



# LABYRINTH



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Editorial Board:  
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## About This Journal

### **Why ‘Labyrinth’?**

Plato uses the image of a winding labyrinth as a metaphor for the process of philosophical investigation in his dialogue *Euthydemus*. His image expresses his belief that unlike the arts of rhetoric or sophistry – which rely on mere assertion and counter-assertion – philosophy absolutely requires that we retrace our steps in an argument and constantly re-examine our views in order to arrive at knowledge of the true and the good. This is what we as students of philosophy aim to do, and this journal is meant to aid in that process.

### **Our Purpose**

This journal was created with a threefold purpose. First, to provide undergraduate philosophy students with the experience and opportunity of publishing a paper in a philosophical journal. Second, to give an opportunity for students to be involved in peer to peer interaction through the editorial and overall journal creation process.

Finally, to showcase the amazing philosophical work that is being done by the undergraduate students at the University of Iowa.

### **Attention Students:**

Please consider submitting a paper for the Fall 2017 issue as the continuation of this journal relies on students like you. The call for papers for the Fall 2017 issue of Labyrinth will be sent out to all Philosophy majors, minors, and EPP majors in September of 2017. All submissions undergo a blind peer review to ensure a fair selection process. For further inquiries contact Professor Carrie Swanson at [carrie-e-swanson@uiowa.edu](mailto:carrie-e-swanson@uiowa.edu).

## A Simple Exposition of Divine Simplicity

Evan Kramer

Divine simplicity is the doctrine that God is an absolutely simple being, devoid of any complexity whatsoever. God does not have any parts, whether they be corporeal or non-corporeal. In a word, all that is in God is God. But why should we think God is like this? In the philosophy departments of the anglophone world, this doctrine has fell upon mostly deaf—or rather, unsympathetic—ears. The doctrine seems so esoteric and entails what many think are absurd or unintuitive conclusions. Perhaps the doctrine may be a dogma of the faithful, but surely it has no place in the philosopher’s academy. So perhaps philosophers should ignore such a doctrine with a perfunctory wave of the hand, and the faithful should say with Tertullian, “what hath Jerusalem to do with Athens?”, and both can go on their merry way.

Against this, I propose that there are strong metaphysical reasons for affirming absolute divine simplicity. In what ensues, I will give a sketch clarifying what divine simplicity is and the motivations for such a thesis. Then I will give a cursory survey of some of the modern literature, which set forth some real problems for the thesis, but also evidence serious misapprehensions of the doctrine.

### *Cur Deus-Simplex?*

Following the Anselmian dictum, I take God to be that-than-which-nothing-greater-can-be-conceived; hence, we ought to ascribe or attribute to God that which befits a perfect being. I can conceive of a being, who exists not *ab alio*, but rather *a se*. A being whose existence depends not upon any other but has its existence in, through, and of itself is a greater being than one which exists through another. Therefore, God exists *a se*. Now, suppose God has parts. That which is a part is a part of a whole. The whole in this case is God, whose parts are—for the sake argument, though I’ll more or less reject this picture later—properties, such as omnibenevolence, omnipotence, omniscience; or faculties, such as will or mind. While leaving aside the point whether wholes are reducible to their parts or parts can be dependent upon wholes, I take it as mereological axiom that all wholes in some sense depend upon their parts. Now, if God possesses mind, will, act, omnibenevolence, etc. as disparate parts, God in some sense depends upon these for his being. If God depends upon these parts, then God is not *a se*. Whence *reductione ad absurdum*, God must be without parts.

God’s simplicity is also the conclusion of certain philosophical arguments for his existence (e.g., certain forms of the ontological and cosmological argument and the argument from contingency).<sup>1</sup> To illustrate my point, consider the argument from contingency. All arguments from contingency require some form of the principle of sufficient reason.<sup>2</sup> For the sake of argument, I will be assuming the following form of the PSR, viz. for everything that exists, there is a sufficient reason for its existing. Let us now divide being into two kinds: that which is contingent and that which is necessary. That which is contingent need not have existed and does

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<sup>1</sup> Note that these are cursory sketches of arguments that deserve a more rigorous treatment. Hence, they ought to be treated as such.

<sup>2</sup> Henceforth, PSR.

not contain within itself the reason for its own existence. That which is necessary, on the other hand, must exist and exists in every possible world. I consider among contingently existing things dolphins, ladders, Plato, in other words, the world as usually conceived—though how much more acute would the problem of evil be in a world without dolphins and Plato!

Now let us begin the argument proper in earnest. We notice that there are things in the world, things which it seems need not exist, viz. contingent things. As such, if by the PSR we rule out the possibility of brute facts, construed as contingent existents with no sufficient reason for their obtaining, the contingent things we see must depend upon something else. An appeal to another contingent thing simply won't suffice; it, too, will require some explanation. What is not at issue is a diachronically ordered series of events at the beginning of which is some grand immaterial being who, as it were, knocks down the first domino. The concern of explaining a contingent event with another contingent event is, therefore, an explanatory regression *ad infinitum*, which I hope we all find problematic. We must, therefore, appeal to a necessary being. More to it, it must be a being who contains within itself the reason for its own existence, without any reference to any other being. Any complex being cannot contain the reason for its own existence, for their existence is always in some sense dependent upon their parts. In Aristotelian terms, we can say that the parts of any other being are the material cause of their existence. Hence, any caused being clearly is not a self-referentially existent being. The necessary ground of all contingent existence must then be a being without parts. Only such a being can exist truly *a se*. Of course, this is similar reasoning as seen above, but in this case it is the conclusion of an argument for the existence of God, not one that presumes the existence of God.

While recognizing that my attempts at motivating the doctrine of divine simplicity are incomplete and even inadequate, I hope this discussion has at least been sufficient to impress upon the reader some rational reasons for believing the doctrine.

### *Does God Have a Nature?*

The doctrine of absolute simplicity in many philosophical circles has fallen into disrepute. One of the more popular works in the literature is Alvin Plantinga's little book entitled *Does God Have a Nature?* In denying absolute simplicity, Plantinga answers in the affirmative: God *does* have a nature. He denies divine simplicity by his failure to identify God with his nature as the greater part of classical theists have done. Time and space prevent me from giving a more thorough response to Plantinga's complex work, so I would like to discuss what motivates his rejection of the doctrine.

By and large, most theological traditions, both pagan and Christian, up until the late medieval and early modern period accepted the so-called "identity thesis" without much quibble. Contemporary writers, for whatever reason, seem more than anything else to take issue at this point. Provisionally—though hopefully we'll have a clearer picture of what it ought to mean soon—we can define the identity thesis as stating that for any property such that God has it, he is identical to it. This seems to be how most contemporary authors are using the thesis. Plantinga then argues that if the identity thesis is true, then God must be a property since he is identical to his properties and so he is also abstract.<sup>3</sup> If such a conclusion obtains, it is a troubling conclusion indeed; properties, as typically conceived, are causally inert and impersonal, whereas the God that most people believe in is a personal God immanently involved in his creation. According to

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<sup>3</sup> Alvin Plantinga, *Does God Have a Nature?*, (Milwaukee: Marquette University Press, 1980), 47-53.

Plantinga, it only gets worse from here. Another corollary is that, by transitivity of identity, all God's "properties" are identical with one another. Goodness, then, is identical to justice. The definitions of both these do not seem to be identical, however. Plantinga, then, tries to salvage this egregious error by (mis)interpreting Thomas' statements to the effect that *God's* justice is identical to *God's* goodness: he construes Thomas' statement in terms of states of affairs. Now, justice and goodness are not identical, but *God's being good* and *God's being just* are the same thing. The same problem of course arises: God is not identical to a state of affairs, no better than being identical to a property.

There are, I believe, several issues with Plantinga's analysis that can serve to elucidate common misunderstandings of divine simplicity. Let's first his conclusion of the identity claim. Plantinga goes one with identity, but why not the other? If God is concrete and identical with his properties, then his properties are concrete. I quite like this construal of the argument—not so much because I think the conclusion is true—but rather it is a clever solution to the problem of universals. Indeed, it is a decidedly theological answer to the problem, although it rests, as I will argue, on a misunderstanding of the doctrine. The real crux of the argument is exactly what is meant when we say *God is his goodness* or *God's omnipotence is his goodness*. A charitable reading suggests that they don't intend an identity of definition, i.e., that the definitions of omnipotence and omnibenevolence just are the same. Rather, what is meant is a kind of identity of reference, wherein omnibenevolence, omnipotence, et al. do not refer to disparate parts in God, as if God were divided.

In fact, bringing us to my next important point, the traditional doctrine of divine simplicity<sup>4</sup> states, not that all God's "properties" are identical, but rather that God does not have any properties at all. This revelation, I hope, also motivates another oft forgotten point, namely that divine simplicity is thoroughly negative doctrine. It is not so much a doctrine about what *God is*, but what he is *not*. Divine simplicity, then, is an expression of the *via negativa par excellence*. Thus, our language of God is rendered analogical. The complexity of our language is due to the finite creature attempting to comprehend with his intellect an infinite being. Thus, omnipotence and the like are not properties having any subsistence in themselves.

We are now in a position to offer a better definition of the identity thesis. For anything that is an attribute (e.g., omnipotence, omnibenevolence, etc.) or predicate of God, it refers not to God as he is *in se*, but as the creature understands him according to his finite intellect; it does not refer to disparate realities in God more fundamental than himself. For clarification, an attribute is decidedly not a property, but rather a description of God by the creature; likewise, our predicates, when speaking of God, will not refer to properties as their truth-makers. So when we say God is will, act, intellect, omnibenevolence, etc., these do not refer to properties nor to faculties understood in a univocal fashion, but are analogical predicates which resemble God's mode of existence.<sup>5</sup>

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<sup>4</sup> Cf. Katherin Rogers, "The Traditional Doctrine of Divine Simplicity," *Religious Studies*, Vol. 32, No. 2 (1996): 165-186. The beginning of this article very clearly sets forth many of the concerns stated here.

<sup>5</sup> As a final note, for those who doubt my thesis that most premodern, especially Christian philosophers, did not believe God had properties, remember that in the mostly neo-Platonic context of late antique philosophy authors often referred to what we call properties as forms. And instead of exemplification, they usually spoke of participation. My challenge to the skeptical reader is to search—and search in vain—for anywhere in this large

### *Simplicity and Freedom*

One of the thorniest problems for divine simplicity is the reconciling of simplicity with divine freedom. God as simple is identical with his one, metaphysically undivided act, which is himself. If God, then, has created the world, he is identical with his activity of having created the world. While it is slightly imprecise to speak of God's acts as discrete from one another, given simplicity, the objection still stands. Could God have not created a world? The tradition is split on the matter. Thomas Aquinas, for example, believes that God could have not created the world, whereas Augustine affirms that God, being good, must create lest he is either impotent or envious.<sup>6</sup> Even if God *must* create, given a more ancient—and perhaps more foreign—understanding of freedom, God can still be free. This freedom is a freedom to choose the good without impediment; the intellect understands what is good, determines that it ought to do such a good, and then does it. If God is the greatest conceivable being, why would it be affront to his freedom if he is unable to choose evil? After all, the ability to do evil in such an account would be a sort of defect, and defects God certainly does not have. So, if God does what is best, and it is best that God creates the world rather than not, then God's freedom is maximally exercised in his creation of the world.

A difficult problem remains, however. Suppose God must create given the over-abounding goodness of his nature such that it must be communicated. Is this the only possible world? Could not God have created a different world than he did? Stump and Kretzman in their article on simplicity give their own determination of the question. Of course, because God has already determined to create, upon this supposition, it is impossible that God *not* be Creator. But this is only a conditional necessity, i.e., if God chooses to create this world, he is the Creator of this world. Surely the statement God creates this world is not true absolutely.

Obviously, assuming God to be atemporal, there is no point of time at which God decided to create, but Stump and Kretzman posit there is, so to speak, an initial-state set of the world, at which it could have been the case that God creates this, that, or another world. So, in every world, God wills his own goodness and “whatever else (if anything) he wills for the sake of goodness in that initial-state set.”<sup>7</sup> A problem, which they acknowledge themselves, arises: what is the relation of God's act, which is himself, to the worlds he chooses to create? Posit two worlds: world A and world B. In one possible state of affairs, God wills world A, and in another state of affairs, B. He is identical to his willing world A in world A, and in world B, his willing world B. However, assuming world A and B are different worlds, God in world A is not identical to God in world B. Therefore, since there God can have no accidental features, whereby he may be distinguished and remain nonetheless identical, God has no trans-world identity. This is puzzling since God *qua* God is a necessary being.

Well, first off, Thomas and medieval understandings of modality are different from our own. Necessity and contingency was *not* framed in terms of possible world semantics as is the case today. Stump and Kretzman state that their own solution is not at odds with Thomas' understandings of necessity. That is a historical matter which is immaterial for our present discussion.

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corpus for a statement asserting that God participates in any reality higher than himself, or even that God participates in anything at all.

<sup>6</sup> *De Genesi ad litteram*, IV, 16, 27.

<sup>7</sup> Norman Kretzman and Elenore Stump, “Absolute Simplicity,” *Faith and Philosophy* 2, no. 4 (1985): 369.

Even so, we are not out of the woods by any stretch of the imagination. We are still left with, I contend, a wholly unsatisfying identity claim, namely, that God in our world is not identical with God in any other world. Logically prior to the creation of any world in an initial-state set, God chooses to actualize some world. In “deciding,” he thus wills the world, his willing being identical to himself. His nature is just that, his willing, a willing that is different in every single possible world. Thus, even though God is identical with his nature, his nature is different in every single possible world.

Of course, one possible way out of the dialectic is to suppose that there is only one possible world, this one. God wills his own goodness (himself) and everything that entails, a constituent part of which is this world. Hence, this just is the best possible world, the actual one. Even under this conception, there is at least a regard in which God still has free will. It may be the case that, God being the good creator that he is and everything else considered, there really is just only one world God can create, and he did in fact create it. He still had freedom, a freedom to choose the good unimpeded. Therefore, God is free, although this world is the only world God could actualize, and hence necessarily so. Though some have gone this route before, it is not a particularly appealing route.

On this question, then, I remain in a kind of aporia. I do have some tentative solutions of my own, but all of them in some way fall short for me. I do not take, however, my inability to fully comprehend and work out the doctrine to my own satisfaction grounds for rejecting it. It seems that I was led to the doctrine by a series of eminently reasonable steps. Sometimes while ascending reasons ladder, she leaves off at some point and gives way to the super-rational, that which is above—not below—our capacity to comprehend given the sort of creatures we are. Of course, it may just be that I have not thought long and hard enough about the issue and perhaps a somewhat more satisfying answer is forthcoming. And, again, I believe part of the problem with most expositions of divine simplicity is that they do not place heavy enough accent on the fact that it is a negative doctrine, more about what God is *not* than about what God *is*.

#### *Addendum*

At the colloquium this paper was first presented, the faculty was given an opportunity to ask some probing questions. Since I received some feedback, I thought it behooved me to respond to some of these queries in brief. Some I thought were excellent objections others I thought misunderstood the position, but all of them served to clarify what I set forth.

First, divine simplicity is not about uniqueness. While it is true that God’s being simple entails his being unique. The claim itself is stronger than that. Moreover, I believe that I am giving up too much by jettisoning the doctrine for a doctrine of bare divine uniqueness. The objection, anyway, was: “Why can’t we just conceive of God as having properties. For example, why can’t there just be some set of divine tropes that only God himself has? No one else would have them, so God would still be ‘special’” First, the conclusion of some of the arguments I presented in the beginning of the paper had the conclusion that God is simple, so unless I deny one of the premises, I am stuck with that conclusion, which entails more than just uniqueness; in fact, it denies the very thesis of this form of uniqueness, namely, there is some set of divine properties, such that only God has them. It denies this because God cannot have properties as constituent parts, per divine simplicity. The question took a second form in response: “What is so wrong about ‘depending’ upon your properties or your nature? We all depend on things for our existence. We depend upon our own properties. We need air to live.” In a sense, there is nothing “wrong” with being this way;

it is simply the mode of created existence we all find ourselves. I would not say it is an evil such that we are this way. However, it doesn't seem like a perfection, if indeed aseity is a perfection. Furthermore, everything I said in the first response applies here; my arguments imply aseity, which denies dependence of any kind. More to it, we are still left without a necessary ground of contingent being, which is part of the reason simplicity is invoked, whether it's Leibniz or Spinoza's version of it.

Second, is God a possible being? Everything that is not self-identical does not exist. "Self-identity" is a property. God cannot have properties, so God is not self-identical. Therefore, God does not exist. First, I would like to provide some clarification to my thesis that God cannot have any properties. There are some properties God can indeed have, namely, Cambridge properties—God can stand in certain relations to things, though there are certain relations God does not and cannot have. For example, God stands in the relation of being the creator of the world; *prima facie*, this does not seem like a problematic position to me. Most relations, furthermore, are not parts of things, so there is no contradiction with God's aseity. There remains a difficulty, nonetheless, according to the ontological taxonomy I gave in the original form of this essay. I spoke of "the forms" as necessary objects that nonetheless depend upon God for their existence.<sup>8</sup> Suppose self-identity is a real, reified entity, necessary for the making true of statements such as, x is identical to x. If this is the case, then it is dependent upon God for its existence. But if everything that is not self-identical doesn't exist, and God exists, then God must be self-identical. If this is the case, however, we have a kind of, what I'll call, "ontological circle": God creates the forms, albeit not in time, "then" God exemplifies this form of self-identity. This seems initially an unwanted conclusion. For now, I'd want to say that self-identity is not a genuine relation; it is not a genuine property that things have. No other truth-maker besides the nature of the relata is needed to make the statement "x is self-identical to x" true. This leads me to a more general truth. If there are any other relations such that they lead to what I've termed an "ontological circle", then they are either not genuine relations or God does not hold them in relation to anything.

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<sup>8</sup> My tentative position, for context, was that the forms exist as intentional objects or divine accusatives of the divine mind that arise as a result of a necessary process of divine intellection, analogous to our own experience of generation of "thoughts" if such entities exist. Forms, thus, are "real", not fictions; but they nonetheless are dependent upon God for their existence such that if *per impossible* God did not exist, neither would they.

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## Concerning a Protological Distinction in Gorgias' *Encomium of Helen*

Jason Messerschmitt

Gorgias' *Encomium of Helen* is a short but dense work. As a demonstrative piece, it was apparently meant to display the beauty and intricacy of the Sophist's art while giving some detail of its practice, in order to attract students. At first blush one might be compelled to wonder why Gorgias seems to say morally questionable things about his art if the *Encomium* is meant to be exemplary of the sophist's art and not a condemnation thereof. In this paper I problematize an apparent contradiction in the *Encomium*, in the solution to which I argue that Gorgias, by providing a notably valid argument, suggest that he has some protological distinction in mind between kinds of arguments, and that his theory of speech, by appeal to the drug analogy, contains a distinction between truthful speech and persuasive speech.

Many claims about speech are made in the *Encomium*, some of which may give us pause. In fact, there are, at face value, a number of contradictions. For instance, it is variously claimed of speech that it is capable of eliciting contradictory emotional states such as joy and sadness.<sup>1</sup> Joy and sadness are clearly mutually exclusive; however, it is not contradictory to say that for any object *x* that if it has some contradictory properties *F* and not-*F*, that it has *F* at time *T*<sub>1</sub> and not-*F* at time *T*<sub>2</sub>; or that relative to some other objects, *y* and *z*, *x* is *F* relative to *y* and not-*F* relative to *z*.

But the *Encomium* has a much more troubling inconsistency that resides at its very core and threatens to undermine the apparent message of the speech. Gorgias begins the *Encomium* by telling us that truth is *becoming* of speech, and that what is becoming is praiseworthy. Gorgias seems to be implying that truth is a virtue of speech, for he also says that is one's *duty* to, "... speak the needful rightly and refute the unrightfully spoken."<sup>2</sup> He then proceeds to say that he is going to introduce reason into his speech in order to exonerate Helen of any guilt, having *proved the truth*.<sup>3</sup> So far so good, but at the opening of section eleven, Gorgias tells us unequivocally that, "All who have and do persuade people of things do so by molding a false argument."<sup>4</sup> Unless Gorgias is deliberately trafficking in paradox, there must be some way to make sense of this plain contradiction; for, if Gorgias is out to persuade us of Helen's innocence by means of an argument for the truth of his claim, as he ostensibly is, he must have some distinction in mind between what constitutes truthful speech and false speech.

It surely isn't an arbitrary choice on Gorgias' part to make his central argument the exoneration of Helen at a time in which her guilt was popularly taken for granted. On this score, the *Encomium* is an exemplary case of a Sophist making the weaker argument appear the stronger. But the weaker argument is hardly to appear the stronger, in any other than a superficial sense, to a discerning individual, if the argument is plainly false. We might wonder, then, just who the *Encomium* is written/spoken for; it is clearly for a popular audience, but it may be that Gorgias has

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<sup>1</sup> See, for example, sections 8-9. R.K. Sprague (ed.). *The Older Sophists*. Hackett: Indianapolis, 1972. All references refer to the numbered sections of the text of the *Encomium* rather than to page numbers of the book.

<sup>2</sup> 2.

<sup>3</sup> Ibid.

<sup>4</sup> 11.

another audience in mind as well. If we take a take a look at the argument for the exoneration of Helen, it becomes clearer that this may be the case.

Gorgias' argument for the exoneration of Helen goes like this:

1. Helen came to be in Troy either by fate (the will of the gods) or by force, or she was persuaded or love caused her to go.
2. If Helen was fated to go to Troy, then she is innocent.
3. If Helen was forced to go to Troy, then she is innocent.
4. If Helen was persuaded to go to Troy, then Helen is innocent.
5. If it was love that took Helen to Troy, then Helen is innocent.
6.  $\therefore$  Helen is innocent. (From 1-5)

Gorgias, by exhausting all possible (relevant) alternatives, provides a valid argument in support of Helen's innocence. The means by which Gorgias demonstrates the truth of premises 2-5 is interesting. In all cases Gorgias seems to have in mind that the antecedents are causally efficacious in a way that they are capable of compelling an individual to an action or belief that they are incapable of resisting if they are weaker than the compelling cause. With respect to fate and force, we may happily oblige Gorgias. If the gods do have the power to decree what individuals do, usurping any freedom they may have, then it seems obvious they should be able to have us act in accordance with their will rather than our own. In the case of overpowering or force this seems a reasonable view to have as well, as cases of rape exemplify. While it may appear counterintuitive to us how speech and love could also have this kind of causal efficacy, it is clear that Gorgias takes them to, and that he must think himself to have provided a powerful argument for the exoneration of Helen. If any of these cases is the real case Helen is innocent.

If Gorgias has bothered to not only tell us that he is going to introduce reasoning into his speech, but also embedded a valid argument within it, it is reasonable to believe that his audience is not meant only to be the populace, but also those discerning of argumentation. I suggest this audience is composed of at least one member: Gorgias himself, for whose diversion the *Encomium* is also written.<sup>5</sup>

If we are one of Gorgias' discerning audience members, however, we are likely to wonder at his suggestion that speech is as causally efficacious as fate and force. Despite his assurances to us that it will be trivial to show that this is the case,<sup>6</sup> it is neither easy to understand nor trivial. In order to understand why Gorgias thinks that speech has this kind of power, we need to understand what Gorgias takes speech to be, how he takes it to work, and on what it operates. To do this we must look to the drug analogy.

In this powerful analogy, Gorgias takes speech to be like a drug; but whereas drugs act on the body, moving it toward health or sickness, speech acts on the soul, which it causes to conform with the character of the speech, compelling the soul toward some action, emotional state, or

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<sup>5</sup> 19.

<sup>6</sup> 8.

opinion.<sup>7</sup> That Gorgias imagines speech to have this kind of power is unsurprising, as he has already told us that, “Speech is a powerful lord, which by means of the finest and most invisible body effects the divinest works [...]”<sup>8</sup>

So speech is capable of affecting the soul in belief, action and emotion, according to Gorgias, but by what means does it do so? Interestingly, it seems that Gorgias has in mind that different types of speech affect the soul in different ways, so that speech itself is subdivided into kinds that have their own, individual, powers. In the case of the emotions, it is poetry that affects them, for poetry can cause in its hearers, “Fearful shuddering and tearful pity and grievous longing...”<sup>9</sup> Incantation, or witchcraft, is the means by which speech is able to alter the opinion, “... merging with opinion in the soul, the power of incantation is wont to be beguile and persuade it and alter it by witchcraft.”<sup>10</sup> Witchcraft is subdivided into two categories: errors of the soul (desires, presumably), and errors of opinion.<sup>11</sup> Speech, it seems, is comprised of many, not only one drug.

On this reading, persuasion is a species of speech whose power it is to sway the opinion. It is notable that in the section of the *Encomium* on speech, Gorgias makes no mention whatever of truth, but makes much of opinion.<sup>12</sup> It might lead us to wonder whether he thinks that there is some distinction; perhaps he simply thinks that we are stuck with opinions hopelessly at whim of persuasive speech’s poison. There are some reasons to think otherwise, however. Firstly, Gorgias tells us that because the past is difficult to remember, it is difficult to be aware of the present, and the future is unknowable, “[...] on most subjects most men take opinion as counselor to their soul.”<sup>13</sup> It is important to note that he does not condemn all to this condition, only the majority; were we capable of remember the past, being aware of the present and knowing the future, speech would not have its persuasive power. Gorgias does not seem to preclude there being individuals that are capable of having strong memories, awareness of the present, and some insight into the future, he only says it is not easy.<sup>14</sup> Secondly, Gorgias says elsewhere that, “[...] the things we see do not have the nature which we wish them to have, but the nature which each actually has,”<sup>15</sup> indicating that he has some sense in mind in which there are truths independent from opinions. Perhaps Gorgias has in mind some difference between opinion and truth; he says of the former that, “[...] it casts those employing it into slippery and insecure successes.”<sup>16</sup> Gorgias, then, may well have in mind a kind of truth-telling speech.

If we recall also that Gorgias gives us a rigorous argument for the exoneration of Helen, tells us that truth is a virtue of speech, and it is one’s duty to tell the truth, it is reasonable to believe that he has in mind some distinction between persuasion (opinion altering speech) and truth-telling speech. While Gorgias may not explicitly tell us what he takes to be truth-telling speech, he may

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<sup>7</sup> 14.

<sup>8</sup> 8.

<sup>9</sup> 9.

<sup>10</sup> 10.

<sup>11</sup> Ibid.

<sup>12</sup> Relevant sections are 8-14.

<sup>13</sup> 11.

<sup>14</sup> Ibid.

<sup>15</sup> 15.

<sup>16</sup> 11.

be implicitly telling us that it is something like a formal logical distinction akin<sup>17</sup> to validity and soundness that he has in mind for truth-telling speech by way of his argument for the exoneration of Helen.

One may be inclined to respond that if we look at the examples Gorgias says we should study in order to understand how persuasion affects the soul, we see among them “logically necessary debates,”<sup>18</sup> and that even if he has some logical distinction in mind, it falls under the scope of persuasion rather than some kind of truth-telling discourse. While it is difficult to be entirely clear on what Gorgias means by “logically necessary debates”, it seems that a good candidate for interpretation is forensic debates. If these are the kinds of debates that Gorgias is calling our attention to, then we have really had our attention drawn toward evidence of the stronger claim that Gorgias may have indeed had some notion of soundness in mind with respect to truth-telling speech. For in forensic debates speakers will be arguing for contradictory conclusions, so necessarily they cannot both be correct. Indeed, Gorgias tells us that in these kinds of debates “[...]a single speech, written with art but not spoken with truth, bends a great crowd and persuades.”<sup>19</sup>

It is worth remembering at this juncture that Gorgias tells us that if we want to understand how “persuasion, when added to speech, is wont also to impress the soul as it wishes,” we must study these “logically necessary debates” along with astronomy and philosophy. This does not necessarily mean that Gorgias takes all of the speech of these disciplines to be merely so much persuasion, but rather that there is a lesson to be learned by looking at how they work in changing opinions. It is also important to bear in mind here that persuasion is considered to be an addition to speech, whose virtue we have been told is truth-telling.

If we are to be looking at these kinds of speech for a lesson about how speech works persuasively, then we may ask ourselves what lesson we are to have learned from it. I suggest that we are to understand that by an artfully written speech Gorgias may have in mind a speech that conforms to a standard of protological rigor, say some prototypical notion of validity, but nevertheless fails to capture the truth. When speech lacks this latter element it is merely persuasive speech, not truth-telling speech. Gorgias does, after all, tell us that “persuasion has the form of necessity, but it does not have the same power.”<sup>20</sup> An artfully written speech may compel us in some way to believe a falsehood, and so is merely persuasive. On this score truth-telling speech would then have both the structure and the power of necessity, that is it not only compels us to believe in something, but that that something is also the truth.

I hope to have shown that Gorgias seems to have in mind that there is some distinction between truth-telling and persuasive (false) speech. If this is a distinction that Gorgias has in mind, then there is no contradiction in his statement that all who have and do persuade do so by false argument. Gorgias does not take himself to be persuading his audience, but rather to be truth-telling by providing an argument that by some protological distinction is not false, but true.

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<sup>17</sup> I say akin because it is clear that Gorgias does not have the vocabulary of formal logic available to him; he does after all refer to *false* arguments. Nevertheless, I take it that Gorgias has some distinction in mind.

<sup>18</sup> 13.

<sup>19</sup> Ibid.

<sup>20</sup> 12.

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## ON ANTI-BLACK LANGUAGE AS AN ILLOCUTIONARY ACT

Jon Langel

It is common for language to be manipulated to deny status to certain groups in a population. Through their repeated use, certain utterances come to be imbued with negative connotations that become linked to a group. Jason Stanley highlights this process of how propaganda is utilized to exclude certain groups from political conversations. The function of such propaganda is to erode empathy and respect for a group without representing itself as doing so.<sup>1</sup> The primary example given is the connection created by urban media outlets between the term “welfare” and the idea that Blacks are lazy. Stanley claims that the persistent representation of Black welfare recipients as parasites lacking a strong work ethic served to racialize the term “welfare.”<sup>2</sup>

The following analysis will also be centered on language that works to subordinate and devalue Black folks. While the utterances Stanley focuses on are originally nonracial and become implicitly racial, this work will center on a separate function. Here I am interested in utterances explicitly referencing Blackness that come to be associated with phenomena and ideas that are regarded negatively. In Western societies, it is a persistent trend that things which are considered evil, dangerous, or otherwise bad, are associated with Blackness or described as “Black.” Thus, while Stanley analyzes language that goes from nonracial to implicitly racial, I will analyze language whose transformation more closely resembles going from explicitly racial to implicitly racial.

In performing said analysis, I will attempt to show that these implicit associations of Blackness with negativity are anti-Black speech acts. In her work “Speech Acts and Unspeakable Acts,” Rae Langton relies on J.L. Austin’s understanding of speech acts to make the argument that pornography is an illocutionary act of subordinating and silencing women. Here I will attempt to prove a similar claim. Through Austin and Langton’s work on illocutionary acts, Stanley’s work on propaganda, and David Lewis’ understanding of language as a scorekeeping game, I will show that these implicitly anti-Black utterances are illocutionary acts of Black subordination and devaluation.

First, I will establish the necessary conditions for these utterances to be considered illocutionary acts. In Austin’s *How to Do Things with Words*, he claims to make an utterance is to perform three separate acts. These acts are the locutionary act, the process of saying something meaningful; the perlocutionary act, the result or consequence of the utterance; and the illocutionary act, the action that is performed through the utterance.<sup>3</sup> Langton is careful to emphasize that the silencing and subordination of women is not merely an effect of pornography, a perlocutionary act, but rather is an inherent part of pornography as a speech act. For example, by teaching men that women are merely playfully teasing when they say “no” to sexual advances, pornography constitutes an illocutionary act negating a woman’s ability to refuse sex. She utilizes comparisons to South African apartheid to defend this claim. Utterances by South African legislators that

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<sup>1</sup> Jason Stanley, *How Propaganda Works* (New Jersey: Princeton University Press, 2015), 139.

<sup>2</sup> *Ibid.*, 138.

<sup>3</sup> John Austin, *How to Do Things with Words: Second Edition (The William James Lectures)*, ed. James Urmson and Marina Sbisa (1962; repr., Cambridge: Harvard University Press, 1975), 102.

disempowered Blacks, such as “Blacks cannot vote” and “Whites only” were illocutionary acts of Black subordination because they ranked Blacks as inferior, legitimized white discrimination against Blacks, and deprived Blacks of certain powers.<sup>4</sup> Langton contends, then, that pornography is similarly an illocutionary act because it “ranks women as sexual objects” and “legitimizes sexual violence.”<sup>5</sup> Thus, in order to prove that implicit anti-Black utterances perform a subordinating illocutionary act, I will show that it is the utterance itself that devalues Blackness and legitimizes discrimination, not merely an effect of the utterance.

As whites have been the dominant group in Western societies for pretty much all of history, Blackness and darkness, when used in speech, have come to be used to describe things that are dangerous, unpredictable, and evil. A “Black swan” is known in statistics as an unpredictable and potentially catastrophic event. The “Black market” is the criminal-run exchange for narcotics, stolen identities, and illegal weapons. Following a mass shooting by a white gunman at the predominantly-Black Mother Emmanuel Church in South Carolina, President Obama referred to the “dark times” that had gripped the community. Satan, the entity of pure evil in Western religion, is also known as the “Prince of Darkness,” with Satanic rituals commonly referenced as “Black Mass.” “Black is the primary descriptive component of “blackmail,” “black sites,” and “blacklisting.” The bubonic plague, one of the greatest episodes of mass death and suffering in Western history, responsible for wiping out between a third and half of Europe, is known as “Black Death.”

In the same way that pornography subordinates women, these negative depictions of Blackness implicitly rank Blackness and Black entities as inferior to whiteness and white entities, a process which serves to legitimize discrimination against Black folks as Black entities. According to Langton and Caroline West, “Words and images are how people are placed in hierarchies, how social stratification is made to seem inevitable and ... how indifference to violence against those on the bottom is rationalized and normalized.”<sup>6</sup> Specifically in the case of the regular association between Blackness and evil, Stanley points out that propagandists establish conventional meaning through repeated use of such associations.<sup>7</sup> In the same way it is a near certainty that Americans will have an image of the Cadillac-driving Black urban welfare queen at the mention of the word “welfare,”<sup>8</sup> it is nearly impossible for citizens of Western societies, upon experiencing Blackness, to not automatically associate it with the many ways in which they regularly hear Blackness as used to depict negativity.

It is important to point out that these anti-Black utterances do not have to explicitly identify Blackness as bad in order to rank Blackness as inferior and legitimize discrimination. As Langton and West point out, illocutionary acts of prohibition or devaluation can be made either explicitly or implicitly.<sup>9</sup> In order to understand and make sense of certain types of pornography, it is necessary to make the presupposition that rape can be sexy for both men and women. This is true because if pornography depicting rape as sexually arousing were to explicitly state the opposite of this presupposition, “Women who refuse sex do not want to have sex and can be significantly

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<sup>4</sup> Rae Langton, “Speech Acts and Unspeakable Acts,” *Philosophy & Public Affairs* 22, no. 4 (1993): 304.

<sup>5</sup> *Ibid.*, 308.

<sup>6</sup> Rae Langton and Caroline West, “Scorekeeping in a pornographic language game,” *Australasian Journal of Philosophy* 77, no. 3 (1999): 305.

<sup>7</sup> Stanley, *How Propaganda Works*, 138.

<sup>8</sup> *Ibid.*, 159.

<sup>9</sup> Langton and West, “Scorekeeping in a pornographic language game,” 311.

harmed by persistence on the part of the male,” the pornography would make no coherent sense as a means of sexual arousal.<sup>10</sup> Similarly, when referencing the “Black market,” “Black Death,” or other such utterances, one need not explicitly state the underlying presupposition, “Blackness is dangerous,” but we know this presupposition is there. If one were to describe the Black market to an individual for the first time and follow up the explanation with the statement, “Blackness is not synonymous with corruption or immorality,” it would make no sense to the hearer why this market for violent and dangerous goods is known as the “Black market.”

The idea that these implicit derogations act as tools of negation is empirically supported. Lynne Tirrell explains that “[t]he use of derogatory terms played a significant role in laying the social groundwork for the 1994 genocide of the Tutsi in Rwanda.”<sup>11</sup> As Tutsis became commonly referred to as “inzoka,” snakes, it became understood that the way to correctly kill a Tutsi was the same way to correctly kill a snake, through decapitation.<sup>12</sup> If such labelling and can motivate genocidal violence, it is a much less aggressive proposition to claim that it can at least subordinate.

One could argue here that the anti-Black language I am referencing is not synonymous with the derogatory labelling of Tutsis because it does not explicitly associate Blacks with negativity as Hutus explicitly associated Tutsis with snakes. On the contrary, it is the degree to which this anti-Black language is implicit that makes it so dangerous. In a liberal democracy that characterizes much of Western society, use of explicitly racist language is often no longer socially or politically palatable.<sup>13</sup> Thus it is likely the case that promotions of racist ideology in Western societies are most effective when they occur implicitly. Research by Tali Mendelberg analyzing racialized messages of political candidates finds that “the racial-bias effects actually decrease if a candidate’s message is made explicitly racial in character.”<sup>14</sup> It is my argument that because these derogations of Blackness are so implicit and not directly used to reference Black folks, their ability to subordinate is enhanced. While a statement that explicitly devalues Black folks can be questioned and denied, a statement which implicitly assumes that Blackness is inferior does not put that proposition up for debate. Similarly, if pornography were to explicitly state, “Women should be viewed as sexual objects and considered inferior,” it is reasonable to assume that many of the same men whom are influenced by this implicit claim would reject it as an explicit proposition.

As was mentioned above, Langton and West explain that there are certain presuppositions that must be accepted for an assertion to make sense. They incorporate this with David Lewis’ claim that presuppositions made by conversational participants can be thought of as moves to adjust the score in a language game.<sup>15</sup> Just like in any other game, there are rules as to what conditions must be met for the score to change, and in turn different scores create different conditions for the game. If a batter has two strikes, the conditions of a baseball game are different than if the batter has zero strikes. The difference between a game like baseball and a language game, Lewis claims, is that language games contain a rule of accommodation wherein the rules

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<sup>10</sup> Ibid., 312.

<sup>11</sup> Lynne Tirrell, “Genocidal Language Games,” in *Speech and Harm: Controversies Over Free Speech*, ed. Ishani Maitra and Mary Kate McGowan (Oxford: Oxford University Press, 2012), 175.

<sup>12</sup> Ibid., 176.

<sup>13</sup> Stanley, *How Propaganda Works*, 153.

<sup>14</sup> Ibid., 154.

<sup>15</sup> David Lewis, “Scorekeeping in a Language Game,” *Journal of Philosophical Logic* 8, no. 3 (1979): 345.

can be altered to accommodate what is said to be true or acceptable.<sup>16</sup> If a batter begins walking to first after three balls are thrown, the rules of the game do not change to accommodate this act. If, however, a conversational participant “says something which requires a missing presupposition, that presupposition is immediately established as part of the score, making the move count as fair play.”<sup>17</sup> If a speaker refers to a corrupt exchange as the “Black market,” the language game changes to make that utterance acceptable, in that the score now accommodates the presupposition that “Black” is to be identified as corrupt.

Similar to how the rules and score of this language game may be changed, Stanley relies on Robert Stalnaker’s understanding of how propositions can establish and alter the conversational “common ground,” the set of shared propositions and presuppositions between conversation participants.<sup>18</sup> Propositions used to alter the common ground include at-issue content and not-at-issue content. At-issue content “is the information asserted by the utterance;” it is the content with which one can disagree or question upon hearing a statement.<sup>19</sup> The lack of at-issue content is considered one of the larger problems for Langton’s argument that pornography is an illocutionary act, in that pornography generally does not explicitly state, “Women attempting to refuse sex are merely engaging in playful resistance.” Further, much pornography either contains no language or, at most, very cheesy dialogue between the actors, meaning it may not contain any at-issue content at all. Regarding anti-Black language, in a statement such as, “The Black market is a threat to international commerce,” the at-issue content is the nature of the Black market as a threat to international commerce. In making an assertion, the speaker proposes that the at-issue content be added to the common ground, and the hearer can accept or reject it.

This is different from not-at-issue content, content which is “directly added to the common ground” without being easily challengeable.<sup>20</sup> In pornography, the not-at-issue content can include that women are submissive, that women should be ranked as sexual objects, or that women are never actually refusing sexual advances. In the statement, “The Black market is a threat to international commerce,” one piece of not-at-issue content is that describing threatening entities as “Black” is appropriate. This is what makes these implicit devaluations of Blackness so insidious. As not-at-issue content, they are directly inserted into the common ground of the conversation. In referencing “Black Death,” one asserts the not-at-issue content that “Black” is appropriately associated with mass death. The presupposition is added to the common ground in such a way that the audience will likely not even be aware that they have just implicitly accepted this derogation of Blackness. Because acceptance of this presupposition is in a sense automatic, Stanley explains that “the notion of not-at-issue content is one way negatively privileged groups come to accept the dominant ideology.”<sup>21</sup> This can explain why Black folks may also perform these illocutionary acts, despite being on the receiving end of such illocutionary violence.

This understanding of not-at-issue content is also important for dealing with a problem Langton faces regarding authority. In “Speech Acts and Unspeakable Acts,” she attempts to show that pornography has a sufficient amount of authority to influence the behavior of viewing men

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<sup>16</sup> Ibid., 341.

<sup>17</sup> Langton and West, “Scorekeeping in a pornographic language game,” 309.

<sup>18</sup> Stanley, *How Propaganda Works*, 131.

<sup>19</sup> Ibid., 134.

<sup>20</sup> Ibid., 135.

<sup>21</sup> Ibid., 162.

and convince them that the behavior in pornography is legitimate.<sup>22</sup> If authority is a necessary component in establishing an illocutionary act, my claim is seriously weakened because there is no easily-identifiable authority identifying dangerous and unpredictable things as “Black.” With this model of a language game whose score is altered by at-issue and not-at-issue content, however, this need for an authoritative figure to perform the subordinating act is significantly reduced, and therefore authority is not a necessary component for anti-Black language to become accepted and propagated. One does not need to establish themselves as any sort of authority for not-at-issue content to alter the score of the language game. Considering the claim, “Black swans significantly reduce the reliability of statistical modeling,” audiences may very well require that the speaker have some authority in the realm of statistics to accept the at-issue content that has been proposed. However, it is hard to imagine a scenario wherein the audience would pause and inquire about the authority of the speaker to identify unpredictable events as “black swans.” Because any speaker can add not-at-issue content to the common ground of a conversation, authority is not a necessary component for anti-Black language to constitute an illocutionary act of Black devaluation.

One could also argue that the illocutionary acts of pornography and anti-Black language are not comparable because Langton and West are making a claim directly regarding the illocutionary disablement of women. Pornography enacts the illocutionary disablement of women in that it negates their ability to refuse sexual advances, but there is no analogous illocutionary disablement for Black folks. While this argument may be true (there may be cases of Black illocutionary disablement, but that is not the focus of this paper), it misses the boat on the important speech act. This argument focuses on the wrong speech act in that it is just by coincidence that the means by which a woman’s autonomy is negated by pornography is through illocutionary disablement. The illocutionary act that is the larger focus of Langton and West’s analysis is pornography as a speech act, not a woman’s speech act of refusing sexual advances. Pornography is itself the illocutionary act that alters the language game such that women are unable to make certain moves such as refusing sexual advances.<sup>23</sup>

Causing illocutionary disablement is not the condition that qualifies pornography as an illocutionary act of subordinating and silencing. The conditions that qualify pornography as such an illocutionary act are that it ranks women as inferior and legitimizes discrimination against them.<sup>24</sup> I have shown that anti-Black language similarly ranks Blacks as inferior and legitimizes the inequities they suffer. Anti-Black language may not cause Black illocutionary disablement, but it alters the game in such a way that Black folks cannot reach for their wallet, casually walk the streets at night, or play with toy guns without fear of being shot by police. These are non-speech acts whose accessibility to Black folks are altered *due to changing scores in a related language game*. Anti-Black moves in this language game that associate Blackness with danger, unpredictability, and evil, serve as illocutionary acts of Black negation and subordination by ranking Blacks as inferior and legitimizing their devaluation.

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<sup>22</sup> Langton, “Speech Acts and Unspeakable Acts,” 311.

<sup>23</sup> Langton and West, “Scorekeeping in a pornographic language game,” 314.

<sup>24</sup> Langton, “Speech Acts and Unspeakable Acts,” 308.

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## Sceptical Strategies & the Attainment of Tranquility: Academic vs. Pyrrhonian Scepticism

Keegan Gormally

In his *Outlines of Scepticism*, Sextus Empiricus maintains that along with suspension of judgement, the chief aim of Pyrrhonian Scepticism is attaining *ἀταραξία* (*ataraxia*), or tranquility, reachable only by first suspending judgement. Tranquility as a motivating goal is unique among other schools of Hellenistic philosophy, including the Academic Sceptics. By comparison to the Pyrrhonists, the Academic Sceptics, namely from Arcesilaus onward, display some of the same methodologies and objectives. Yet the two groups differ in many important respects beyond tranquility as an end goal, including differences in their epistemic workings, livability, moral determinations, and logical coherence. In this paper, I will argue that although Academic Scepticism displays certain qualities that make it more appealing than Pyrrhonian Scepticism *prima facie*, Sextus' Scepticism is ultimately more choiceworthy. This will entail the results that tranquility as a component of scepticism may be epistemically unnecessary and Academic Scepticism more livable in some important respects, but despite these advantages, deeper problems of dogmatic leanings and logical inconsistencies ultimately undermine Academic Scepticism as a preferable sceptical strategy over that of Sextus and the Pyrrhonists.

By establishing tranquility as one of its principal aims, Sextus demonstrates that the Pyrrhonian Sceptics are distinct from any other philosophical group or school of his time. Sextus calls Pyrrhonian Scepticism “[A]n ability by which, because of the equipollence in the opposed objects and accounts, we come first to suspension of judgement and afterwards to tranquility.”<sup>1</sup> Progressing beyond an initial overview of his Scepticism, Sextus explicitly defines his terms and designates tranquility as the chief aim of Pyrrhonian Scepticism. He notes, “[A]n aim is that for the sake of which everything is done or considered, while it is not itself done or considered for the sake of anything else. Or: an aim is the final object of desire. Up to now we say the aim of the Sceptic is tranquility in matters of opinion and moderation of feeling in matters forced upon us.”<sup>2</sup> According to Gisela Striker, though many Hellenistic philosophical schools thought that tranquility could be reached by adopting and living their principles and tenets, none of them viewed tranquility as an aim itself or ultimate goal,<sup>3</sup> so tranquility as an end goal is unique to the Pyrrhonists in this respect.

Thus, though Sextus initially separates the Pyrrhonists from the Academic Sceptics and Dogmatists due to the Pyrrhonists alone continuing to investigate matters,<sup>4</sup> a more historically pronounced difference is the Pyrrhonian Sceptics viewing tranquility as an end goal of their Scepticism. This is also a more reliable basis of differentiating Pyrrhonian Scepticism from Academic Scepticism, for in his *Academica* Cicero claims that though they hold that nothing can be apprehended, Academic Sceptics ultimately do continue to investigate matters in an effort to

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<sup>1</sup> Sextus Empiricus, *Outlines of Scepticism*, Ed. Julia Annas and Jonathan Barnes, Second ed. (Cambridge: Cambridge University Press, 2000), PH I.8.

<sup>2</sup> *Ibid.*, PH I.25.

<sup>3</sup> Gisela Striker, “Ataraxia: Happiness as Tranquility,” *Monist* 73.1 (1990): 97.

<sup>4</sup> Empiricus, *Outlines of Pyrrhonism*, PH I.3.

discover the truth. He writes, “[A]ll we want to do is discover the truth without strife and this we pursue with the greatest care and enthusiasm...neither shall we weary and abandon our enthusiasm for uncovering [what we seek],” even though, as he writes, this quest may be mired with difficulty, puzzlement, and “unclarity” at times.<sup>5</sup>

In addition, similarities in origins, methodologies, and aims between the Academic Sceptics and Pyrrhonian Sceptics appear to indicate that very little difference exists between the two groups. Both Pyrrhonists and Academic Sceptics – namely from Arcesilaus onward – are said to have originally begun to suspend judgement in light of being perplexed by rivalling arguments in their search for the truth. Sextus tells us that “Sceptics began to do philosophy in order to decide among appearances and to apprehend which are true and which false, so as to become tranquil; but they came upon equipollent dispute, and being unable to decide this they suspended judgement.”<sup>6</sup> Similarly, Diogenes Laertius observes that “Arcesilaus...the founder of the Middle Academy...[was] the first to suspend [making] assertions because of the contradictions among arguments.”<sup>7</sup>

Furthermore, both groups also share some of the same methods of argumentation as well as aims. With regards to methodology, Sextus says that the Pyrrhonist “set[s] out oppositions among things which appear and are thought of in any way at all...”<sup>8</sup> and that “The chief constitutive principle of scepticism is the claim that to every account an equal account is opposed...”<sup>9</sup> Similarly, as mentioned, the Academic Sceptics come to suspension of judgement through finding contradictions among arguments.<sup>10</sup> According to Cicero, they also hold that “craft, reason, method, [and] rational inference...are all found equally in both arguments” on any given matter.<sup>11</sup> He also notes that Academic Sceptics make it a practice to “argue pro and contra everything, for the sake of discovering the truth.”<sup>12</sup> Finally, both groups are alike in that they view suspension of judgement as an important goal. Cicero tells us that “the highest activity is to fight against presentations, to resist opinions, and to suspend assent...”<sup>13</sup> Sextus explicitly recognizes his affinity with the Academic Sceptics of Arcesilaus’ time in this regard, calling Arcesilaus’ persuasion and Pyrrhonism “virtually the same.”<sup>14</sup> Along with this and in support of my previous point, Sextus writes, “[Arcesilaus] is not found making assertions about the reality or unreality of anything, nor does he prefer one thing to another in point of convincingness or lack of convincingness...And he says that the aim is suspension of judgement...”<sup>15</sup>

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<sup>5</sup> Cicero & Diogenes Laertius. *Academica* & (selections), Trans. Brad Inwood and L.P. Gerson, *Hellenistic Philosophy: Introductory Readings*, Second ed. (Indianapolis: Hackett Publishing Company, Inc., 1997), *Academica* 2.7.

<sup>6</sup> Empiricus, *Outlines of Pyrrhonism*, PH I.26.

<sup>7</sup> Laertius, *Selections*, 4.28.

<sup>8</sup> Empiricus, *Outlines of Pyrrhonism*, PH I.8.

<sup>9</sup> *Ibid.*, PH I.12.

<sup>10</sup> Laertius, *Selections*, 4.28. This is reinforced and made more explicit by Cicero towards the end of *Acad.* 2.98.

<sup>11</sup> Cicero, *Academica*, 2.96.

<sup>12</sup> *Ibid.*, 2.60.

<sup>13</sup> *Ibid.*, 2.108.

<sup>14</sup> Empiricus, *Outlines of Pyrrhonism*, PH I.232. Sextus divides the Academic Sceptics into the Old, Middle, and New Academies, with Plato as the founder of the Old, Arcesilaus the founder of the Middle, and Carneades and Clitomachus the founders of the New (PH I.220). Yet Cicero recognized only two main divisions, the Old and New, with Plato and Arcesilaus the founders of the Old and New Academies, respectively (*Academica Quaestiones* 4.5). So in speaking of the Academic Sceptics in the sections I cite from his *Academica*, Cicero believes he is covering the views of Arcesilaus onward, unless otherwise noted or attributed to someone specific.

<sup>15</sup> *Ibid.*

Aside from these similarities, however, important differences between the groups with regards to assenting to appearances, moral determinations, and tranquility as an aim raise the question of which sceptical group employs a more choiceworthy sceptical strategy overall. Answering such a question involves examining the epistemic and moral workings of each group along with addressing the question of which group is more logically consistent. With regards to assenting to appearances, while Sextus repeatedly makes clear that the Pyrrhonist passively assents to “feelings forced upon them by appearances...”<sup>16</sup> without discriminating between which types of appearances they follow,<sup>17</sup> the Academic Sceptics are not wholly passive in this regard and assent to “plausible” appearances only. According to Cicero, Carneades thought “[T]he wise man will employ whatever apparently plausible presentations he meets with, provided there is nothing which opposes its plausibility...unless he approves of them, all life would be eliminated.”<sup>18</sup> As suggested by the previous passage, a key motivation behind the Academic Sceptic following only appearances they deem plausible is in leading a sufficiently liveable existence.

Indeed, such a mindset appears to allow the Academic Sceptic to ultimately maintain their sceptical attitude about the reality of all, including plausible, appearances while at the same time scrutinizing them beforehand and choosing which ones are best to follow in daily living. This appears to be more in line with the life of an ordinary person than the Pyrrhonist’s assent to appearances, who follow all appearances equally and indiscriminately. This frame of mind also appears at face value to be more epistemically attractive while remaining logically consistent. This is because following only plausible appearances seems to provide the tools to think about a given object of investigation before formally weighing arguments while ultimately preserving suspension of judgement and remaining without dogmatic commitments to an appearance, even a plausible one. While also logically consistent, by assenting to all appearances equally, the Pyrrhonist cannot do so.

Although Academic Scepticism appears to be more attractive *prima facie* in these ways with regards to their approach to appearances, problems of logical inconsistency rooted in dogmatic beliefs arise on the subject of appearances upon further investigation. As already mentioned, Cicero tells us that the Academic Sceptics held suspension of assent as the highest activity of life. Yet elsewhere he holds that “every true presentation is such that there can be a false presentation of the same quality; and with presentations which are such that there is no difference between them it cannot happen that some can be perceived while others cannot; therefore, there is no presentation which can be perceived.”<sup>19</sup> Holding such a principled view about perception certainly constitutes a negatively dogmatic position, and in fact Sextus distinguishes the Pyrrhonists from the Academics on this basis.<sup>20</sup> Cicero later remarks, “[I]f I show that nothing can be perceived you should concede that [the wise man] will never assent.”<sup>21</sup> This suggests that even though Cicero claims that the Academic Sceptics “are not compelled by any necessity to defend a whole set of propositions which are laid down like orders,”<sup>22</sup> they nevertheless have a vested interest in defending this thesis in particular, a behavior reminiscent of Sextus’ characterization of

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<sup>16</sup> Ibid., PH I.13.

<sup>17</sup> Ibid., Sextus reiterates this point at PH I.29, PH I.193, PH I.229-230, and PH II.10.

<sup>18</sup> Cicero, *Academica*, 2.99. Cicero repeats this view in the context of suspending judgement in 2.103-104.

<sup>19</sup> Ibid., Cicero, *Academica*, 2.40. Cicero makes clear that this is a view endorsed by the Academic Sceptics in “every case” in *Acad.* 2.42. He attributes this view to Carneades in 2.148 and Arcesilaus in 1.45.

<sup>20</sup> Empiricus, *Outlines of Pyrrhonism*, PH I.8 and PH I.226.

<sup>21</sup> Cicero, *Academica*, 2.78.

<sup>22</sup> Ibid., 2.8.

dogmatists “pursu[ing] [what is taken to be good] with intensity.”<sup>23</sup> Indeed, we find evidence that Arcesilaus himself thought that “particular suspensions of judgement are good and particular assents bad” from Sextus,<sup>24</sup> and Cicero himself claims, “[T]here is nothing more disgraceful than for assent and approval to outrun knowledge and perception.”<sup>25</sup> While Sextus never makes moral determinations of what is good or bad, explicitly remarking, “[T]hose who hold the opinion that things are good or bad by nature are perpetually troubled,”<sup>26</sup> the Academic Sceptics appear committed to principled views on what is morally good and bad with regards to their scepticism. Here, too, it seems that the Academic Sceptics do not suspend judgement. Moreover, it seems highly likely that the Academic Sceptics valued the belief that everything is inapprehensible due to it preventing them from committing erroneous judgements and assents. But, as mentioned, this does not square with their claims that the highest activity of life is suspending of judgement, for the Academic Sceptics do not withhold assent on the view that nothing can be apprehended. So even though Academic Scepticism may be more liveable in their following only plausible appearances, such a benefit comes at the cost of logical inconsistencies and moral commitments rooted in dogmatism.

The Academic Sceptic may object, however, that the Pyrrhonist’s inclusion of tranquility as an end goal and interest in “curing” others of dogmatic rashness is epistemically unnecessary and displays some of the same problems associated with their own dogmatic commitments. Sextus speaks of tranquility as following suspension of judgement unexpectedly. “Now the Sceptics were hoping to acquire tranquility by deciding the anomalies in what appears and is thought of, and being unable to do this they suspended judgement. But when they suspended judgement, tranquility followed as it were fortuitously, as a shadow follows a body.”<sup>27</sup> Julia Annas notes that Sextus never provides any argument for why dogmatic commitments produce anxiety while suspension of judgement and detachment from such commitments produce relief.<sup>28</sup> Indeed, we have seen that the method of investigation and opposition of contrary arguments employed by the Academic Sceptics also ends with suspension of judgement but does not aim for tranquility at all. Instead, they aim to discover truth and suspend judgement for their own sake, not for the tranquility that they think comes with apprehending the truth and suspending judgement.<sup>29</sup> It appears that the sceptical strategy of the Academics is more concise and focused than that of the Pyrrhonists and that the Pyrrhonist’s tranquility is epistemically unnecessary in this respect. This appears especially pertinent given that Sextus speaks of tranquility as a distinct experience from his sceptical investigations.

Also, Sextus speaks of having an interest in administering suspension of judgement to those with dogmatic views. At the end of the *Outlines*, Sextus says, “Sceptics are philanthropic and wish to cure by argument...the conceit and rashness of the Dogmatists” and compares such an act with providing medicinal remedies for physical sickness.<sup>30</sup> He goes on to say that “[Pyrrhonists] employ

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<sup>23</sup> Empiricus, *Outlines of Pyrrhonism*, PH I.28.

<sup>24</sup> *Ibid.*, PH. I.233.

<sup>25</sup> Cicero, *Academica*, 1.45.

<sup>26</sup> Empiricus, *Outlines of Pyrrhonism*, PH I.27.

<sup>27</sup> *Ibid.*, PH I.29. Sextus repeats this point at PH I.31 and PH I.205, asserting that tranquility always follows suspension of judgement on every subject the Pyrrhonist investigates.

<sup>28</sup> Julia Annas, “Doing without Objective values: ancient and modern strategies,” *The Norms of Nature*, Ed. Malcolm Schofield and Gisela Striker, (Cambridge: Cambridge University Press, 1985), 18.

<sup>29</sup> Cicero, *Academica*, 2.7.

<sup>30</sup> Empiricus, *Outlines of Pyrrhonism*, PH III.280.

weighty arguments...against those distressed by a severe rashness, and they employ milder arguments against those...easily cured and which can be rebutted by a milder degree of plausibility.”<sup>31</sup> It appears here that Sextus has a vested interest in using his scepticism to administer suspension of judgement to others. Moreover, it seems that Sextus is admitting that he does not worry about knowingly using bad arguments at times for this purpose. It appears that in addition to tranquility being epistemically unnecessary and Sextus displaying a similar tendency of instructing others as the Academic Sceptics, Sextus is also fine with using weak arguments when better ones are presumably available for this purpose. Is Pyrrhonism a less choiceworthy sceptical strategy than Academic Pyrrhonism based on these observations?

In response to such accusations, I think that tranquility as an end goal may be epistemically unnecessary to being a sceptic. Indeed, it seems to me that Sextus has no motivation or grounds to say that tranquility follows suspension of judgement. But I would emphasize that this point does not make Sextus’ Pyrrhonian Scepticism logically inconsistent, for while tranquility as an end goal does not provide any incentive for someone to practice Pyrrhonian Scepticism over Academic Scepticism, it is certainly no demerit. By contrast, though the Academic Sceptics do not posit tranquility as a chief goal to their scepticism, the aforementioned logical inconsistencies rooted in epistemic and moral dogmatism certainly diminish the attractiveness and strength of Academic Scepticism by comparison to Pyrrhonian Scepticism.

Indeed, we see Sextus make a similar attack on Empirical doctors who claim that some things are inapprehensible. In light of claims that Pyrrhonism is the same as Medical Empiricism, Sextus says, “But you must realize that if this form of Empiricism makes affirmations about the inapprehensibility of unclear matters, then it is not the same as Scepticism, nor would it be appropriate for Sceptics to take up with that school.”<sup>32</sup> Though what is said to be inapprehensible is restricted to unclear matters because Sextus is targeting doctors within the expertise of medicine, Sextus implies that it would be inconsistent for a Pyrrhonian Sceptic to make such affirmations. As mentioned, because the Academic Sceptics claim that suspension of assent is the highest activity of life,<sup>33</sup> they, too, are subject to this logical inconsistency upon claiming that nothing can be apprehended, and Sextus clearly thinks he has the resources to make this attack, to say nothing of the Academic Sceptics’ morally dogmatic commitments.

Regarding Sextus administering suspension of judgement to others and knowingly using bad arguments at times to do so, I admit that I am puzzled and agree that these moves do not make sense if Sextus is supposed to be just taking care of himself. But if the objection is that Sextus exhibits some of the same problems as Academic Sceptics in bringing others to suspension of judgement and using bad arguments at times for this purpose, I think that such an objection is misguided. For while the Academic Sceptics display an interest in defending the negatively dogmatic thesis that nothing is apprehensible and convincing others of this thesis, Sextus is simply bringing forth equipollent arguments without a dogmatic attachment to any one view. Also, while the Academic Sceptics call particular types of suspension of judgement good and particular assents bad,<sup>34</sup> and evidence supports the idea that they value the belief that everything is inapprehensible highly, Sextus never deems suspension of judgement or assent as good or bad but rather says that

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<sup>31</sup> Ibid., PH III.281.

<sup>32</sup> Ibid., PH I.236.

<sup>33</sup> Cicero, *Academica* 2.108.

<sup>34</sup> Empiricus, *Outlines of Pyrrhonism*, PH I.233.

suspension of judgement simply happens in the face of equipollent propositions.<sup>35</sup> So even though it is puzzling as to why Sextus administers suspension of judgement to others and knowingly uses bad arguments at times for this purpose, his interest in doing so is not motivated by the desire to defend a dogmatic thesis and bring others into a state that he feels is morally choiceworthy, unlike the Academic Sceptics.

Sextus' move to posit tranquility as an end goal to Pyrrhonian Scepticism is an aim unique to other schools of Hellenistic philosophy, including the Academic Sceptics. And although the Academic Sceptics and Pyrrhonists appear initially to be alike in virtue of sharing similar origins, methodologies, tendencies, and aims, in reality they are very different. Indeed, their epistemic workings, approaches to morality, and logical coherence of each group vary and raise the question of whether Academic Scepticism or Pyrrhonian Scepticism is a more choiceworthy sceptical strategy. Though Academic Scepticism appears to be a more choiceworthy way to go about being a sceptic *prima facie* with regards to following plausible appearances as part of a more epistemically attractive and liveable scepticism, Academic Scepticism is ultimately logically inconsistent through their inclusion of epistemically and morally dogmatic commitments. By contrast, though the charges that tranquility as an aim is epistemically unnecessary and Sextus' interest in "curing" others of their "dogmatic rashness" beyond taking care of himself raise confusion and require explanation, they do not show that Pyrrhonian Scepticism is logically inconsistent and so less choiceworthy than Academic Scepticism. So although Academic Scepticism appears to be a more choiceworthy sceptical strategy *prima facie* in that it seems to be more livable and epistemically attractive than what Sextus has to say, Pyrrhonian Scepticism ultimately emerges as more choiceworthy in light of logical inconsistencies within Academic Scepticism rooted in dogmatism.

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<sup>35</sup> Ibid., PH I.8.

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## The Responsibility to Uphold Children's Rights

Madeline Stutzman

According to James Griffin, those and only those who have human rights are normative agents. Normative agency requires the "capacity to choose and to pursue our conception of a worthwhile life." One of the objections to Griffin's account of human rights arises from this reasoning. Griffin is committed to the view that infants, the mentally handicapped, and those with dementia do not fulfill the qualifications for normative agency and therefore do not have human rights. Griffin states in his reasoning for what grounds human rights that we have human rights in virtue of our humanity. In most, if not all, respects we consider children to be human. Due to the normative agency requirements, children would not have human rights according to Griffin.

What I aim to do in this paper is to refute Griffin's claim and offer reasons as to why children do have human rights. In doing so I will also provide examples as to how and why children's rights are to be considered differently from the human rights that apply to adult persons. First I will address my objections to Griffin's argument by reviewing both his considerations to children, or lack thereof, as well as the basis from which his theory comes from- i.e. naturalist theory. Then I will supply my argument as to why children do have human rights relying on the rights laid out in the United Nation's Convention on the Rights of the Child. Finally, I will offer my idea as to how children's rights differ from adult rights, and the broad range of different aspects of human rights, like education for example, that have to be taken into special consideration.

### *Griffin's Argument*

In terms of human rights theory, Griffin is a naturalist. He's interested primarily in what grounds human rights and the history of human rights and natural rights. Griffin uses a top-down approach to argue that without institutions and governments, human rights still exist. His argument holds that normative agency is what grounds human rights. As stated above, normative agency is "our capacity to choose and to pursue our conception of a worthwhile life."<sup>1</sup> For Griffin this would not include infants, but does reach to include children as being capable of agency by acquiring it through stages.<sup>2</sup>

I offer two objections to Griffin's argument. The first being that the current status of children's rights in the United States is non-existent. When philosophers theorize about children's rights, they are referring to something hypothetical at this point in time in the U.S. Almost all United Nations member states have adopted the Convention on the Rights of the Child (CRC). This is a human rights treaty created by the United Nations on the principle that "Children as well as adults have human rights. Children also have the right to special protection because of their vulnerability to exploitation and abuse."<sup>3</sup> The United States signed the treaty, but is the only nation to have not yet ratified it in the 21 years since being signed. A lot of rhetoric surrounding children's rights consists of phrases like 'rights we give to children' suggesting that children's rights are not

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<sup>1</sup> James Griffin, *On Human Rights*, Chapter 2 "First Steps in an Account of Human Rights."

<sup>2</sup> James Griffin, "Do Children Have Rights?" in Archard, D. and Macleod, C. *The Moral and Political Status of Children*, 21.

<sup>3</sup> "United Nations Human Rights Office of the High Commissioner," [www.ohchr.org](http://www.ohchr.org).

inherent they are determined by institutions and bestowed upon them. Due to the fact that many countries have not adopted the CRC it is evident that institutions are creating these human rights because without institutions like the UN, these rights would not exist.

I believe that following from the points stated above an objection can be given against the point from which Griffin builds his theory, namely naturalism. For clarification purposes, I mean to say that I believe children's rights can be used as an objection to a naturalist. Children's rights primarily come from the practical theory of human rights in that children's rights differ depending on where you go and they continue to change and evolve. The evolution of children's rights is pertinent to this argument because the growing knowledge that comes from institutions continue to give more insight into the cognitive abilities of children thus spawning change and growth in our consideration for their rights. Children's rights can't exist without institutions, which, I don't believe Griffin can object to seeing as how theorizing from a naturalist perspective he himself does not give them rights.

The second objection is to Griffin's claim that children don't have a conception of a good life. My response to this is that they do. Of course we would say that children under the age of say 5 don't have a conception of a good life; but what they do have is a conception of harm. Along with this, as of now children are considered those under the age of 18.<sup>4</sup> We can say undoubtedly that those younger than 18 not only have the conception of a good life, but have a conception of human rights and the fact that they indeed have, or should have, rights. So if we can't say with certainty that children under 5 have human rights, we can at least say the gap between 5-18 need some adjustments and recognition.

Children are in need of their own set of rights while they advance through these "stages of agency" Griffin describes. Children are left in limbo by being considered a potential agent. Although they cannot claim full membership to a society, full membership meaning having all the powers and protections of any other member, children still need some powers and some protections.<sup>5</sup> This is why I employ the claim that children have rights, but these rights differ from the rights of adults.

### *Autonomy*

The assessment of children's rights will continue to evolve through furthering scientific research and findings in the cognitive abilities of children. Social research advancing children's rights may take many forms from an investigation of children's perceptions of their rights to studies on the nature of child thought.<sup>6</sup> Determining the level of autonomy a child has runs parallel with their cognitive abilities. Their right to choose, regarding any issue, is an important right for all children. If they are told exactly what to do from a young age into adolescence, it will make it hard for them to be able to choose for themselves and evaluate situations on their own. Article 12 of the CRC states that "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."<sup>7</sup> This

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<sup>4</sup> www.ohchr.org. Article 1.

<sup>5</sup> Griffin, "Do Children Have Rights?" in Archard, D. and Macleod, C. *The Moral and Political Status of Children*, 22.

<sup>6</sup> Sojna Grover, "Social Research in the Advancement of Children's Rights," *Journal of Academic Ethics* 1: 119.

<sup>7</sup> www.ohchr.org.

article is somewhat similar to Griffin's idea of the stages of agency a child goes through. However, it is recognized in the CRC that the children have rights throughout these stages.

The main issue in determining what rights children have is how to navigate the parental decision making surrounding a child's life. One way to look at it is to view children as citizens and parents as the state. Charles Beitz mentions in his theory of human rights, based on an idea by John Rawls, that citizens shall comply with state orders as long as the state is protecting their autonomy and providing for them necessities and protections.<sup>8</sup> Children shall obey their parents in so far as they are providing necessities and protections for them. Autonomy for citizens is important as is autonomy for children. Child rearing respectively consists of telling a child what to do and how to behave in the interest of the child. A child should learn to regularly bathe and eat healthy in order to be healthy when they get older. Respectively, parents ought to go about this in a way that suggests what the child should do followed by an explanation of why the child should choose to do so. Ultimately this would produce the outcome of letting the child choose while still teaching them right from wrong and what is in their best interest.

The types of values that a parent teaches their child in terms of things like religious beliefs or lifestyle choices such as veganism is also important when discussing autonomy and the types of rights children have apart from their parents. Is it an infringement of a child's autonomy for their parents to indoctrinate them with certain religious and lifestyle beliefs? One way to go about answering this question is to take a child's age into consideration. As a parent, you should be able to educate your child on why you believe certain lifestyle choices, like veganism, to be better than others or to be healthier than others. However, once the child is of a certain age, say 13, and they begin to formulate their own opinions on these beliefs, it is important to let the child make choices for themselves and explore other options. One simple way parents can do with without compromising their own beliefs is to tell the child that if they want to eat meat and other animal products that they will have to purchase and prepare the foods on their own. I don't think parents should have to alter their own beliefs to assimilate to their child's.

This is similar in the case of religion. How are parents expected to educate their child on all of the different religions without compromising their own religious beliefs in some way? Should it be up to education at this point? As of now, public education doesn't teach religion in schools, and even if they equally taught each religion, there is sure to be a large number of parents who disagree with this. There is really no way to educate a child on different religions other than the parent doing so. I would answer this dilemma with the fact that just because you are educated on something doesn't mean you need to align your beliefs with it. However, I don't think it's a human rights violation make your child go to church with you on Sundays. This would be the same, to me, as saying imposing a curfew on your child is a violation of their human rights.

One objection to this would be that perhaps it is the case that your child identifies as homosexual and the church the family attends demonizes homosexuality. This, to me, would change the situation. If your child doesn't feel safe in certain situations, their choice to refrain from attending church is in their best interest and should then be respected and protected as their right to choose. If the parents of that child also demonize homosexuality, this child's freedom of expression is being infringed upon. For this I offer section two of article 12 of the CRC which states that "For this purpose, the child shall in particular be provided the opportunity to be heard

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<sup>8</sup> Charles Beitz, *The Idea of Human Rights*, Chapter 5 "A Fresh Start."

in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”<sup>9</sup>

While the manifestation of one’s beliefs onto their child seems like a right that parents have, there have to be boundaries and guidelines surrounding children’s right to choose as well as protecting what is in the best interest of each individual child. Ultimately, parents are able to force their child to lead certain lifestyles until the child is old enough to leave the home. Financial manipulation is also an issue to bring up here. A child who needs financial support will be forced to live under their parent’s roof and abide by their rules until they can afford to live on their own. This is a tricky concept to navigate. While I fully believe that a 16 year old and an 18 year old are both capable of making decisions for themselves and are both capable of dealing with the consequences of those decisions, the 18 year old is allowed to by law, and the 16 year old is not. The 16 year old may seek legal emancipation from their parent, but again they will face obstacles like legal fees that will make it next to impossible for them to do so. This is why age is an important factor to consider in regards to autonomy. Without the ratification of the CRC in the United States, petitioning the courts for certain rights as a 16 year old is seemingly impossible. But an individual who is 16 may be much better equipped to handle the ‘real world’ make responsible decisions and be a more productive member of society than an individual who is 18. Adolescents need rights before they reach adulthood.

### *Education*

The right to education is one that gets put on the list of human rights time and time again. However, it is one that is often debated today in the United States regarding the many facets of state provided education. One example is the right to equally good education for underprivileged children. A second is the right to education in certain cultures. I believe it is in the interest of the government to supply a high quality of education to all children in the interest of the country as a whole. If children have access to education, even low income underprivileged children, will have a higher chance at success later in life and a higher chance at becoming productive members of society which is beneficial to all.

The question arises of how to ensure an equal standard of education for all children who attend public school? And should public school be mandatory to ensure the right of education is being fulfilled to its highest potential? To the question of mandatory public education, I offer the argument that all children beginning at the age of five attend public school. One exception to this would be children who do better in a homeschool setting. Whether they suffer from an illness that makes it difficult them to attend school regularly or children who are unable to excel in a classroom full of other children. This would require an evaluation with a professional and legal documentation of the schooling that will be provided for them in some other way.

An education budget provided by the government must be sufficient enough to provide an equal standard of education to all. Those who choose to school their child at home, or through a private school should receive little to none of the government budget for public schooling. Funding for public schools should not come from property taxes, rather another form of taxation or through an adjustment taxation system which equally distributes funds to every public school. Since public schools will receive government funding, they will also need to abide by certain government

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<sup>9</sup> Title of webpage in quotes, *United Nations*, [www.ohchr.org](http://www.ohchr.org).

regulations. Like standard curriculum for all schools in order to ensure every child is getting the best education possible in the interest of their future careers or further education. One rights violation I have noticed in public schools is that larger schools with more resources have a greater number of AP classes than smaller schools with less resources. This can greatly affect a child's probability at excelling in higher education. This is one reason why standardized education is a human right applicable to children. The reason I specify it as a human right applicable to children is because I believe education beginning in kindergarten through 12th grade should be a right, meaning the right ends at secondary education, thus ending with adults.

Currently in Detroit Michigan attorneys for governor Rick Snyder and state education officials say that there is no fundamental right to literacy. This was a reaction to a lawsuit filed against the state by Detroit schoolchildren. The schoolchildren are suing the state on the ground of deliberate indifference to the city schools. These children endure deplorable building conditions, classrooms without teachers, lack of books, buildings plagued by vermin, as well as unsafe facilities and extreme temperatures.<sup>10</sup> The fact that a state would claim that there is not a right to education is exactly why there is a need for a declaration of human rights for children. I believe that children have the right to education and that submitting them to that type of environment when these children want to learn is absolutely a violation of their rights. Their rights are being infringed on due to the lack of funding in the area and the apathetic attitudes underprivileged children are given due to their socio-economic status through no fault of their own. This is a case of discrimination.

One objection to my claim that k-12 education is a right would be in Amish culture. In Amish culture children are only educated from k-8th grade. After 8th grade they can either go on to become a teacher for the younger children in their community or they can choose to be finished with school and begin working or helping their parents. The Amish are a tricky culture to navigate due to state and national requirements of citizens like taxes, the Amish are permitted to participate in current American culture. However, they do not pay taxes that go to social security and Medicare because they have refused to participate in those programs. Due to their religious and cultural beliefs, they have been allowed by the government to sit out on certain requirements. This could mean that they would be exempt from other governmental requirements, such as education. The Amish primarily raise their children to become members of their community. This means that Amish children are not raised with intentions to go to college, or to work outside of the community. While there are exceptions, this is the norm that remains current in their culture today.

#### *Conclusion:*

While Griffin only states that infants don't have human rights, he leaves children's rights out entirely and only holds that they are potential agents and gain rights through their stages of agency. Throughout this paper I have uncovered that all children have rights, namely the ones outlined in the Convention on the Rights of the Child. I have explained why education and autonomy ought to be taken into special considerations due to their differences from the adult rights to these. Overall, I hope it has been concluded that children do have rights, and that the United States has a responsibility to formally recognize these rights through the ratification of the CRC. The responsibility lies in the interest of their potential full members and the protection of their member's rights.

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<sup>10</sup> Jennifer Chambers, *The Detroit News*, "State says literacy not a right in Detroit," 2016.

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## Is Culpability Necessary for Combatant Liability?

Mikayla Huston

In this paper I show that it is not necessary for a combatant to be culpable in order for her to be liable to be killed in war. This issue is particularly important because its implications affect narrow proportionality, which addresses the proportionality of harming or killing a combatant. More specifically, my claim may weaken the argument for proportionality based contingent pacifism by lowering the threshold of narrow proportionality in war. I begin by elucidating relevant terms (combatants, culpability, and liability) that will be used frequently. I then lay out two arguments of Jeff McMahan, who similarly rejects culpability as a necessary condition for liability to attack, and I discuss why these arguments are compelling. The first argues that the moral responsibility condition of self-defense under an individualist account is necessary for liability. I discuss this argument and add my own argument that moral responsibility is also sufficient for liability. McMahan's second argument, stemming from the first, discusses how a combatant can be morally responsible without being culpable. I then offer my own argument in support of the notion that a combatant can be morally responsible without being culpable. I show that in a situation of inevitable violence between two or more combatants, it is impossible for all combatants to be morally innocent. In doing so, I contend that at least one of the parties must be minimally morally responsible for the predicament, and, therefore, since we can imagine a situation in which no party is culpable, culpability must not be necessary for liability. Finally, I anticipate and address a couple of objections to my claim that it is impossible for all parties to lack moral responsibility.

### *Combatants, Culpability, and Liability*

A combatant, whose rights and moral statuses I discuss in this paper, refers to a person engaged in fighting during war who meets the requirements of Just War Theory's conduct of war conditions (*jus in bello*) for qualifying as a combatant. A culpable combatant, for the purposes of the arguments in this paper, should be understood as a combatant who is to blame for a situation of inevitable violence.<sup>1</sup> When it is said that a combatant or a person is liable to be killed, understand this person as someone who would not be wronged if she were killed. If she is liable to be killed, a person who kills her in self-defense does so permissibly. Moral responsibility and the individualist account will be discussed in more detail below. Occasionally, I also mention proportionality and how it is affected by my claims. The proportionality requirement, in its simplest form, says that the harm a party imposes must be proportionate to the good aims achieved or the harm averted, and the means by which the party imposes harm must be the least detrimental of those means available to achieve the good or avert the harm. This requirement presents us with an equation in which harm averted/good achieved must be equal to or greater than harm imposed.

### *Moral Responsibility as a Necessary Condition*

I will now discuss the argument Jeff McMahan maintains to show that moral responsibility is a necessary condition for combatant liability in war. The intuition derives from the individualist

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<sup>1</sup> Jeff McMahan, *Uehiro Series in Practical Ethics: Killing in War* (Oxford, GB: OUP Oxford, 2009).

account of war, which affirms that a state's rights are based on and comprised of the same moral principles that individual rights are based on. A state is, in other words, a continuation of the individual, so its rights are primarily established by those rights the individual may exercise. When it comes to war, this means that the rights the state has access to are extensions of individual self-defense rights.<sup>2</sup> The intuition of my conclusion, that culpability is not a necessary condition for liability in war, primarily stems from the evaluation of the conditions of Self-defense.

Two relevant self-defense conditions which are applicable to combatants in war are 1) culpability, and 2) McMahan's moral responsibility. As described above, a culpable combatant should be understood as a combatant who is to blame for a situation of inevitable violence. A culpable combatant has no excuse or justification for the wrongful harm she poses in a given situation.<sup>3</sup> But just to make this idea as clear as possible, imagine a situation where an attacker poses a lethal threat to a victim and the only way the victim (who is not liable to be killed) can defend himself is to shoot and kill the attacker. Under the culpability account, the attacker forfeits her right not to be killed because she is to blame for the action a victim takes to defend himself against the attacker.

Moral responsibility, on the other hand, simply requires that a party be minimally responsible for a predicament of inevitable violence, but not necessarily to blame.<sup>4</sup> In the case above, of course, the attacker is morally responsible, but she is also culpable. But we can imagine a case in which a party is morally responsible yet not culpable. Suppose a hiker is walking in steep terrain near a cliff with a drop-off of many hundreds of feet. A nature photographer is just ahead of the hiker, admiring the view from the edge of the cliff. As the hiker approaches, a squirrel trips him and he will fall and push the nature photographer off of the cliff to his death unless the nature photographer steps aside and lets the hiker fall to his death instead. If the hiker is allowed to fall and consequently push the nature photographer, only the nature photographer will fall to his death and the hiker will remain safely on the cliff. In this case, the hiker is morally responsible for the situation, because he is the one whose actions create a situation in which someone must fall to his death. In other words, the hiker is morally responsible for the fact that one of the two must bear a harm. It is permissible for the nature photographer to step aside and let the hiker fall, because the hiker is the one who ought to bear the inevitable harm.

We can see that in both of the cases offered above, moral responsibility is present. While culpability does help to show that the attacker is liable to be killed, culpability cannot exist without moral responsibility. On the contrary, as the hiker case shows, moral responsibility can exist without culpability. What makes both the attacker and the hiker liable to be killed is the fact that they are the party whose actions in each case cause the situation in which someone will have to bear harm. This is called moral responsibility, and it is a necessary condition for liability.

Without it, nothing would make the attacker and the hiker liable to be killed. Because Jeff McMahan and I argue through the lens of the individualist account, it follows that because moral responsibility is a necessary condition for liability in cases of individual self-defense, moral responsibility is also a necessary condition for liability as applied to combatants engaging in war.<sup>5</sup>

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<sup>2</sup> Helen Frowe, *The Ethics of War and Peace: An Introduction* (London: Routledge, 2011).

<sup>3</sup> McMahan, *Uehiro Series in Practical Ethics: Killing in War*.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

### *Moral Responsibility as a Sufficient Condition*

I will now argue that moral responsibility is not only a necessary condition for combatant liability in war, but it is also a sufficient condition. It is first important to note that in doing so, I assume the conditions of proportionality and necessity will be met in any attack on a liable person or combatant, making said attack permissible. Aside from that, I will now look into what is sufficient to render someone liable to be killed. Recall the hiker example given above. It seems intuitive that in the example it is the nature photographer who has a right to prevent his own death. I will now explain where that intuition comes from and why it makes moral responsibility sufficient for liability in cases of self-defense and in turn liability in cases of combatants engaging in war.

The nature photographer in the example above is innocent in that he is not responsible for the predicament that the hiker and photographer find themselves in. The hiker, as it has been established, is morally responsible for the predicament that the hiker and photographer find themselves in. We know that the hiker is morally responsible and it is intuitive that he is also liable to be killed, given the premise that one of the two (either the hiker or the nature photographer) must fall to his death. Because one of the two must fall to his death, there must be some way to determine which of the two would be more wronged if he were to die. In other words, there must be a way for us to decide who has more of a right to cause the other to fall to his death. Because the nature photographer is not morally responsible, he is not liable to be killed, and therefore his right to life would be violated if the hiker pushed him to his death. Because the hiker is morally responsible, his right to life is minimized in the context of the predicament on the cliff. So, the nature photographer, whose right to life remains at its maximum, would be more wronged by being killed than the hiker, whose right to life is minimized since his body is the cause of inevitable death. Without moral responsibility, there are no other criteria to explain the correct intuition that the hiker is the one who is liable to be killed. Nothing else about the hiker's actions or intentions tell us why he is liable to be killed by the nature photographer. Moral responsibility is not only necessary for the hiker's liability, but it is sufficient, and therefore moral responsibility is also sufficient for combatant liability in war under the individualist account. If moral responsibility is sufficient for combatant liability, culpability is not necessary.

### *Moral Responsibility without Culpability*

Now that I have discussed Jeff McMahan's moral responsibility as a necessary condition for liability and laid out my own argument claiming that moral responsibility is also a sufficient condition for liability, I will now look at McMahan's second argument detailing how a combatant can be morally responsible without being culpable.<sup>6</sup> First recall again the hiker example from above. Remember that even though he is morally responsible, the hiker is not culpable, because he is not blameworthy. The hiker is morally responsible for the inevitable falling to death of either himself or the nature photographer as his body is what will cause this, but he is not necessarily to blame for a squirrel tripping him and causing him to fall forward into the nature photographer. So, the hiker is an example of someone who is morally responsible, not culpable, and liable to be killed.

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<sup>6</sup> Ibid.

Although we have already seen this in the hiker example above, it is worthwhile to examine another case in which moral responsibility exists independently of culpability in order to better understand the nature of their relationship. Consider a case in which a combatant is brainwashed by his home nation's army so that he trusts and obeys all orders given by his commander, as long as it is not obvious that those orders violate the rules of *jus in bello*. The commander tells the combatant that it is safe to detonate a bomb to destroy a factory that supplies the enemy military with ammunition and that the combatant is ordered to do so. The combatant detonates the bomb which kills anyone remaining in the factory without knowing that a class of innocent children is on a field trip inside the facility. So, it is first right to assign moral responsibility to the combatant, because it is his action that caused wrongful harm to the class of innocent children. However, it is not obvious that the combatant is culpable for the wrongful harm, since he had been brainwashed by his nation's army and his epistemic access to relevant information was limited by the commander. This is just one more example of a situation in which one can be morally responsible for wrongful harm without being culpable for it. It is now clear that a combatant can in fact be morally responsible without also being culpable from the examples presented.

### *Not All Lack Responsibility*

I will now argue in support of the notion that a combatant can be morally responsible without being culpable by showing that in a situation of inevitable violence between combatants, it is impossible for all combatants to be morally innocent. This claim can also be found earlier in the paper, where I contend that there must be some way to determine which of the two parties in the hiker example would be more wronged if he were to die due to the intuition that the nature photographer should step aside to let the hiker fall to his death. This is to say that one of the two is more in the right to send the other falling to his death. In cases of inevitable violence between individuals engaged in conflicts of self-defense and in cases of defensive killing between combatants, at least one of the parties must be minimally morally responsible for the predicament. It is a mistake to claim that no party is morally responsible in these sorts of cases, because it will always be true that at least one party had a part in creating a situation of inevitable violence, otherwise, that situation would never have existed. In a situation where two opposing combatants are fighting and violence occurs, I reject the idea that both combatants can be morally innocent. At least one of the two parties must be minimally morally responsible for the situation. I do not, however, reject the idea that both (or all, in cases with two or more combatants) can be morally responsible. It is possible that every party involved had an equal part in creating the situation of inevitable violence, and in that case, all would be liable to be killed. This argument further supports the notion that culpability and moral responsibility do not have to coincide, since my claim is that we cannot imagine a situation in which no party is morally responsible for wrongful harm, but we can imagine a situation in which no party is culpable. This shows that culpability must not be necessary for liability.

### *Objections*

The first worry that I anticipate some might have to my above argument is a disagreement with my intuition that at least one party must be liable in situations of inevitable violence. One might object that in a situation where two opposing combatants are being forced to fight, neither can be held morally responsible and therefore neither is liable to be killed. I respond that even if both combatants were forced into their roles as combatants, both still have the capacity as human beings with minds of their own to refuse to create situations of inevitable violence. In the case

presented above in which a combatant is brainwashed by his nation's army and ordered by his commander to detonate a bomb, we can add a stipulation that the combatant was forced to fight for his nation. Even in this case, where the combatant was not only forced to fight but was also brainwashed, I contend that as long as the combatant is still a reasonably perceptive human being, i.e., his human reasoning skills have not been diminished in any way, then he has the capacity, deep down, to question his actions before taking them, and he is morally responsible for not refusing to detonate a bomb without demanding more information.

Another point one might make to counter my above response is that these combatants who were forced to go to war actually do not have the capacity to refuse violence, because they may be threatened with violence, imprisonment, etc. by their superiors if they refuse to obey orders. This sort of duress might inhibit their ability to make reasonable moral decisions, and for this they may be excused. In this case, I point out that my argument simply claims that a morally responsible party must exist in order for a situation of inevitable violence to exist. In a situation where a combatant is without the capacity to refuse to create violence, there is still a morally responsible party: the director of the order to create a situation of violence. Although, it is true that the morally responsible director of the order may be outside the violent conflict on the ground, and in that case, the combatant who is ordered to fight and threatened with some sort of severe punishment if she refuses would not be liable to be killed. If both combatants in a situation of inevitable violence are combatants who are ordered to fight and threatened with punishment for refusal, then neither is liable to be killed. However, there are still outside parties who are morally responsible for creating the violence, and I maintain that there can never be a situation in which all parties involved in the conflict lack moral responsibility.

### *Final Comments*

In this paper I have laid out and discussed examples of the arguments of Jeff McMahan in support of my claim, and I have offered my own reasons for asserting my conclusion: culpability is not necessary for combatant liability in war. It was established that moral responsibility is a necessary condition for combatant liability under the individualist account of war. I also offered the argument that moral responsibility is a sufficient condition for liability, which leaves culpability unnecessary. Then it was examined how one can be morally responsible without being culpable through McMahan's account and the additional example of the brainwashed combatant. A further reason for believing this assertion was offered, which is that in a situation of inevitable violence between two or more combatants, it is impossible for all combatants to be morally innocent, and at least one party will be minimally responsible for creating a situation in which a wrongful harm must be borne. Therefore, since we can imagine a situation in which no party is culpable, but we cannot imagine a situation in which all parties lack moral responsibility, culpability must not be necessary for liability.

## Bibliography

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## Philosophy in an Inclusive Key

Recent Philosophy Department alum, Stephanie Domingo (B.A. 2016), relates her experience at PIKSI-Rock Summer 2017 to Junior Mikayla Huston (Philosophy, International Relations, Pre-Law, HNR).



*PIKSI-ROCK Summer 2017 group photo provided by Stephanie Domingo.  
Stephanie is seated front row, second from the left.*

**Mikayla:** Can you tell us a little bit about your undergraduate studies at Iowa?

**Stephanie:** I entered The University of Iowa as an open major. I had no idea I could major in something like Philosophy, nor that it was an academic field, as I was never exposed to it in high school. My first semester of college, I took an Intro to Philosophy course and although I enjoyed it, I wasn't particularly drawn to philosophy at that point. However, during my second semester I took a course entitled "The Meaning of Life" taught by Professor David Cuning and fell in love with philosophy! I decided to major in it and took a variety of philosophy coursework, such as Philosophy of Religion, Introduction to Ethics, and more, throughout my remaining years as an undergraduate. I also committed to two minors: English, and Gender, Women's & Sexuality Studies (GWSS). I found that some of the upper level courses that I took in philosophy, such as Multiculturalism & Toleration and a graduate Ethics Seminar on Autonomy Theory, both taught by Professor Asha Bhandary, and Intro to Political Philosophy and Intro to Philosophy of Human Rights, both taught by Professor Jovana Davidovic, complimented very nicely my coursework in GWSS. Taking courses in both Philosophy and GWSS gave me exposure to different perspectives on a variety of topics and issues, and was something that I really appreciated.

**Mikayla: What is PIKSI?**

**Stephanie:** PIKSI stands for "Philosophy in an Inclusive Key Summer Institute." PIKSI-Rock is a 10-day summer institute, as part of the Rock Ethics Institute, at Penn State University in State College, Pennsylvania. PIKSI-Boston is its sister institute hosted in Boston. PIKSI's main target is undergraduates who are part of underrepresented groups in philosophy, such as women, women of color, people of color, LGBTQIA+ folks, and others. While the program included 16 undergraduates, it also included four graduate students who were also part of underrepresented groups in philosophy.

**Mikayla: How did you hear about the program?**

**Stephanie:** I heard about the program from Professor Asha Bhandary in the UI Philosophy Department. I had no idea the program existed until Professor Bhandary mentioned it after class one morning. She encouraged me to apply and so I did, with just two days before the deadline. I did not get in that year, but with much more time and effort to apply, I tried again this year, and very fortunately, got in! For the past few years, I believe that Professor Cuning, as Chair of the UI Philosophy Department, has also helped to make students aware of PIKSI by sending out an email to all philosophy majors and minors.

**Mikayla: What is the application process like?**

**Stephanie:** The application process is online. It requires having a philosophy professor "sponsor" you, which, from my understanding, simply means that they support your action of applying to the program. The 2017 application consisted of submitting personal data, info about extracurriculars, two short essay questions, a writing sample, and two letters of recommendation from professors.

**Mikayla: What did you do there?**

**Stephanie:** The institute was 10 days long, with the first and last day reserved for travel to and from Penn State. Each day was long, but amazing! We would start at 9:00AM with a discussion section with a philosophy professor and continue for about two and a half hours, then we would take lunch for an hour, and after lunch, we would attend a lecture from a different philosophy professor for about an hour and a half. After the lecture, we would have time to write our assignments, which were due nightly, and to meet in our small groups. Each writing assignment entailed answering questions about the reading assigned for the next day. Readings were assigned for each professor's discussion section, as we would discuss the material and ask questions about it during the discussion time.

Some of the topics that we read and wrote about included philosophy of race, philosophy of gender, and philosophy as it relates to various forms of activism and social movements. For instance, we were asked to respond to questions such as, "What is cultural racism?"; "For what reasons does [Audre] Lorde claim that focusing on rather than merely tolerating difference sharpens our analysis and strengthens our creativity?"; What is [Sarah Clark] Miller's 'global duty to care' (and 'Care Ethics')?; "What do you think the role of philosophers should be, if any, in evaluating perceived injustices that affect women of different cultures?"; "What possibilities for social justice emerge when one examines practices that intervene and expose injustice?"; and, "What is the future of whiteness, (according to Linda Alcoff), and how is the entanglement of race and class related to that future?"

Moreover, for small groups, undergraduate participants were split into groups of four with a philosophy graduate / PhD student as the lead, in order to have extra support and discussion. After the day had ended, we would sometimes go out to dinner at a restaurant as a large group, often with the professor who had lectured / presented earlier that day, and other days, we would eat as a group in one of the University dining halls.

**Mikayla: What is your most valuable takeaway from your PIKSI experience?**

**Stephanie:** My most valuable takeaway from my experience at PIKSI is realizing that Philosophy can be a very encompassing and diverse field! I did not realize that this different "side" of Philosophy existed, one in which someone could philosophize about current social justice movements and issues, one in which someone could philosophize about race, gender, and sexuality, and one that could be so closely linked to activism. For instance, there was a professor at PIKSI, José Medina, who presented on lynchings in the 1900's and who was currently doing work with the organization Equal Justice Initiative (EJI), which works towards racial and economic justice in America by working to end mass incarceration and excessive punishment and by advocating for the most vulnerable in the American criminal justice system. This relationship was really inspiring for me to see - the fact that a philosopher could also be an activist working with a social justice organization enlivened me! Overall, PIKSI made me realize that my love and appreciation for philosophy could be closely linked to my activist efforts.

**Mikayla: Do you recommend PIKSI to other students at Iowa?**

**Stephanie:** I would absolutely recommend PIKSI to Iowa students! Especially to those students who fall into the categories of underrepresented groups in philosophy. PIKSI was truly a revolutionary experience for me, and I would hope that other Iowa students would find it to be a great experience for them as well!

[For more information about PIKSI visit their website at <http://www.piksi.org/>]

## Acknowledgements

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Their names are not mentioned here in keeping with our policy of blind peer review. Secondly, this would never have been possible without our contributing authors. From their willingness to be the guinea pigs of this first edition to working over the summer to finalize their submissions, I am grateful to have had a chance to work with each of them. Last, but certainly not least, my sincerest thanks go out to Professor Carrie Swanson. Without her facilitation and oversight, this publication would not have been possible. It is because of her that this amazing opportunity for the philosophy students at the University of Iowa has been realized this year and hopefully for many more to come.

Nathan Davis, Editor