist’s conception of a fully rational agent will fail to be motivated. He is saying that an agent with a psychology *that we would find familiar* will not be motivated (no matter what deliberative route she takes). Since much of our discourse about reasons and practical-regret stems from our discourse about how normal people make and reflect upon decisions, we must therefore think of a requirement on practical reason that idealizes in terms of normalcy.

Of course, there is no guarantee that a normal person will always be motivated to act rationally, even on a means-end view of rationality and, as Korsgaard observes, this fact should not keep us from counting means-end reasons as reasons. I therefore propose that we stop asking whether an agent will be motivated by the rational consideration posited by a reason-claim and instead investigate the broader psychological efficacy of a rational consideration, which, in normal people, is not limited to motivation. There are rational considerations that may fail to motivate a normal person but in light of which a normal person will still have a psychological response. I therefore recommend that we broaden the psychological requirement to allow, when motivation is absent, for a particular psychological response, which I will call *practical-regret*. This *practical-regret* response has different eliciting conditions than motivation does in situations relevant to assessing the internalism requirement. For a reason-claim to pass the practical-regret requirement, practical-regret must be a response not to the reason, but to one’s failure to act on a reason.

I will explain with an example. I have spent much of my life desiring to be an advanced jazz pianist. At the same time, I have always been well aware that if I spent an hour every day doing the right kind of practice, I would eventually achieve my desired goal. Unfortunately, I have never been sufficiently motivated to sustain this routine for more than a week - even though I have a strong means-end reason to do so (and in this case no equally strong reason not to do so). Although I am not motivated by the consideration that rigorously practicing piano is a means to my ends, I nevertheless experience a regretful response when I realize I have failed to take the correct means to my ends. This

⁶ For more discussion of the conditional fallacy, see Robert N. Johnson, “Internal Reasons and the Conditional Fallacy,” in *Philosophical Quarterly* 50, (1999): 53-71.

example is meant to show how (1) a normal person can sometimes fail to be motivated by a means-end reason and (2) a normal person can be expected to experience practical-regret when he or she realizes this fact. All this seems clear to me from introspection: When I realize that whatever I am motivated to do is an ineffective way of pursuing one or more of my subjective aims or desires, the emotional response I feel, insofar as I meet the conditions of normalcy, is an aversive, *regretful* affective response, which fits within the category of responses I call practical-regret.

Using practical-regret as the test for reason claims allows us to count means-end reasons as providing reasons for action. And, as we will see later in this paper, the practical-regret test allows us to rule out some reason claims that Williams wants to rule out, such as reasons provided by objective moral requirements. But why think that practical-regret has anything to do with practical reason, aside from letting us draw an arbitrary line between practical reasons claims internalists want to accept and claims they want to reject? When we reflect on the rationality of our actions, it seems to me that our evaluations of irrationality are necessarily linked to our feelings of practical-regret under normal conditions. It is hard to imagine a psychologically normal person who both (a) sincerely believes she acted against one or more of her reasons at some point in time and (b) does not experience any practical-regret in the slightest. Indeed, if someone claims not to experience practical-regret upon acting against a reason, then I think it is worth asking whether that person truly believes that she had that reason in the first place.

The most immediate explanation, I think, is to say that our concept of a reason is conceptually related to the practical-regret response, and to go a step further, that examining our talk about this response can help to illuminate the social origin of our concept of practical reason. It seems plausible that the purpose of at least some of our talk about reasons is to discuss courses of action that a normal, fully informed agent would or would not regret taking. When we chastise people for acting against a reason, we often say things like "I bet you regret not taking French." And when a fully informed, normal person denies having any regrets (say because they don't care about speaking French), then we start to wonder whether they had a reason not to take French after all (or whether they truly appreciate their *raison d'être*).

We can formulate this conceptual link between practical-regret and practical reason as a "practical-regret requirement," which stipulates the following: *If* a reason claim is to really present an agent with a reason for action, it must be true that *if* she were a fully informed, normal person *and* were to act against the reason, then the agent would experience the practical-regret response.

A few things must be said about what I think this practical-regret response is and what it is not. It is not a belief, though it follows from the belief that we have failed to act in a certain way. It is also not a motivational state. The response can best be described as a *feeling* that is characteristically associated with certain "regretful" behaviors. As prototypes of such behavior, we might think of an athlete's reaction to losing a championship game or a motorist's response to missing a highway exit. The feeling in question is the one that causes us to slap our foreheads, "kick ourselves," and, in many cases when motivation is absent, to develop second-order desires to revise our first-order motivations.

I want to be explicit that I am not making a conceptual claim about human psychology. I am making a claim about the kind of responses that follow certain sorts of realizations *under normal conditions*. My concept of normalcy is not based on a statistical generalization, but rather on the conditions of normalcy that we, as a community of inquiry,

must treat as normal in order to converge on our understanding of human psychology. In the next section, we will see what this concept is and why it is relevant to practical reason and the practical-regret requirement.

NORMALCY

I owe my notion of normalcy almost entirely to Phillip Pettit's paper "A Theory of Normal and Ideal Conditions." According to Pettit, a set of conditions is normal (or abnormal) if and only if, by treating those conditions as normal (or abnormal), a linguistic community maximizes long-term convergence on the use of terms to refer to objects or properties.⁷ Adapting Pettit's strategy to my purpose, I believe that conditions of psychological normalcy are those psychological conditions that must be treated as normal or abnormal in order to maximize agreement in our predictions of human behavior. This account of normalcy grants us a completely naturalistic, descriptive account of normalcy, which allows us to avoid the inevitable perils of using full-rationality as the eliciting conditions for practical-regret. As I've already argued, much of our discourse about reasons has to do with actions normal people would or would not practically regret taking. With practical-regret identified as the necessary "point of contact" between rational considerations and normal human psychology, let us evaluate the practical reason claims that externalist philosophers have been known to make.

EXTERNAL REASONS

In this section, I will argue that while positive existence claims about internal reasons (that is reasons that depend on our subjective internal states) meet the requirement, some (but not all) positive existence claims about psychologically independent external reasons do not. This assertion can be demonstrated, I think, by conducting thought experiments in which we subject the normal human subject to failures of different standards of rationality and imagine her response.

In this paper, we have already run this test for means-end reasons, which means that they meet the practical-regret requirement. Now let's apply the practical-regret test to an objective moral reason. These are the kinds of external reasons Bernard Williams wants to rule out, and I believe that conceptually linking irrationality with practical-regret allows us to do just this. Some philosophers (including Korsgaard) want to claim that practical reasons ground our moral requirements. Since most of these writers want to say that moral requirements apply to us independently of our aims or desires, the practical reasons that these moral requirements provide must be independent from our aims or desires, as well. Thus, moral reasons are typically taken to be external reasons.

Imagine a landlord who makes a fortune by unscrupulously gouging her impoverished tenants. She has no concern for her tenants' well-being and no interest in earning less money, so there is no amount of procedural reasoning that will generate a desire to be generous or otherwise change her callous mind. Of course, there are externalists who would say that she still has a reason to lower the rent because it is the right thing to do. Yet suppose that one of those externalists were to rationally persuade the landlord of a reason

⁷ Philip Pettit, "A Theory of Normal and Ideal Conditions," in *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition*, vol. 96, no. 1 (1999): 21-44.

claim that states that she has a (moral) reason to lower her rents. If the landlord is a normal callous person, we might suppose that despite coming to believe that she has a moral reason to lower her rents, she will still not lower her rents. As Korsgaard acknowledges, there may be a gap between understanding a reason and being motivated by it.⁸ Furthermore, it strikes me the landlord will *not* have experienced practical-regret in response to gauging her tenants *despite* being persuaded of the externalist's reason claim. Because the eliciting conditions of the practical-regret requirement are met, but the practical-regret response does not occur, the moral reason therefore does not pass the practical-regret test, and, on my view, it should not be taken as really providing a reason for action.

CONCLUSION

I have argued that practical reason is conceptually linked to the “practical-regret response” and that this link can be formulated in the practical-regret requirement. The practical-regret requirement helps us to see how practical reasons are dependent on the particular psychology of the agent to whom they apply—provided certain counter-factual conditions hold. Armed with this requirement, philosophers who are skeptical of certain claims about “objective” or “external” reasons have grounds to reject some of these claims as failing to fit in with our talk about reason and practical-regret. If such rational norms exist, they are not, as Korsgaard seems to imply, conceptually continuous with our practical-regret-related reasons. They must be another sort of norm altogether.

REFERENCES

- Korsgaard, Christine M. “Skepticism about Practical Reason.” In *The Journal of Philosophy* vol. 83, no. 1 (1986): 5–25.
- Pettit, Philip. “A Theory of Normal and Ideal Conditions.” In *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* vol. 96, no. 1 (1999): 21-44.
- Williams, Bernard. “Internal and External Reasons.” In *Rational Action*. Edited by Ross Harrison. Cambridge, UK: Cambridge University Press, 1979. 101-113.

⁸ Korsgaard, “Skepticism about Practical Reason,” 17.

RECONSTRUCTING SCHEFFLER'S AFTERLIFE: LEVINAS AND THE RELATIONSHIP WITH DEATH AS ALTERITY

Matthew Fee, University of Utah

Abstract: In *Death and the Afterlife*, Scheffler argues that, while our fear of death is justified, death is necessary for our ability to live meaningful lives. While our personal death is inevitable, we nonetheless find meaning in the knowledge that, despite our individual deaths, humanity will continue our projects and goals. In applying Levinas's understanding of death to Scheffler's position, I argue that while Levinas would agree with Scheffler that death is essential for sense of meaning, he presents important challenges both to Scheffler's understanding of death as well as to the exact quality of our commitment to future humanity.

"Blow wind! come, wrack!" –Macbeth (V.v.)

In this paper, I contrast the work of two philosophers, Samuel Scheffler and Emmanuel Levinas, with respect to their views concerning death. For both, as we will see, death takes on an explicitly ethical dimension—not only is death essential to our ability to lead meaningful lives in a series of successive stages, but our relationship with death, as well as the future that follows, carries specific ethical imperatives. This essay therefore aims to address three questions. First, what is our relationship with death? Second, how should we navigate our relationship with death? And finally, what should our relationship be with the future that follows? In answering these questions, I argue that while Levinas would agree with Scheffler that death is essential for sense of meaning, he presents important challenges both to Scheffler's understanding of death as well as to the exact quality of our commitment to future humanity. I will argue that our relationship with the future requires that we preserve the alterity of death while remaining absolutely responsible for the future that follows.

In Lecture 3 of *Death and the Afterlife*, Samuel Scheffler begins his discussion with an examination of Epicurus's statement that "death, the most terrifying of ills, is nothing to us, since so long as we exist, death is not with us; but when death comes, then we do not exist."¹ The basis of this claim rests on a trivial truth—as long as we are alive, we are not dead, and as long as we are dead, we are no longer alive for death to harm us—but does not necessarily provide us with an answer as to how we should feel about death while alive. One possible interpretation of the argument, according to Scheffler, would be that since we cannot be dead while alive, death can therefore cause us no harm. Another possible interpretation would be that because we cannot be dead while alive, we have no reason to *fear* death. In answering the question of how we should feel about death, Scheffler claims both (a) that our eventual death is essential to our way of living a meaningful life in progressive stages, and (b) that, even though death is essential for a meaningful human life, it can still be reasonable to fear death. "It is not unreasonable to fear death," he writes,

¹ Samuel Scheffler et al., *Death and the Afterlife* (Oxford, UK: Oxford University Press, 2014),

“even if one recognizes that immortality would be undesirable and that there is a sense in which death gives meaning to life.”² Just as we might have dread while waiting for an inevitable appointment with the dentist, he claims, we might also be justified in our fear about death despite its inevitability. And despite the fact that we might have terrible fear of our impending deaths, we can also recognize that death is necessarily implicated in our “formation and development of our ideas of value from the outset,” a development which is explicitly temporal in nature.³ While it may be reasonable to fear death, death is also crucial in providing the temporal arrangements around which we can provide our sense of value and development.

Even though Scheffler believes our individual deaths do not disallow our ability for meaningful lives, he does think that there is another necessary condition, which, if taken away, would unseat many of the things we value most—the survival of collective humanity. For Scheffler, the meaningfulness of our temporal lives depends not just on our own personal experience and development, but on the continuation of our values and projects by the humanity that will continue after our individual lives are over. In this sense, our ability to live meaningful lives is perfectly compatible with our own individual death, but is not compatible with the non-continuation of humanity after my death, such as the possibility that, in a doomsday scenario, I knew all human life would end soon after my death. While our fear of individual death may be reasonable, “our confidence in our values depends far more on our confidence in the survival of other people after our deaths than it does on our confidence in our own survival,” and, ultimately, that “what is necessary to sustain our confidence in our values is that we should die and that others should live.”⁴ Even though we fear our individual death, it is our individual death, in conjunction with the continued survival of the rest of humanity, that allows us to live a meaningful life, committed to ongoing projects such as cancer research, Bulgarian military history, and artistic creation, confident that the benefits of these projects will continue in some form long after our individual deaths.

In evaluating Scheffler’s claims about death, both collective and individual, I will draw from the work of Emmanuel Levinas in *Time and the Other* (originally published in 1948). A student of Edmund Husserl and Martin Heidegger, Levinas has been a key figure for twentieth century existential phenomenology. Famously claiming that “ethics precedes ontology,” Levinas sought to propose a new form of phenomenological ontology, based not in metaphysical principles or a development of ethical rules, but instead developed from a dramatic account of the subject’s encounter with another person (often described simply as “the Other”), a person whose face demands our infinite responsibility and care, and yet who can never be fully grasped, who is ultimately unknowable and outside of our intellectual reach. In using Levinas’s account of the relationship between death, time, and collective humanity, I want to highlight crucial ways in which his account, by providing a much more substantial account of our relationship with death, both extensively informs and complicates Scheffler’s position. And while my hope is to focus on the parts of Levinas’s account that are pertinent to Scheffler’s concerns, it will also be necessary to reconstruct some few parts that are necessary to understand Levinas’s broader claims.

² Ibid., 106-7.

³ Ibid., 109.

⁴ Ibid., 108.

In *Time and the Other*, Levinas begins with a Heideggerian distinction between things that exist from the work of existence. "Heidegger distinguishes subjects and objects—the beings that are, existents—from their very work of being," he writes. "The first are expressed by substantives or substantivated participles, the other by a verb."⁵ The purpose of this distinction is to attempt to explore what it means for things to exist, "to approach the very work of being," the work of being that cannot be simply affirmed or captured completely, but which nonetheless "imposes itself because one cannot deny it."⁶ The general "work of being" is important to understanding Levinas's views on our relationship to death. As individual subjects, the general "work" of human being is that of mastery. Our existence is contracted in the act of continually attaching ourselves to existents, that is, objects in the world. As subjects, we act out a "mastery over existing" in the world, able to grasp things as objects and manipulate them according to our projects and desires.⁷ And while he claims that our existence as humans is necessitated on the fact that we exist in solitude, saying that "the subject is alone because it is one," this solitude is "not only a despair and an abandonment," as the existentialists would argue, but is also "a virility, a pride and a sovereignty."⁸ This solitude allows for an existence in which I am responsible, "encumbered by myself," but in which I am also free to grasp the world as "master, master of the possible, master of grasping the possible."⁹ Because of our solitude, our general "work of being" is that of being as masters of the world, responsible for our material bodies to which we are confined and yet free to constantly grasp the world's objects, to know and manipulate them according to our needs.

But despite the status of our general relationship with objects in the world, our relationship with death is not one of mastery. Because the point of our death is the end to our ability to exist as subjects, to master the world around us, our relationship with death is not one of mastery but rather one of "mystery."¹⁰ Even further, the "unknown of death" is not due to the fact that death is "a region from which no one has returned and consequently remains unknown as a matter of fact," but is rather due to the way in which our relationship with death is by definition the end of our ability as subjects to continue our relationship with the world in terms of mastery. As mystery, death can never be "experienced" as such because it is precisely the end of experience. At the same time, death is not something that we can usefully conceptualize as an endless void or abstract emptiness. For Levinas,

It is not with the nothingness of death, of which we precisely know nothing, that the analysis must begin, but with the situation where something absolutely unknowable appears. Absolutely unknowable means foreign to all light, rendering every assumption of possibility impossible, but where we ourselves are seized.¹¹

⁵ Levinas, Emmanuel, *Time and the Other*, trans. by Richard Cohen (Pittsburgh, PA: Duquesne University Press, 1987), 44.

⁶ *Ibid.*, 48.

⁷ *Ibid.*, 52.

⁸ *Ibid.*, 55.

⁹ *Ibid.*, 72.

¹⁰ *Ibid.*, 70.

¹¹ *Ibid.*, 71.

In approaching the question of our relationship with death, the starting point is neither death as a type of fearful but necessary future even, such as, using Scheffler's example, going to the dentist, nor is it one in which we attempt to conceptualize death as an essentially abstract "nothingness." Rather, the starting point for our relationship with death is a point of seizure—an event in which we recognize that something ultimately unknowable is in front of us, something which we cannot grasp ourselves but which nonetheless seizes us.

Our relationship with death is therefore not the final terminus to a sequence of events, but is rather a relationship with something that is necessarily in the future. While Levinas agrees with Scheffler that Epicurus's statement that, "If you are, it is not; if it is, you are not," is misguided, stating that it "misunderstands the entire paradox" of our relationship with death, he nonetheless thinks that Epicurus's statement is correct in the way in which it "insists on the eternal futurity of death."¹² Levinas claims that the fact that our death is inevitably in the future, however, is not due to "our evasion of death" but is rather due to the fact that death "marks the end of the subject's virility and heroism."¹³ Our heroism is the ability, as subjects, always to seek chances in the face of death. When confronted with our death, we cannot simply "accept" our death but rather alternate between a state of passive submission and active heroism, responding both with the passive understanding that death is inevitable and the hero's impulse to overcome the impossible.

In characterizing the two aspects of this relationship with death, Levinas uses the example of Shakespeare's *Macbeth*. When Macbeth is confronted by the fact that Macduff is "not of woman born" and realizes his death is at hand, he first says, "Accursed by the tongue that tells, for it hath cow'd my better part of man! . . . I'll not fight with thee."¹⁴ For Levinas, this first response to death is "the passivity when there is no longer hope." In the first response, Macbeth recognizes the futility of his situation, and responds with passivity, saying that he will no longer fight with those that are attempting to overthrow him. Immediately after this response, however, Macbeth regains a sort of hope. These are his last words: "Though Birnam Wood be come to Dunsinane, and thou oppos'd, being of no woman born, yet I will try the last."¹⁵ Macbeth's desire to "try the last," to keep on fighting in the face of certain doom, demonstrates the heroism that happens even in the face of the inevitable, our ability as subjects to endlessly seek chances. Facing up to his death, the state of Macbeth is paradoxically one in which he both knows he will, despite his best efforts, die at the hands of MacDuff, and yet in which he still fights on to the end. "Prior to death," Levinas says, "there is always a last chance; this is what heroes seize, not death. The hero is the one who always glimpses a last chance, the one who obstinately finds chances. Because death marks the end of our ability as subjects to grasp the world around us, our relationship with death is strained by our ability to recognize the inevitability and inescapability of death while at the same time being ultimately unable to grasp or accept our death as such, inevitably fated to hope for last chances. In attempting to illustrate this state, Levinas cites the Latin phrase "*Spiro/spero*"—[if] I breathe, I hope."¹⁶

¹² Ibid.

¹³ Ibid., 72.

¹⁴ Shakespeare, *Macbeth*, Act 5, Scene 8.

¹⁵ Ibid.

¹⁶ Levinas, Emmanuel, *Time and the Other*, trans. by Richard Cohen (Pittsburgh, PA: Duquesne University Press, 1987), 44.

If we accept Levinas's description of the *ontological status* of our relationship with death, necessarily wedged between futile passivity and heroic striving, this still does not answer the normative question of how we *should* relate to our inevitable death: the exact quality of passivity we should allow ourselves, the definite color and shape of hope to which we should aspire. The question of how we *should* position ourselves in relationship to death is what he terms "the attempt to vanquish death."¹⁷ For Levinas, the attempt to "vanquish death" is not the problem of "rescuing an eternity from the jaws of death," but is rather in "allowing it to be welcomed, keeping for the ego—in the midst of an existence where an event happens to it—the freedom acquired by hypostasis."¹⁸ The attempt to vanquish death is the attempt to navigate the relationship with our future death as absolute alterity while at the same time preserving, somehow, our present solitude and freedom. This attempt necessitates that we allow death "to be welcomed," while at the same time "without welcoming it, as one welcomes a thing or object."¹⁹ The answer to the question of how we *should* approach death demands both that we "face up to the event" while at the same time recognizing that death is not an event that can be anticipated in the way we would anticipate another kind of thing or object. Moreover, in facing up to death as an event that we cannot anticipate or grasp but that is nonetheless somehow "in front" of us, the ultimate task of "vanquishing death" is "to maintain, with the alterity of the event, a relationship that must still be personal."²⁰ But how is it exactly that we can maintain a "personal" relationship with death, when death, as absolute alterity, is necessarily ungraspable?

Levinas's account of "paternity,"²¹ as an example of a relationship with alterity, provides some helpful clues in understanding our relationship with death. Paternity, he argues, is a specific kind of relationship with the Other, "a relationship of the ego with a myself who is nonetheless a stranger to me."²² The son is somehow "me," a product of my creation—and yet it is, at the same time "not simply my work, like a poem or an artifact, neither is he my property." The child cannot be grasped in terms of ownership or power, and yet there is an important sense in which "I am in some way my child." The relationship of paternity, however, is also not a harmonious circle of life that results in parity. There is an important sense in which the child usurps the parent in an uneven relationship, demanding my infinite responsibility and yet also remaining "a stranger to me." Additionally, the relationship with the child is not one that happens on the grounds

¹⁷ Ibid., 78.

¹⁸ Hypostasis, as introduced earlier by Levinas, is the event by which existents contract their existence. Our conscious relationship with the work of being allows us to be both free to manipulate the world while at the same time being responsible and, in a certain sense, chained to our material bodies.

¹⁹ Levinas, Emmanuel, *Time and the Other*, trans. by Richard Cohen (Pittsburgh, PA: Duquesne University Press, 1987).

²⁰ Ibid., 81.

²¹ Throughout this text, Levinas frequently uses gendered terms such as father, son, and feminine in describing the relationship with the Other. The more general feminist critique of Levinas, led by de Beauvoir and others, has by no means been resolved. For consistency, I retain Levinas's use of the word paternity, though for my purposes *maternity* or a more gender-neutral term can easily be substituted.

²² Levinas, Emmanuel, *Time and the Other*, trans. by Richard Cohen (Pittsburgh, PA: Duquesne University Press, 1987), 91.

of sympathy—my ability to put “myself in the son’s place.” Instead, it is “through my being, not through sympathy, that I am my son.”²³ The relationship of paternity is not one of ownership or even of similarity, but is rather a relationship in which the child is both absolutely Other and yet still essentially connected in some way to the parent.

The relationship of paternity provides a kind of template for how we should approach our relationship with death—the child, after all, is the one who will live on after my individual death. Because of the points already noted, our relationship with those who continue on after our death is not one in which, as Scheffler’s view might imply, a person (whether understood individually or in terms of a collective humanity) with compatible goals and ideals continues our life’s projects in equanimical solidarity. Following the logic of paternity, the life that continues after my death cannot be grasped in terms of my ownership or power—it is not *my* projects that continue after my death but rather the projects of another. At the same time, my relationship with the future after my death is not one of sympathy, an extended compassion for a future humanity that somehow resembles my own.

If the fear of death is, for Levinas, the fear of alterity, then the question of navigating our relationship with death is how to “face up” to the inevitable futurity of death, to maintain a personal relationship without either reducing death to a present or abdicating our parental responsibility for the future that follows. In facing up the fear of death, the task of “vanquishing death” is not to eliminate death through immortality, but neither is it to preserve ourselves through commitments to projects that will go on afterwards. Following Levinas, the task of vanquishing death is to *preserve* the alterity of death while at the same time maintaining a responsibility for the ungraspable future that follows. The task is not to commit myself to a future humanity that will share my individual values and projects, but is rather to recognize my responsibility for a future that is absolutely alien to my understanding, a future of mystery, with values and projects that will in many ways be completely different from my own, and yet a future that is still in some sense myself. By following the logic of paternity, which preserves the alterity of the child while maintaining our absolute responsibility for its future, Levinas allows us a way to be intimately attached to the future that continues on after our death, to maintain a personal relationship with the future without simply reducing the future to projection of our own present humanity.

REFERENCES

- Levinas, Emmanuel. *Time and the Other*. Translated by Richard Cohen. Pittsburgh, PA: Duquesne University Press, 1987.
- Scheffler, Samuel et al. *Death and the Afterlife*. Oxford, UK: Oxford University Press, 2014.

²³ Ibid.

ON MATERNAL OBLIGATION: THE LENS OF MOTHERHOOD IN THE ABORTION DEBATE

Kipp Hopper, Quinnipiac University School of Health Sciences

In this essay, I will evaluate the arguments put forth on the subject of “maternal obligation,” or those actions that a pregnant mother may (or may not) owe to the developing fetus within her body. I will compare those arguments of Margaret Little, who claims that mothers deserve more autonomy in determining maternal obligation based on the principles of stewardship and the norms of creation; and those arguments of Patrick Lee and Robert George, who claim that a mother has an obligation to gestate a fetus under most circumstances. For clarity of subject matter, “personhood” and all rights that belong to a “person” will be assumed to belong to the child at the moment of conception, although I am not primarily concerned with this scientific matter. In my view, the personhood argument bears little weight when compared to arguments on the decision to protect or destroy that personhood via abortion. These arguments, once clarified, reveal an interesting conflict between the ethics of creation and the ethics of destruction. This conflict is fundamental to the debate on the moral permissibility of abortion, particularly concerning whether we ought to be more concerned for the welfare of the mother and child physically, or the social and emotional state of the mother and growing child after birth. Ultimately, Little presents the more persuasive and compelling argument to support the claim that the moral duty to gestate a fetus is up to the mother due to the contingent nature of intimate relationships.

According to Margaret Little, the moral permissibility of abortion is contingent on the argument that gestation, and therefore pregnancy, is a bodily intimacy between child and mother.¹ The commitment of motherhood, whether the pregnancy was brought on through non-consensual sex or invited as the result of sexual behavior, is not a binding promise the mother makes with her child, but it should always be conducted with the mother’s careful and inquiring consent. Consider Little’s analogy of the Perfect Groom, who would perfectly suit the family’s desires with mutual benefits to all. He is a groom with a high income, universally attractive characteristics, and his parents come from a high social class with great social capital to support the woman and her future family for life:

All of this utility notwithstanding, many will believe that you do not have a moral *obligation* to accept the proposal. You might have a responsibility to give the proposal a serious thought; but if, on reflection, you realize that marriage to this man—or, to any man—is not what you want, then there we are.²

Little’s argument magnifies the mother’s ideals of her own virtues and values and their intimate roles in the development of a relationship. The decision to marry the perfect man may be the more beneficial decision for those around the courted woman, but it is certain

¹ Margaret Olivia Little, “The Moral Permissibility of Abortion” in *Contemporary Debates in Applied Ethics*, edited by Andrew I. Cohen and Christopher Heath Wellman (Malden, MA: Blackwell, 2005), 58.

² Little, “The Moral Permissibility of Abortion,” 57.

that only she is capable of this decision to weigh her personal obligations against her personal desires, and no one else may qualify to make that decision. Thus, if the intimacy of motherhood may be compared to that of marriage as the embodiment of secure and socially enduring love, then the mother ought to give the same respect and dignity to the relationship with her fetus that is also served to the courtship preceding the marriage.

Furthermore, Little argues that in the intimacy of the mother's pregnancy, only the mother is capable of seeing the true nature of the circumstances following her pregnancy. That is, only the mother is capable of foreseeing what the child deserves as it enters the world. Little argues that if the mother predicts a life of misery, oppression, poor education, and other disadvantages, then abortion may be morally permissible under the norms of responsible creation.³ More so than just inflicting misery on the child by carrying it to term in a potentially cruel and flawed society, birthing a child may violate the mother's sense of morality by conferring this reality onto another living being: "The claim is that bringing about a person's life in these circumstances would do violence to her ideals of creating and parenthood," Little writes. "She does not want to bring into existence a daughter [whom] she cannot love and care for [...], a person whose life will be marked by disrespect or rejection."⁴ This claim moves to say that the mother's rights contained through "stewardship," the responsible management of the child to all ends, grant her the power to judge how a child ought to be created. Moreover, the claim of "authorship" moves to say that a potential mother ought to be given more independence for her rights and views compared to others. The weight of the decision to abort a child's life may be just as serious as allowing the child to grow and enter the world.⁵ In this way, the mother must act responsibly in a manner that does not violate her own moral values of motherhood, which are not universal or objective, but rather conditional to each mother's situation, regardless of the imperatives of others.

In defense of the child's life, authors Patrick Lee and Robert George assert that all persons who have human rights should have their rights defended, with emphasis on the right to life. This premise, while logical and generally agreed upon, becomes more ambiguous in the case of the fetus, *not* because of its status as an incomplete human, but rather because of how abortion may be defined as non-intentional killing. Despite recognizing the fetus's right to life, supporters of abortion may argue that the fetus may not be entitled to use of the mother's body as a resource to sustain itself.⁶ In a sense of bodily rights and consent, the mother has every right to deny the intimate relationship of pregnancy in order to preserve her life, even though the fetus also has a right to life. Lee and George recognize this conflict of rights for both parties and, that in some cases, the mother's right to privacy and personal health may supersede those rights to the child. For example, if the mother's life or general health is threatened as a result of medical illness, then the death of the child may be necessary in order to save the mother. However, these authors also present a third party to whom both the mother and child belong, not only physically, but socially: the community. Lee and George argue that the community's interests must also

³ Ibid., 59.

⁴ Ibid., 60.

⁵ Ibid.

⁶ Patrick Lee and Robert P. George, "The Wrong of Abortion" in *Contemporary Debates in Applied Ethics*, ed. by Andrew I. Cohen and Christopher Heath Wellman (Malden, MA: Blackwell, 2005), 43-44.

be taken into consideration: “Our moral goodness or character consists to a large extent (though not solely) in contributing to the communities of which we are members. We ought to act for our genuine good or flourishing, but our flourishing involves being in communion with others.”⁷ The argument does not seek to chastise a woman who shirks the responsibility of motherhood by ending the relationship with her child; rather, Lee and George are emphasizing the inevitable role of duty each person must fulfill regardless of personal opinion. There are many circumstances in which individuals have no say on a certain matter, such as responsibilities to family members. Motherhood, for Lee and George, is an example of one of these matters; it is not just an intimate bond, but a social construct that should not be interrupted. Thus, this argument shows that the maternal obligation to gestate must be fulfilled as a utilitarian obligation to society because it is the only means through which a child may survive, and it is in the interest of the community for the mother to bring the child to term.

Between the duty-based argument and stewardship or authorship-based argument, Little provides the most relevant context for maternal obligations by outlining the values that a potential mother may possess in order to justify her relationship to the child. Through the analogy of the perfect groom, Little presents a situation in which a spontaneous relationship with a person would bring great utilitarian benefits to one’s own family. Regardless of its benefits, the decision to marry still does not constitute a sound weighing of values when compared to the emotional and romantic investments involved in a relationship. In other words, to commit to a marriage out of wedlock is more or less an insult to marriage as an institution and embodiment of love between two consenting persons. By analogy, Little compares this relationship to that of the fetus and the mother. Despite the mother being the fetus’s only source of support, the woman bearing the child may not have the obligations of a mother.⁸ Put more simply, just because the conditions and imperatives of an action appear overwhelmingly supportive of one circumstance (i.e., a mother protecting her child), it does not mean that the action is already presumed to have taken place. Little, among many other supporters of the moral permissibility of abortion, would agree that the mere presence of a zygote in one’s womb does not constitute motherhood, as seen in cases of rape and the subsequent pregnancy. For Little, the presence of a zygote implies *biological* motherhood, and nothing more. Furthermore, if the consent to pregnancy does not fall within the woman’s values concerning the norms of creation, then she is not considered to be a mother. Therefore, she possesses no obligations to her child. If she were to bring the child to term without consenting to motherhood on the principle that she is not prepared to be a mother, then it would be an injustice to her internal values of motherhood and individuality, as well as to the child and community, for producing a child she cannot support by her own means. This contrasts from Lee and George’s argument, in which they contend that it always benefits the community to produce a child, rather than abort the fetus, because it is one’s “duty” to contribute to society. Lee and George’s argument, however, does not account for that quality of life which follows gestation: a fatal flaw that holds dire consequences for a society unprepared to host children born to deplorable circumstances.

⁷ Ibid, 46.

⁸ Little, “The Moral Permissibility of Abortion,” 57.

However, a logical inconsistency exists within Little's argument in that the woman becomes a mother only after the child is born. "Then there is the aftermath of the nine months, she writes. "For gestation does not only just turn cells into a person; it turns a woman into a mother."⁹ While it is quite clear that an intimacy exists that requires consent, one may be inclined to ask what kind of intimacy exists if *not* motherhood. That is, if a woman is pregnant, but refuses motherhood, does a relationship even exist between the child and woman? This is the period of what Little describes as "[sharing] one's body in an extraordinarily intimate and extensive way," yet the relationship does not constitute official motherhood, whose definition seems vital to the abortion debate.¹⁰ I will not be naïve, however, in assuming that Little implies that pregnancy does not raise the question of stewardship and responsibilities, which parallel and are similar in motherhood (i.e., as per Little's definition, after the child is born, or what I refer to as post-gestational motherhood) because, indeed, these obligations certainly exist if one has already consented to post-gestational motherhood. Basically, if a woman wants to be a mother, then she will want to fulfill motherly duties as well as possible. The "norms of creation" argument supports a mother's decision to gestate as dependent upon whether or not she is uncomfortable with the child's welfare once the child is born. This argument seems to be exclusive of the child's welfare within her own body and should have no implications on the weighted decision of either killing the child or allowing the child to live in unsuitable conditions. Still, the rejection of motherhood does not equate to the rejection of a fetus's right to life. Lee and George state that "in some few cases, abortion is chosen as a means precisely toward ending the condition of the pregnancy, and the woman requesting the termination would not object if somehow the child survived."¹¹ If the woman is not a mother until the child is born, then it follows that consent is required for raising the child as one's own. In a manner of speaking, *gestational motherhood* ought to be a separate but equally weighted decision if post-gestational motherhood remains undecided in the course of the woman's pregnancy.

This counterargument may be flawed in that an intimate relationship does not reach its maximum potential at its inception. Looking at Little's argument through this lens, simply meeting the perfect groom does not constitute immediate wedlock after making eye contact. While this may be true, a relationship has still begun, and it is a relationship that all parties would agree comes with special responsibilities. If, in the progress of the relationship, one does not consent, then it is reasonable to terminate that relationship with both objective and intrinsic reasoning to that decision. Likewise, if gestational relationships differ from the established maternal relationships, then consent must be obtained through each stage of the relationship. Moreover, one may argue that gestation and pregnancy are identical to each other, and that by gestating the child, one implies ownership of that child regardless of whether that child is wanted. This consideration may result in a situation where a mother is capable of gestating, yet incapable of raising the child, for economic reasons or otherwise. Here lies another central problem to the intricacies of the abortion debate which this paper cannot do justice and, thus, requires more insight in the future.

⁹ *Ibid.*, 56.

¹⁰ *Ibid.*, 58.

¹¹ Lee and George, "The Wrong of Abortion," 44.

In essence, maternal obligation depends on whether the relationship of motherhood exists during gestation, and whether the mother consents to that relationship, which may be described at best as mother and child, and, at worst, parasitic. While Little presents a strong argument in favor of creating a child responsibly, her argument demonstrates no clear answer on gestational consent. Her argument only shows that the gestational relationship is not “motherhood,” which may be subject to debate. Nevertheless, consent to motherhood as per Little’s post-gestational definition still implies the will to gestate, combining biological and sociological concepts of motherhood. Lee and George, on the other hand, ignore the plausibility of consent entirely with an imperative that values gestation as the very least a woman can provide to any person within her, providing that her life is not at stake. This may assume that gestation implies a *form* of motherhood, and that, as a duty to society, all mothers must raise and nurture children who may support that society. This assumption implies a biological responsibility, but no social responsibility beyond birth. Little’s argument, rooted as it is in the norms of creation, is more persuasive than that of Lee and George’s argument of duty, though the argument supporting abortion as a weighted decision requires insight into the nature of the relationship of the child to the mother during gestation. This investigation may benefit from current legal and scientific precedents that define the fetus’s physical capabilities in each trimester. Most importantly, however, we must investigate the planning of families so that those who are capable and willing to gestate, but incapable of raising the child, may be enabled to support all children regardless of disposition or circumstance. Any participant in this debate would agree that we ought to be more considerate in how we help people outside the womb, as well as those within, regardless of the mechanisms that brought those people into existence.

REFERENCES

- Lee, Patrick and Robert P. George. “The Wrong of Abortion.” In *Contemporary Debates in Applied Ethics*. Edited by Andrew I. Cohen and Christopher Heath Wellman. Malden, MA: Blackwell, 2005. 37-50.
- Little, Margaret Olivia. “The Moral Permissibility of Abortion.” In *Contemporary Debates in Applied Ethics*. Edited by Andrew I. Cohen and Christopher Heath Wellman. Malden, MA: Blackwell, 2005. 51-62.

SAVING LOCAL NEWS: OUR MORAL OBLIGATION TO CONTRIBUTE TO JOURNALISM IN COMMUNITIES

Caroline Utz, University of Richmond

Abstract: In this paper, I argue that citizens are morally obligated to contribute to local journalism based on George Klosko's interpretation of the principle of fairness. Klosko argues that people are morally obligated to contribute to schemes that produce non-excludable, presumptively beneficial public goods. I argue that local journalism produces an educated public and helps promote the rule of law, which are both non-excludable, presumptively beneficial public goods. These goods create obligations to contribute to the scheme that produces them—i.e., local journalism.

Imagine you are in line to vote. Although you do not make much money, you can purchase a relatively inexpensive local newspaper in order to learn about the candidates, their stances on issues, their plans for the community, and any scandals in which they may be implicated. On the other hand, you can also make your best guess when you get into the voting booth, perhaps just voting down the party line with the political party you think you agree with most. Yet another alternative is simply to go home and not participate at all.

I argue that citizens are obligated to contribute to local journalism because an educated public and the rule of law are both non-excludable, presumptively beneficial public goods that local journalism cultivates. These goods generate obligations to participate in the process that produces them, according to George Klosko's interpretation of the principle of fairness. The free press, as the so-called fourth estate, is critical to the sustainability of a democracy because (1) it informs the public and (2) it holds those in power accountable for their actions. Citizens are therefore obligated to participate in the provision of a free press that provides these benefits. For these reasons, I argue that it is each citizen's duty to contribute to the success and continuation of remaining local media enterprises.

My argument proceeds as follows:

P1: Citizens have obligations of fairness to contribute to initiatives that provide non-excludable presumptively beneficial public goods.

P2: An educated public and the rule of law are non-excludable presumptively beneficial public goods produced by the scheme of the free press.

C: Citizens are morally obligated to contribute to the continuation of free press and local news.

While Klosko's theory may be interpreted *to force* people to contribute to initiatives such as the continuation of local news, I am arguing that there is at least a non-enforceable duty for citizens to contribute, either by subscribing to local newspapers or offering donations to media organizations.

First, I will explain and defend Klosko's interpretation of the principle of fairness as it is related to political obligations while explaining and replying to Robert Nozick's objection to this theory. I will then establish an educated society as a non-excludable, presumptively beneficial public good and offer it as one possible solution to Jason Brennan's argu-

ment against all citizens exercising his or her right to vote. Third, I will explain the idea of the rule of law as a non-excludable, presumptively beneficial public good as it relates to the press, referencing the “Bathsheba Syndrome.” Finally, I will defend my conclusion and discuss practical implications.

GEORGE KLOSKO, THE PRINCIPLE OF FAIRNESS, AND POLITICAL OBLIGATIONS

George Klosko argues that some political contributions are obligatory. He begins his argument with H. L. A. Hart’s Principle of Fairness, which states:

When a number of persons conduct any joint enterprise according to rules and thus restrict their liberty, those who have submitted to these restrictions when required have a right to a similar submission from those who have benefited by their submission.¹

Klosko narrows this concept to account for political contributions. While his argument is based on the principle of fairness, Klosko creates specific qualifications for which kind of “joint enterprises” would fall under his interpretation of the principle of fairness idea, namely those that produce non-excludable, presumptively beneficial public goods. Non-excludable goods such as the rule of law and national security cannot be denied from those who benefit. In Klosko’s view, the only goods that require everyone to contribute are those that are beneficial enough to outweigh the cost of providing them. This idea of obligatory political contributions presented by Klosko helps clarify the principle of fairness that Hart first put forth, since it applies to politics and describes “the just distribution of benefits and burdens.”²

Local journalism is also an important service as it informs citizens on area politicians, elections, crime, education, and even weather emergencies. Since local news covers a small geographic area, there is a considerable chance that the information news organizations share will affect consumers. Contributing to local journalism helps ensure that these institutions can continue to provide necessary information while at the same time creating an educated public and, potentially, enforcing the rule of law.

Robert Nozick rejects this argument. Nozick gives an example of a non-excludable, presumptively beneficial public good—i.e., a public-address system—that every neighbor pitches in to run on a rotating basis. The system is non-excludable (everyone can hear it from home), public (the entire neighborhood contributes to the good), and presumptively beneficial (all are entertained by the content of the broadcasts). Yet Nozick argues that one is not obligated to contribute by skipping work in order to run the public-address system when it is his or her turn.³ Klosko replies that the examples Nozick gives are not actually

¹ George Klosko, “Presumptive Benefit, Fairness, and Political Obligation,” in *Philosophy and Public Affairs*, vol. 16, no. 3 (1987): 242. First cited in H. L. A. Hart, “Are There Any Natural Rights?” in *Philosophical Review* 64 (1955): 175-191.

² David Lyons, *Forms and Limits of Utilitarianism* (Oxford, UK: Oxford University Press, 1965), 164.

³ Robert Nozick, *Anarchy, State, and Utopia* (New York, NY: Basic Books, 1974), 93.

⁴ Klosko, “Presumptive Benefit”, 246.

beneficial. A non-excludable, presumptively beneficial public good, in Klosko's view, must "be necessary for an acceptable life for all members of the community."⁴ A public-address system, while entertaining, is not essential to a good life. Klosko does not even see the public-address system as presumptively beneficial; rather, he views it as a discretionary good—i.e., a good that would be nice to have, but one whose continuation a citizen is not obligated to contribute toward. For actual non-excludable, presumptively beneficial public goods, he argues that "the indispensability of the goods overrides the outsider's usual right to choose whether he wishes to cooperate."⁵ In other words, the goods received are so beneficial to an acceptable life that citizens are obligated to participate in the continuation of the goods whether or not they consent. In Klosko's view, goods must be also fairly distributed to everyone, not too burdensome in cost, and necessary for an acceptable life in order to incur obligations to contribute. Though Nozick also worries about citizens' lack of consent, there are moral duties—such as a duty to not kill—that we do not necessarily consent to, yet nevertheless must follow.

FREE PRESS AND AN INFORMED DEMOCRACY AS A NON-EXCLUDABLE PUBLIC GOOD (NEPG)

Imagine that the public-address system that Nozick discusses was, in fact, a news organization in a small community that offered newscasts and published updates on current events in the world instead of providing entertainment. The free press produces an informed citizenry and the rule of law, both of which are non-excludable, presumptively beneficial, public goods to which citizens are obligated to contribute. The benefits of an informed citizenry and the rule of law to a democracy greatly outweigh the costs of contributing to the free press, creating an effective and successful democracy.

In an effective democracy, journalists and citizens play a critical role in its success. The notions of the freedom of speech and the freedom of the press, as stipulated in the First Amendment of the United States Constitution, are important to our democracy. As John Stuart Mill argues:

There must be discussion, to show how experience is to be interpreted. Wrong opinions and practices gradually yield to fact and argument; but facts and arguments, to produce any effect on the mind, must be brought before it. Very few facts are able to tell their own story, without comments to bring out their meaning.⁶

Journalists act as filters to report the most important information and the context in which it was originally disseminated. The press cuts through the rhetoric of politicians and those in power to relay the most critical information to those who make decisions about how they are governed—i.e., citizens. News media also authenticates stories, bears witness to events, and uncovers wrongdoing.⁷ As Robert Post writes, "Freedom of thought

⁵ Ibid., 247.

⁶ John Stuart Mill, "On Liberty," in *On Liberty, Utilitarianism, and Other Essays*, ed. by Mark Philip and Frederick Rosen (Oxford, UK: Oxford University Press, 2015), 22.

⁷ Bill Kovach and Tom Rosenstiel, *The Elements of Journalism: What Newspeople Should Know and the Public Should Expect* (New York, NY: Crown Publishing Group, 2001) 27.

by itself creates merely anarchy. [...] Freedom of thought is transmuted into new knowledge only when it is integrated into those forms of social practices that define and establish knowledge.”⁸ Seana Shiffrin elaborates on the interests that justify the First Amendment, which include the “capacity for practical and theoretical thought, apprehending the true, and moral agency.”⁹

These ideas are all critical to the success of an educated democracy. It is necessary for citizens to be able to think critically about the government, understand the truth, and act morally based on what they have learned. As Post writes, “the creation of knowledge, however, depends upon practices that continually separate the true from the false, the better from the worse.”¹⁰ One of those practices is the free press. The job of the press is to find the truth and report it, in order that citizens might then inform themselves.

An educated public is a non-excludable presumptively beneficial public good because people have the right to vote. Everyone benefits from the votes of informed citizens who have made an effort to acquire and critically assess information disseminated by the press. There is no way to opt out of the benefits of an educated citizenry when those educated voters are making decisions about who governs the entire country.

Not everyone believes in the promise of an educated democracy. Jason Brennan bemoans the public and their tendency to vote badly from what he calls “immoral beliefs, ignorance, and epistemic irrationality and bias.”¹¹ He discusses citizens voting for personality over policy and calls attention to voters who cannot understand which policies will produce the best consequences for the country. Since the government is operated by the people and for the people, there is a disconnect if the people are not informed to such an extent that they cannot elect effective leaders and effective policies.

Local journalism, however, plays a significant role in informing voters for local elections, and often provides the only coverage of area politicians, their views, and the top issues surrounding each candidate’s campaign. The Pew Research Center found that those who always vote in local elections (about 27% of all U.S. adults) have stronger local news habits than those who do not regularly vote, signaling a strong connection between civic engagement and the news media.¹²

National journalism like *USA Today* simply does not have the space to cover small-town elections. A chart with each candidate, their stances on issues, and their experience in politics, however, can be easily found in an area newspaper and could help voters make informed decisions on Election Day. If everyone were to contribute to local journalism, even in rural and poor areas, the public would have less of a chance of voting badly, or, at least, less of a chance of voting from an uneducated and uninformed perspective.

⁸ Robert Post, “Participatory Democracy as a Theory of Free Speech: A Reply,” in the *Virginia Law Review*, vol. 97, no. 3 (2011), 478.

⁹ Seana Shiffrin, “A Thinker-Based Approach to Freedom of Speech,” in *Constitutional Commentary* (2011), 289.

¹⁰ Post, “Participatory Democracy,” 479.

¹¹ Jason Brennan, “Polluting the Polls: When Citizens Should Not Vote,” in the *Australasian Journal of Philosophy*, vol. 87, no. 4 (2009), 538.

¹² Michael Barthel, Jesse Holcomb, Jessica Mahone, and Amy Mitchell, “Civic Engagement Strongly Tied to Local News Habits,” The Pew Research Center, November 3, 2016, online.

FREE PRESS AND THE RULE OF LAW AS A NEPG

I have argued that an educated citizenry is a non-excludable, presumptively beneficial public good because citizens make the choices about who governs the country. In addition, the news media also improves the rule of law through investigative journalism, by asking tough questions to those in power and by relentlessly pursuing the truth at the heart of legislative concerns. The rule of law is a non-excludable, presumptively beneficial public good because everyone is held accountable under the law, regardless of status or personal beliefs.

Everyone not only must be held accountable, but they also must generally understand what the rules are and how they are used. John Rawls explains in *A Theory of Justice* that citizens should have common knowledge of how rules are applied, their requirements, and the extent to which others conform to those requirements in order for a democracy to be just. Rawls writes that “when these rules are just, they establish a basis for legitimate expectations. They constitute grounds upon which persons can rely on one another and rightly object when their expectations are not fulfilled.”¹³

The news media is a critical factor in spreading information about new laws, changing laws, and letting the public know when laws have been broken. Arguably, without the news media, those in power would be able to live “above the law.” Dean Ludwig and Clinton Longenecker describe a phenomenon called the “Bathsheba Syndrome” wherein leaders are willing to abandon personal principles when they have achieved great power and success.¹⁴ Consider, for example, President Nixon’s downfall. If journalists had not relentlessly pursued the complex nuances of this groundbreaking story, Nixon might have served two full terms as president, and the American people would have been none the wiser. Ludwig and Longenecker also found that “successful leaders can frequently make unethical choices which not only hurt them personally but contain the potential to destroy or severely damage the organizations they are responsible for protecting.”¹⁵ It is up to the press, then, to keep those in power “in check,” so to speak, in order that the government and the country as a whole can both flourish.

Local press can also expose community leaders. *The Boston Globe*, a well-known but local publication, ran a series of pieces in 2002 exposing the Catholic Church for covering up child molestation by clergy and retaining priests accused of pedophilic behavior. In a city with a strong Catholic identity, the *Globe*’s journalists wrote 600 stories covering the scandal, leading to the resignation of Cardinal Law and creating the journalistic space for more survivors to come forward and tell their stories.¹⁶ Since then, 250 priests have been accused of sexual abuse within the archdiocese of Boston.¹⁷ While the cover-up did not constitute a government scandal, the Catholic Church is a predominant social institution in Boston, and it took a group of journalists to expose a scandal that had been happening for more than three decades.

¹³ John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 207.

¹⁴ Dean C. Ludwig and Clinton O. Longenecker, “The Bathsheba Syndrome: The Ethical Failure of Successful Leaders,” in the *Journal of Business Ethics*, vol. 12, no. 4 (1993), 270.

¹⁵ *Ibid.*, 271.

¹⁶ Michael Rezendes, “Journalists who broke church sex abuse scandal could not have foreseen the impact,” from *The Boston Globe*, November 20, 2015, online.

¹⁷ *Ibid.*

As former Speaker of the House Tip O’Neill said, “All politics is local,” meaning that the success of politics begins at home, as it were. Media’s success, or failure, in educating the public and serving as a watchdog for those in power can also begin at home, where the decisions citizens make in the polls have direct effects on their lives. Because the rule of law applies to everyone equally and beneficially, it is our duty to contribute to the scheme that produces it—i.e., the local news media.

One possible objection to this theory implicates cable news shows. As cable news networks like MSNBC, Fox News, and CNN cover current events in the 24-hour news cycle, one might argue that citizens have obligations to contribute to networks like these in addition to local news stations and newspapers. These stations, however, can often be largely partisan, and while biased news networks can still apply the rule of law to keep political leaders (usually of the opposing party) “in check,” they consistently fail to adequately educate the public. Take, for instance, the speed at which they deliver the news in order to beat competitors; this can be dangerous, since these major news organizations often distort the facts of a story in order to be the first to report it. At least two networks (MSNBC and Fox News) are often charged with disseminating the news with partisan interests in mind, and therefore presumably have a tendency to skew the facts in order to conform to a particular worldview shared by the majority of their viewers. Misused facts and journalistic bias both contribute to Jason Brennan’s concern about voting badly, and these reporting tendencies do not cultivate an educated public.

CONCLUSION

I argue that an educated citizenry is a non-excludable, presumptively beneficial public good because citizens have the right to vote. I also argue that the rule of law is a non-excludable, presumptively beneficial public good. Everyone must be held accountable, so it is non-excludable, and it is beneficial for the success of a democracy and society as a whole. Given that an educated public and the rule of law are both non-excludable presumptively beneficial public goods, it is our duty to contribute to its perpetual success. In order for a democracy to flourish, the public must be educated to such an extent as to choose its leaders wisely, and everyone (especially elected officials) must be held accountable under the rule of law. The news media performs these two critical functions. Citizens therefore have an obligation to contribute to local media.

REFERENCES

- Barthel, Michael, Jesse Holcomb, Jessica Mahone, and Amy Mitchell. “Civic Engagement Strongly Tied to Local News Habits.” The Pew Research Center. November 3, 2016. Online.
- Brennan, Jason. “Polluting the Polls: When Citizens Should Not Vote.” In the *Australasian Journal of Philosophy*, vol. 87, no. 4 (2009): 535-549.
- Klosko, George. “Presumptive Benefit, Fairness, and Political Obligation.” In *Philosophy and Public Affairs*, vol. 16, no. 3 (1987): 241-259.
- Kovach, Bill and Tom Rosenstiel. *The Elements of Journalism: What Newspeople Should Know and the Public Should Expect*. New York, NY: Crown Publishing Group, 2001.
- Ludwig, Dean C. and Clinton O. Longenecker. “The Bathsheba Syndrome: The Ethical Failure of Successful Leaders.” In the *Journal of Business Ethics*, vol. 12, no. 4 (1993): 265-273.

- Lyons, David. *Forms and Limits of Utilitarianism*. Oxford, UK: Oxford University Press, 1965.
- Mill, John Stuart. "Utilitarianism." In *On Liberty, Utilitarianism, and Other Essays*. Edited by Mark Philp and Frederick Rosen. Oxford: Oxford University Press, 2015.
- Nozick, Robert. *Anarchy, State, and Utopia*. New York, NY: Basic Books, 1974.
- Post, Robert. "Participatory Democracy as a Theory of Free Speech: A Reply." In the *Virginia Law Review*, vol. 97, no. 3 (2011): 617-632.
- Rawls, John. *A Theory of Justice*. Cambridge, MA: Harvard University Press, 1971.
- Rezendes, Michael. "Journalists who broke church sex abuse scandal could not have foreseen the impact." From *The Boston Globe*. November 20, 2015. Online
- Shiffrin, Seana. "A Thinker-Based Approach to Freedom of Speech." In *Constitutional Commentary* (2011): 283-307.

WHO GETS TO MOLD THE CLAY? QUESTIONS OF POST-SHOAH FICTION IN *THE AMAZING ADVENTURES OF KAVALIER & CLAY*

Luke Brown, Georgetown University

Abstract: The ethical complexity inherent in describing, memorializing, and engaging with the Shoah continues to exert strong ethical claims in literary genres that, for the most part, have distanced themselves from all normative ethical claims. Post-Shoah fictional writing has been a hotly contested area with supporters viewing it as an essential part of passing on a cultural memory of the Shoah and critics lamenting the dramatization of the Shoah through imaginative mediums. Michael Chabon continues a long tradition, grounded in the writings of Elie Wiesel, of grappling with the Shoah through the use of fictional tropes in his Pulitzer prize-winning novel, *The Amazing Adventures of Kavalier & Clay*. An analysis of Chabon's text, and the ethical critiques it has engendered, offers insight into the ongoing struggle of Shoah representation in the twenty-first century.

In this paper, I first offer a brief overview of the ethical considerations posed by post-Shoah fictional writing. I then argue that the uses of Houdini and the Golem in the text as ways of embodying responses to the Shoah ultimately fail to offer an ethically defensible engagement with the Shoah and popularize a sentimentality that undermines the Shoah's tangible loss of human life.

Summary of the Novel: *The Amazing Adventures of Kavalier & Clay* follows the travails of Josef Kavalier, a teenager who escapes Nazi-occupied Prague hidden in the coffin of the Golem. He ends up becoming a commercially successful comic book illustrator with help from his cousin, Sammy Clay, who narrates Josef's comic strips. The two successfully make a name for themselves in the Golden Age of comic books with the creation of the Escapist, a superhero loosely based on Harry Houdini. Everything seems bright amidst unlooked-for love; Rosa Saks offers Josef the chance at an American family while Tracy Bacon, the strapping young voice actor for the Escapist, offers Sammy the possibility of a queer relationship amidst the silence and homophobia of 1940's America. The joy does not last, however, when Josef's younger brother, Thomas, dies while fleeing to the United States. Josef enlists in the U.S. Army, prompting Sammy to enter suburban America as a replacement-husband to Rosa and father-figure to Josef's newly born son. Both grapple with the trauma of loss amidst the larger trauma of the Shoah, forever present in the background. Josef eventually returns to his place as head of the household thanks in part to the healing properties of the Golem, as Sammy packs up for greener climes on the West Coast.

The Shoah,¹ the Hebrew term that refers to the genocide of up to six million Jews at the hands of the Nazis during the Third Reich, continues to cast a dark shadow over social, political, and religious discourses around the world. Its signification of loss, trauma, and

¹ Jewish scholars of the period frequently use the term Shoah since the root of the word Holocaust refers to the Hebrew term for "offering to God."

anti-Semitism remains unquantifiable. The Shoah demands continual memorialization, reference, and recognition because of the immensity of its state-driven loss of life; in the words of Elie Wiesel, “to forget the dead would be akin to killing them a second time.”² The project of representing the Shoah in art has only become more complex with the passage of time, as its focus has shifted. Once concentrated on the dissemination of survivor testimony and influencing immediate public and social policies, post-Shoah artistic engagement now concerns itself with the passing down of firsthand accounts to future generations. The voices of the children—and even grandchildren—of survivors have taken up the mantle of Shoah discourse. In this passing of the guard, “practitioners of cultural memory work have focused on the transmission of memory to the next generations” in a process that produces “a vicarious form of witnessing, or witnessing by proxy, through the staging of an empathetic identification with Holocaust witnesses and something approximating the remembrance of their experiences from their point of view.”³

The ethical dimensions of this new form of vicarious witnessing, of the formation of secondary and tertiary memory, have been vexed not just by the passage of time but by the production of fictional and semi-fictional accounts of the Shoah. Works such as *Maus*, which remains one of the most recognizable works of post-Shoah American fiction, grappled with the destruction of the Shoah through the use of zoomorphic graphic characters, but the blurring of historical definitiveness and fictitious representation can be traced back to Elie Wiesel’s firsthand account in *Night*. This incorporation of fictitious elements in accounts of the Shoah has added fuel to the already raging arguments on the ethical and moral implications of depicting its atrocities and aftermath. Few subjects in the twentieth century have received the sort of ethical injunctions surrounding its artistic production.

Yet this strand of literary production considers the facts and figures of the genocide to be unable to impart the full human cost of the Shoah. Post-Shoah fiction deploys fantastical devices to bridge this divide between historical accounts and the minds of readers. Michael Chabon offered the first mainstream fictional response to the Shoah in the twenty-first century with the publication of his Pulitzer prize-winning novel, *The Amazing Adventures of Kavalier & Clay*, in 2001. The novel explores the ramifications of the Shoah in the Wieselian tradition, following two cousins, Josef Kavalier and Sammy Clay, as they navigate the world of the comic book industry from the late 1930’s to the early 1950’s. An analysis of Chabon’s text, and the ethical critiques it has engendered, offers insight into the ongoing struggle of Shoah representation in the twenty-first century.

Chabon installs two archetypal Jewish figures in his narrative to grapple with the legacy of the Shoah, and each embodies a specific set of responses to it. The first appears in relation to Josef Kavalier and elides the Shoah with notions of escape, individuality, and containment. It consolidates in the image of Harry Houdini. Josef’s practicing of magic tricks provides him with “a masturbatory intensity of concentration that became almost more pleasurable for him than the trick itself.”⁴ His mentor, an old Jewish master of escape acts, Bernard Kornblum, describes Josef as, “one of those unfortunate boys who become

² Elie Wiesel, *Night*, trans. by Marion Wiesel (New York, NY: Hill and Wang), xv.

³ Richard Crownshaw, *The Afterlife of Holocaust Memory in Contemporary Literature and Culture* (New York, NY: Palgrave, 2010), vi.

⁴ Michael Chabon, *The Amazing Adventures of Kavalier & Clay* (New York, NY: Random House, 2012, first published in 2000), 25.

escape artists [...] for dangerously metaphorical reasons. Such men feel imprisoned by invisible chains—walled in, sewn up in layers of batting⁵ Josef, chained and stuffed into a sack, even goes so far as to plunge into the icy waters of the Vltava; the stunt nearly kills him.⁶ Confinement and the ensuing act of auto-liberation become a source of identification, erotic pleasure, and masculine dominance for Josef.

Josef tries to embody a particular type of Jewish masculinity espoused by Houdini in the decades before the Shoah. Harry Houdini showcased a masculinity rooted in the literal ability of one man to throw off the shackles of physical restraint and the figurative ability of a Jewish man to craft a glorified public identity over and above anti-Semitic and anti-immigrant rhetoric. It was based in conceptions of personal prowess, invulnerability, and bodily escape. Harry Houdini's meteoric rise to prominence depended upon his turning the male body from a site of weakness and vulnerability into a location of domination and triumph, for "behind Houdini's police challenges stood the often-sadomasochistic contents between torturers and victims that so fascinated the melodramatic imagination."⁷ Houdini was also known to insert himself into "what might be regarded as an especially provocative feminized position: naked, bound, bent over, inspected, even to a degree penetrated. His victimization was thus not only political (a loss of freedom) but gendered (a loss of masculinity)."⁸ His mainstream success was a result of his challenging police departments to a battle of containment: he challenged them to exercise all of the powers of the state to control and diminish the male body only to then regain mastery of said body.

The drama of Houdini's acts relied on the demasculinization and depersonalization inherent in these self-created situations; crowds applauded uproariously at the radical transformation of the male body. Houdini successfully turned his physical presence into a site of gendered contestation and his struggle for bodily autonomy was his attempt to reinscribe masculine ideals—autonomy, control, strength—onto his person. "The drama of submission and release, bodily risk and mastery goes deeply to issues of masculine prowess and identity," and it is for this reason that the crowds which flocked to Houdini's feats of escape were "mostly men and boys."⁹ This same desire to define one's "masculinity [...] in terms of the ability to overcome the body and the subjection of the body to the will" is at the heart of Josef's attempts to embody the masculine ideal projected by Houdini.¹⁰ The restraining, dehumanization, and ultimate murdering of millions of Jews by the Nazi state shattered the image of the invincible, individual male offered by Houdini. The Shoah exposes the naiveté and danger of a masculine ideal that does not take into account the threat of state-sanctioned violence and mass prejudice.

Chabon draws attention to this flaw of a Houdini-esque response to the Shoah—personalized, valorized, and ultimately ungrounded in the political realities of others—through his placement of Houdini citations in the novel. "A drawing of Harry Houdini"

⁵ Ibid., 37.

⁶ Ibid., 35.

⁷ John Kasson, *Houdini, Tarzan, and the Perfect Man: The White Male Body and the Challenge of Modernity in America* (New York, NY: Hill and Wang, 2002), 114.

⁸ Ibid., 116.

⁹ Ibid., 123-124.

¹⁰ Louise Colbran, "The Grand Illusion: Hegemonic Masculinity as Escapism in Michael Chabon's *The Amazing Adventures of Kavalier & Clay* and *Wonder Boys*," in *Cambridge Scholars* (2010), 120.

given to Joe by his brother, Tommy, symbolizes the ideological connection between Josef and Tommy and the promise of escape from mechanisms of bodily control.¹¹ Josef carries this drawing on his person at all times, an illustration that promises the freedom of the self from the various systems and multiplicities of power. It is described as “Harry Houdini, taking a calm cup of tea in the middle of the sky,” and later as him “falling from the belly of the airplane [...] smiling, and pouring a cup of tea from an elaborate plummeting tea service.”¹² Alone and aloft, Houdini engages in the everyday act of brewing tea made extraordinary by his being situated outside of the “sphere of power relations” that determine the expected and the possible.¹³

The citation of Houdini and its dream of escapement cannot withstand the trauma of the Shoah. Josef leaves the sketch—which he has carried for more than 400 pages—behind after killing a German soldier in a scene remarkable for its psychological realism and refutation of epic portrayals of war.¹⁴ Josef allows the drawing to freeze over in the farthest reaches of Antarctica, and the portrayal of an individualistic response to the Shoah in the text freezes over with it. The novel then shifts to give greater weight to its second personified response to the dilemma of responding to the Shoah, the character of the Golem.

Chabon presents the golem that surfaces at key moments in the text as none other than the golem historically attributed to Rabbi Judah Loew of Prague.¹⁵ While several versions of the formation of the golem exist—the first reference to the golem can be traced as far back as Psalm 139:15-16¹⁶—the hulking mass of clay in Chabon’s text is believed to have been created by Rabbi Judah Loew in the sixteenth century to protect the Jewish community of Prague.¹⁷ In the most widely referenced origin story, popularized by Rabbi Yudl Rosenberg at the beginning of the twentieth century, the Christians of Prague believed that the Jews needed the blood of Christians to make matzo, the traditional unleavened Passover bread, and proceeded to beat and murder their Jewish neighbors.¹⁸

In response to the increased violence, Loew, after praying to God and receiving a surprisingly useful mystical ritual, brings to life an unthinking golem that obeys his every

¹¹ Chabon, *The Amazing Adventures*, 66.

¹² *Ibid.*, 66, 468.

¹³ Michel Foucault, *The History of Sexuality, Vol. 1*, trans. by Robert Hurley (New York, NY: Vintage Books, 1990), 97.

¹⁴ Chabon, *The Amazing Adventures*, 464-465.

¹⁵ Alan L. Berger, “Michael Chabon’s ‘The Amazing Adventures of Kavalier & Clay’: The Return of the Golem,” in *Studies in American Jewish Literature*, vol. 29, no. 1 (2010), 83.

¹⁶ “My bones are not hidden from you, when I was made in secret, fashioned in the depths of the earth. Your eyes saw me unformed; in your book all are written down; my days were shaped before one came to be.” Translated in the *New American Bible* as “me unformed,” the original Hebrew word גלמי can also be translated as “my golem,” and also appears in references to Adam before God imparted the breath of life.

¹⁷ Chabon, *The Amazing Adventures*, 46; Elizabeth R. Baer, *The Golem Redux: From Prague to Post-Holocaust Fiction* (Detroit, MI: Wayne State University Press, 2012), 18.

¹⁸ European Christians often cited this belief, known as blood libel, to initiate pogroms against the Jews. While blood libel rhetoric has been traced back to 1148 in England and continued into the end of the nineteenth century, no such cases in Prague during the time of Rabbi Loew have been recorded. See Baer, *The Golem Redux*, 32.

command.¹⁹ The golem proceeds to punish the anti-Semites. Once peace returns, Rabbi Loew decommissions the golem by reversing the mystical ritual and sealing its body in the attic of the Old New Synagogue, the oldest active synagogue in Europe.²⁰

The golem legend has resurfaced in various historical periods and its significations have only multiplied with age. Amidst Adorno's famous claim that "writing poetry after Auschwitz is barbaric" and Wiesel's that Auschwitz "defeated culture; later, it defeated art," poets have struggled to find an effective yet respectful way of writing in the aftermath of the Shoah.²¹ In response, many "took up the golem theme to commemorate Jewish life and the Shoah. [T]hey drew on its existing tradition as a figure of protection and messianic redemption together with those motifs of the story associated more clearly with anti-Semitic meanings."²² In this context, the golem calls forth an endangered Eastern European Jewish heritage, embodies calls for justice and righteous anger, and represents the promise of redemption at the heart of the Hebrew Scriptures. In her expansive historiography of the golem legend, Gelbin argues that "Jewish poets explicitly drew out the ambivalence and instability of the literary golem figure to convey the violent destruction of the Jewish dialogue with German culture by the Shoah."²³ Yet the golem does not stop at "dialogue" but rather, in its unmitigated physicality, calls forth the material loss of possessions, limbs, and life inflicted on the Jews of Europe.

Chabon does not stick with mere allusions but rather picks up where Rosenberg left off in the telling of the golem legend. In the novel, Josef and his mentor, Kornblum, are tasked with finding Loew's Golem, which they eventually discover and successfully smuggle out of Prague by disguising it as a recently deceased strongman.²⁴ While the Golem is unable to protect the modern Jewish population of Prague, it metaphorically saves Josef by allowing him to stow away under its immense girth and slip across the carefully controlled border of Nazi-occupied Czechoslovakia.²⁵

The novel does not deploy golem rhetoric uniformly; while the first citation portrays the golem as a Jewish safeguard and fixture of Eastern European ancestry, latter appearances connect the golem to the production, appeal, and staying power of comic book masculinity. When Josef must quickly sketch a comic book superhero to show a potential investor, he draws an interpretation of the Golem of Prague. When the investor asks, "Is that the Golem?" Josef replies that "To me, this Superman is . . . maybe . . . only an Amer-

¹⁹ Yudl Rosenberg, *The Golem and the Wondrous Deeds of the Maharal of Prague*, trans. by Curt Leviant (New Haven, CT: Yale University Press, 2007), 35-37.

²⁰ *Ibid.*, 185.

²¹ While Adorno's best known phrase is "writing poetry after Auschwitz is barbaric," it is important to note that he later considered the statement too bombastic and distanced himself from it. See Theodor Adorno, *Negative Dialectics*, trans. by E. B. Ashton (New York, NY: Seabury, 1973), 362; Elie Wiesel, "Art and the Holocaust: Trivializing Memory," in *The New York Times*, June 11, 1989, 1, online.

²² Gelbin traces the use of the golem in post-Shoah fiction to the poet Nancy Sachs who claimed that "the golem represents the destruction of Jewish lives during the Shoah, but also the indestructibility and sanctity of the Jewish people." See Cathy S. Gelbin, *The Golem Returns: From German Romantic Literature to Global Jewish Culture, 1808-2008* (Ann Arbor, MI: The University of Michigan Press, 2011), 124.

²³ *Ibid.*

²⁴ Chabon, *The Amazing Adventures*, 61.

²⁵ *Ibid.*, 65.

ican Golem.”²⁶ Josef’s response exposes the conceit governing the new rise of the comic book genre as a reapplication of the conceit of the Golem.²⁷ This instance, one of many in the text, hints at the Jewish cultural touchstones that served as the ideological base of the comic book industry during its height in the late 1940’s. The long relationship between the golem and comic book superheroes has continued into the current day, with several golem comics being produced and a myriad of characters—the most famous being Marvel’s Hulk—interpreted as modernized golems.²⁸

The creation of this second golem, as artistic endeavor and profitable enterprise, universalizes golem iconography through the production of an easily consumed alternative history. American exceptionalism and comic book idealism replaces the Kabbalistic roots and iniquitous historicism of the mythic tale. This process mirrors Chabon’s generation of an alternative history in the novel, one that “approaches the representation of memory of that place as a construction of strategies for an ongoing *renegotiation* of that historical reality.”²⁹ This confluence of historical particulars and imaginative possibilities allows for a post-Shoah novel that resonates with a modern audience, but it simultaneously risks dramatizing, obfuscating, and sensationalizing the genocidal intent and desecration of human life that delineates the Shoah.

The final appearance of the golem in *The Amazing Adventures of Kavalier & Clay* further complicates this endeavor. In a novel that works exceedingly hard to avoid direct references to the Shoah, this last appearance has received much scholarly attention as the passage which most directly confronts the mass murder and traumatic loss of the Shoah. As Sammy marshals his energies to seek out greener pastures and Joe settles into suburban life with his wife and son, a mysterious package arrives. Joe recognizes it as the casket which once held the Golem of Prague, except that he “knew that something was wrong” since the weightlessness of the Golem—attributed to its soullessness—had been replaced by something “like a suite of bones.”³⁰ Upon opening:

The air was filled with a heady green smell of mud and river scum, with a stench of summer rich with remembered tenderness and regret.

“Dirt,” Tommy said, glancing anxiously at his mother.

“Joe,” Rosa said, “that isn’t— those aren’t *ashes*.”

The entire box was filled, to a depth of about seven inches, with a fine powder, pigeon-gray and opalescent, that Joe recognized from his boyhood excursions as the silty bed of the Moldau. [...] It was strange, Joe thought, that the box

²⁶ Chabon, *The Amazing Adventures*, 86.

²⁷ Lee Behlman, “The Escapist: Fantasy, Folklore, and the Pleasures of the Comic Book in Recent Jewish American Holocaust Fiction,” in *Shofar*, vol. 22, no. 3 (2004), 67.

²⁸ R. G. Weiner, “Marvel Comics and the Golem Legend,” in *Shofar: An Interdisciplinary Journal of Jewish Studies*, vol. 29, no. 2 (2011), 56.

²⁹ Chabon engages in what Sidra Ezrahi, famed post-Holocaust theorist and critic, deems “alternative histories” or “sideshadowing” throughout his oeuvre; he writes narratives that focus on the what if’s, might have’s, and would have been’s of the Shoah by blending fact and fiction, realistic occurrence and inventive possibilities. His novel *The Yiddish Policemen’s Union*, placed in a Jewish settlement in Sitka, Alaska, after the destruction of the Israel state in 1948, epitomizes this world-making project. See Baer, *The Golem Redux*, 11.

³⁰ Chabon, *The Amazing Adventures*, 608.

should weigh so much more, now, than it had when the Golem was still intact. [...Joe] reached in and took a handful of the pearly silt, pondering it, sifting it through his fingers, wondering at what point the soul of the Golem had reentered its body, or if possibly there could be more than one lost soul embodied in all that dust, weighing it down so heavily.³¹

The Golem has disintegrated. The italicization of ashes calls attention to the equating of the dust of the Golem to the ashes of the Jewish people, cremated in the ovens of concentration camps. The mysterious weight of the package is thought to stem from the “more than one lost soul” that “weigh[s] it down so heavily,” the spiritual debris of the Shoah incarnate in the pulverized remains of the Golem. This metaphorical gesture turns the dust of the Golem and its connection to Shoah victims into a handy plot device that provides narrative continuity and reflects the conciliatory conclusion of the novel.

The reference to the souls of lost Jewish civilians through the medium of the golem engages in the exact type of sensationalistic rhetoric that post-Shoah theorists warn against. Critics have deemed the reintroduction of the golem a “somewhat clumsy and therefore unconvincing narrative device, particularly for a writer who is usually so consummately in command of his plot” and read it as an attempt to “give more heft and relevance to the superhero comic book dream of escape, [but] it’s not clear that the concept of escapism itself can properly assume such a weight.”³² While “the protagonist is at peace psychologically and emotionally,” this peace stops at the border of the family unit, and “it does not address the broader and classically Jewish notion of *tikkun ha’olam* (repair of the world).”³³ More passionate supporters of only realistic, historically verifiable representations of the Shoah have stated that in the passage “the Shoah is transformed into a metaphor and there is no distinction between the mysticism of hope and the Nazi mysticism of death.”³⁴ Chabon’s avoidance of direct reference to the Shoah in his expansive text hiccups momentarily and expels a passage that fails so utterly to represent the Shoah that it almost affirms his drive to avoid it altogether. Perhaps Anna Hunter states it best when she writes that “by approaching the Holocaust through the frame of fairy-tale narrative, we can comfort ourselves that we have looked into the abyss and have come to know ourselves again. In reality, of course, we have not even come close.”³⁵

Chabon struggles to weave the material loss of the Shoah into his multifaceted narrative. The Shoah produces a present absence, a tangible emptiness, an overflowing void in the novel. Like a black hole that sucks in all matter and refuses to let go, the Shoah exerts a constant pressure on the text which complicates its interplay of masculine identifications, comic book conceits, and suburban America ending. The novel’s citations of Harry Houdini and the Golem of Prague ultimately fail to memorialize the Shoah without dramatizing

³¹ Ibid., 610-612.

³² Behlman, “The Escapist,” 69.

³³ Berger, “The Return of the Golem,” 88.

³⁴ Andrzej Gąsiorek, “Michael Chabon, Howard Jacobson, and Post-Holocaust Fiction,” in *Contemporary Literature*, vol. 53, no. 4 (2012), 883.

³⁵ Anna Hunter, “Tales from Over There: The Uses and Meanings of Fairy-Tales in Contemporary Holocaust Narrative,” in *Modernism/modernity*, vol. 20, no. 1 (2013), 73.

it. The collective urn of Shoah victims gets sent away to a corner of the attic, a postscript to the project of suburban, American homebuilding, at the conclusion of a novel that reflects the contradictory and unresolved impulses of post-Shoah fictional representation in the twenty-first century.

REFERENCES

- Adorno, Theodor. *Negative Dialectics*. Translated by E. B. Ashton. New York, NY: Seabury, 1973.
- Baer, Elizabeth R. *The Golem Redux: From Prague to Post-Holocaust Fiction*. Detroit, MI: Wayne State University Press, 2012.
- Behlman, Lee. "The Escapist: Fantasy, Folklore, and the Pleasures of the Comic Book in Recent Jewish American Holocaust Fiction." In *Shofar*, vol. 22, no. 3 (2004): 56-71.
- Berger, Alan L. "Michael Chabon's 'The Amazing Adventures of Kavalier & Clay': The Return of the Golem." In *Studies in American Jewish Literature*, vol. 29, no. 1 (2010): 80-9.
- Chabon, Michael. *The Amazing Adventures of Kavalier & Clay*. 2000. New York, NY: Random House, 2012.
- Chabon, Michael. *The Yiddish Policemen's Union*. New York, NY: Harper Perennial, 2008.
- Colbran, Louise. "The Grand Illusion: Hegemonic Masculinity as Escapism in Michael Chabon's *The Amazing Adventures of Kavalier & Clay* and *Wonder Boys*." In *Cambridge Scholars*, 2010, 118-127.
- Crownshaw, Richard. *The Afterlife of Holocaust Memory in Contemporary Literature and Culture*. New York, NY: Palgrave, 2010.
- Ezrahi, Sidra D. *By Words Alone: The Holocaust in Literature*. Chicago, IL: University of Chicago Press, 1982.
- Foucault, Michel. *The History of Sexuality Volume I: An Introduction*. Translated by Robert Hurley. New York, NY: Vintage Books, 1990.
- Gąsiorek, Andrzej. "Michael Chabon, Howard Jacobson, and Post-Holocaust Fiction." In *Contemporary Literature*, vol. 53, no. 4 (2012): 875-903.
- Gelbin, Cathy S. *The Golem Returns: From German Romantic Literature to Global Jewish Culture, 1808-2008*. Ann Arbor, MI: The University of Michigan Press, 2011.
- Hunter, Anna. "Tales from Over There: The Uses and Meanings of Fairy-Tales in Contemporary Holocaust Narrative." In *Modernism/modernity*, vol. 20, no. 1 (2013): 59-73.
- Kasson, John. *Houdini, Tarzan, and the Perfect Man: The White Male Body and the Challenge of Modernity in America*. New York, NY: Hill and Wang, 2002.
- Rosenberg, Yudel. *The Golem and the Wondrous Deeds of the Maharal of Prague*. Translated by Curt Leviant. New Haven, CT: Yale University Press, 2007.
- Spiegelman, Art. *Maus: A Survivor's Tale*. 1980-91. New York, NY: Pantheon Books, 2011.
- Weiner, R. G. "Marvel Comics and the Golem Legend." In *Shofar: An Interdisciplinary Journal of Jewish Studies*, vol. 29, no. 2 (2011): 50-72.
- Wiesel, Elie. "Art and the Holocaust: Trivializing Memory." *The New York Times*. June 11, 1989. 1-2. Online.
- Wiesel, Elie. *Night*. 1958. Translated by Marion Wiesel. New York, NY: Hill and Wang, 2006.

CONSEQUENTIAL EXISTENTIALISM: QUALIFYING EXISTENTIAL RESPONSIBILITY

Lorenzo Nericcio, California Polytechnic State University, San Luis Obispo

Abstract: Jean-Paul Sartre's 1946 essay "Existentialism is a Humanism" is a call to action. He tells us that all humanity is in an anguished state of abandonment. This means that, without God, we are left to choose our own moral choices without any divine guidance, and so must choose well for all humanity. I will argue that a good way to make these moral choices is presented in Brad Hooker's rule consequentialism. Rule consequentialism provides individuals with a decision-making procedure that can, in effect, allow them to *choose well* for all humanity. Though there are certainly metaethical disagreements between consequentialists and existentialists, I circumvent these obstacles by arguing that, regardless of this, the set of actions endorsed by rule consequentialism and that endorsed by existentialism are likely to be in extensional agreement.

INTRODUCTION

Existentialists claim that humans have a duty to choose for all humanity what the nature of humanity will be. Sartre states that in this duty, humans are in anguish. All humans live at some point in anguish because they must choose at every moment what humanity will become, since humanity has no essence. I will assume that this is true: humans in fact do not have an essence prior to choosing to become something (like a carpenter or a murderer or a population ecologist).¹ As such, I will assume that what Sartre derives from this claim is also true: humans must choose what humanity will be. Sartre does not, however, specify exactly how these choices should be made. While he does make some seemingly normative claims (outright opposition to death sentences, for example), his outline lacks a fully fleshed out normative system that can be used to make the anguished choices with which we have been saddled. I will argue that normative rule consequentialism² offers an avenue through which philosophers can qualify the kinds of and extent to which actions are necessary in order to "choose for all humanity."³ First, I will explain why rule consequentialism makes a fitting normative framework for existentialism; second, I will explain how existential responsibility can be explained in normative terms; and lastly, I will show that rule consequentialism's utility in situational decision making renders it the most plausible moral deliberative theory to deliver on "choosing well for all humanity."

WHY RULE CONSEQUENTIALISM?

Brad Hooker gives a clear and thorough exposition of rule consequentialism in "Rule-Consequentialism." I will rely on his arguments in favor of this moral framework.

¹ Actually, no human is ever *essentially* any of those things either, according to Sartre. This is not directly relevant to my argument, however.

² Brad Hooker, "Rule-Consequentialism," in *Blackwell Guide to Ethical Theory*, ed. by Hugh LaFollette (Hoboken, NJ: Wiley-Blackwell, 2000), 446.

³ There are, of course, striking differences in the metaethical foundations of consequentialism and existentialism. However, it is probably that the set of actions preferred by both are extensionally similar or even identical. I will rely on that latter assumption throughout this paper.

His discussion of decision procedures and consequentialism is of particular importance here. This is because much of the existentialist's anxiety comes as a result of having to *decide* what will be good or right in any given situation. Rule consequentialism can, if well formulated, ease this anxiety by offering a set of normative criteria, developed into consistent rules, by which one can evaluate an action. In section 6 of "Rule-Consequentialism," Hooker gives a decisive rebuttal to the Collapse Problem (CP), an often-cited flaw in rule consequentialism. Broadly, objectors convinced of CP state that rule consequentialism will collapse into act consequentialism because either (a) any rule will have exceptions which will result in better consequences—e.g., killing Adolf Hitler might prove an exception to the rule, "it is wrong to kill heads of state"—and so must be abandoned in favor of these better consequences, or (b) all rules in rule consequentialism are derived from the only real rule: act such that good is maximized and bad is minimized. Hooker offers the following considerations against this claim. Though compliance with a moral code is ideal, so too is internalization. That is, it would not be appropriate to have everyone forced to produce the greatest good for the greatest number. This would, paradoxically, lead to non-ideal consequences. Instead, the best consequences are likely to be produced if all agents have internalized the moral code. Yet internalization of a code requires that said code is used as a decision-making procedure. Act consequentialism, Hooker points out, is a poor decision-making procedure, as it requires implausible amounts of information and immediate calculation.⁴ So, rule consequentialism is more operationally useful to agents, and so more likely to actually produce the best consequences.

I choose to use rule consequentialism as an answer to existential anguish because it offers a means by which such momentous decisions can be made such that those decisions produce the best outcomes for humanity, thus "choosing well" for humanity. Act consequentialism would leave us no better off in our decision making.

EXISTENTIAL RESPONSIBILITY

Having thus defended rule consequentialism, I will turn for the moment to existentialism. In "Existentialism is a Humanism," Sartre outlines the existentialist worldview and something of its ethic. The existentialist realizes—perhaps after experiencing firsthand the horrors of World War II—that God does not exist. And without God, there "can no longer be any good *a priori*, since there is no infinite and perfect consciousness to think it."⁵ By this, Sartre means that it cannot be held necessarily true that actions are good or bad in virtue of God's deeming it as such. It is upon human beings to decide what is good and what is bad, and, in deciding so, to choose for all humanity what humanity's moral nature will be. He says, "We are left alone, without excuse. That is what I mean when I say that man is condemned to be free. Condemned, because he did not create himself, yet is nevertheless at liberty, and from the moment that he is thrown into this world he is responsible for everything he does."⁶

This seems plausible, especially for one disposed toward a secular worldview. We have no excuse; humanity must make its own decisions for itself. Unfortunately, as stated in the

⁴ Hooker, "Rule-Consequentialism," 431.

⁵ Jean-Paul Sartre, "Existentialism is a Humanism," in *Existentialism: From Dostoevsky to Sartre*, trans. by Walter Kaufman (New York, NY: Penguin Group, 1988, essay first published in 1946), 353.

⁶ Sartre, "Existentialism is a Humanism," 352.

introduction, Sartre does not give clear normative guidelines for *how* we ought to choose for ourselves. Broadly, there are some injunctions against freedom-limiting laws and regimes—but not any technical details about decision making in our abandoned, condemned world. For someone who takes Sartre and this existential duty rather seriously, it is urgent to find such a set of normative guidelines. This set of guidelines would specify what actions are morally permissible and impermissible (and therefore under what conditions an agent is worthy of praise or blame) and so can be said to be successfully choosing *well* for all humanity.

SITUATIONAL MORAL CONSIDERATIONS

It is clear, I think, how one can *apply* rule consequentialism in an effort to choose well. It is essentially the same as any other moral choice, though it is more systematized. I must now demonstrate the way that the existentialist ontology and conception of personhood and responsibility is compatible with the application of rule consequentialism within its system. The point of agreement I will focus on will be extensional agreement; that is, the two sets contain the same elements. I will argue that the set of actions potentially laudable under the existential view is concurrent with that advocated for by the rule consequentialist, and so the set of actions to which both would extend moral obligation is analogous.

First, I need to explain the existentialist view of ethics. Admittedly, establishing a normative system compatible with existentialism appears difficult because Sartre himself opposed moral frameworks, stating, “And that is to say that I can neither seek within myself for an authentic impulse to action, nor can I expect, from some ethic, enable me to act.”⁷ His reasoning for this is, roughly, that even if one accepts a, say, Kantian ethical framework, she will still have to choose to follow it. Further, she will still have to determine whether she should follow it under certain circumstances. To illustrate this, Sartre uses the example of his student who, as the last son of his widowed mother, must choose to either stay home to care for her or join the French resistance to avenge his brother, whom the Nazis have killed. In either choice, Sartre points out that his student is faced with the impossible task of choosing one over the other. He cannot rely on some external all-knowing authority—like God or Kant’s moral law—to make the decision for him.

I will be completely transparent about my interpretation of this parable. I suspect most existential philosophers, historical and contemporary, would object to what I am about to say precisely because, from an existentialist perspective, any kind of (erroneous) reliance on a moral framework would remove the anguish of responsibility that they believe is always part of human existence. My hope is that it I render my own view plausible and as a point of connection and conversation between existential thought and normative ethics, and show that it is a legitimate, if not perfectly faithful, interpretation of existentialism.

Sartre’s student is facing existential anguish. He is forced to choose without any cosmic safeguard about what the right thing to do is. Existentialists hold that in his choice he is not only choosing for himself and his mother and the resistance forces, but also for all of humanity, since through his particularized decision he is nevertheless deciding on behalf of all humanity about what the nature of humanity will be. “When a man commits himself

⁷ Ibid., 356.

to anything,” Sartre writes, “fully realizing that he is not only choosing what he will be, but is thereby at the same time a legislator deciding for the whole of mankind—in such a moment a man cannot escape from the sense of complete and profound responsibility.”⁸ If this is the case, then he had better choose *well* for all humanity. It seems sensible, then, given this immense and profound task, to try and develop a measured and careful way by which one can actually choose well for all humanity.

Enter rule consequentialism. In Hooker’s exposition of the view, he specifies that an *internalized* rule-consequentialism would likely produce the best possible outcomes. If every member of a society honestly believed in and followed a set of rules crafted carefully to produce the best outcomes, it is likely that those best outcomes would come to pass. Moreover, if the best possible ends are reached by following a given system of ethics, I cannot imagine a better means by which one could choose well for all humanity. Thus, in the case of Sartre’s student, he might make his choice in virtue of the rule, “opposing tyrannical forces of evil (e.g., Nazis) is always morally obliged.”

It may seem that I am proceeding too quickly; I will qualify my stance further by expanding on Sartre’s example. He concludes the story with the following assertion:

To take once again the case of that student; by what authority, in the name of what golden rule of morality, do you think he could have decided, in perfect peace of mind, either to abandon his mother or to remain with her? There are no means of judging. The content is always concrete, and therefore unpredictable; it has always to be invented. The one thing that counts is to know whether the invention is made in the name of freedom.⁹

I am not sure whether we are meant to take this rhetorically or literally, but I will take it literally. I think, to the contrary of Sartre’s proclamation here, that if the content is always concrete, then it therefore *is predictable*. If the empirically observable outcomes of events are our concern, which I take to be roughly what Sartre means by “concrete,” then there are certainly at least *some* ways to predict what might happen. Economists, historians, and social scientists assume a certain extent of predictability with respect to human events and decisions in these researchers’ basic methodologies. While there is almost certainly not any way his student could have made this decision “in perfect peace of mind,” moral decisions are often by their very nature not easy to make.

Rule consequentialism offers a toolkit that may be employed to choose well for humanity in situational moral considerations. For this reason, it is likely that the set of actions endorsed by any existentialist and that endorsed by a rule consequentialist would be extensionally equivalent. Because the two are likely extensionally equivalent, and rule consequentialism offers a more technical and precise means by which one can make difficult moral decisions, rule consequentialism emerges as a useful tool employable in morally difficult situations while still choosing well within the existentialist’s framework.

⁸ *Ibid.*, 351.

⁹ *Ibid.*, 355.

CONCLUSION

We have seen here the usefulness that rule consequentialism can provide while still operating within the parameters of an existential ethical system. I have not here considered the metaethical reasons why an existentialist might reject whatever grounding a rule consequentialist might offer, but this is because I am not primarily interested in arguing on behalf of such foundations. Whatever disagreement there may be between consequentialists and existentialists with respect to metaethics, the application of rule consequentialism within existentialism is still plausible, as I have maintained here.

REFERENCES

- Hooker, Brad. "Rule-Consequentialism." In *Blackwell Guide to Ethical Theory*. Edited by Hugh LaFollette. Hoboken, NJ: Wiley-Blackwell, 2000.
- Sartre, Jean-Paul. "Existentialism is a Humanism." In *Existentialism: From Dostoevsky to Sartre*. Translated by Walter Kaufman. New York, NY: Penguin Group, 1988. Essay first published in 1946.

WASHINGTON AND LEE
UNIVERSITY

Lexington, Virginia