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Abstracts of the Papers

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ABSTRACTS OF THE PAPERS

INTENTION AND FORESIGHT IN THE BRITISH LAW OF MURDER

William Irwin

Establishing the *mens rea* for murder is often a difficult task, which has been made more difficult in British Law by confusions regarding the nature of intention and foresight. While it is correct to claim that foresight is not the same as intention, it is incorrect to maintain that intention is a necessary constituent of the mental element in murder. In response to these confusions, the paper argues for the reinstatement of felony murder or, in lieu of this, for the adoption of ordinary language in the law of murder.



FACTUAL PHENOMENALISM: A SUPERVENIENCE THEORY

John Bolender

Broadly speaking, phenomenalism is the position that physical facts depend upon sensory facts. Many have thought it to imply that physical statements are translatable into sensory statements. Not surprisingly, the impossibility of such translations led many to abandon phenomenalism in favor of materialism. But this was rash, for if phenomenalism is reformulated as the claim that physical facts supervene upon sensory facts, then translatability is no longer required. Given materialism's failure to account for subjective experience, there has been a revival of property dualism. But property dualism implies indirect realism with its threat of scepticism. Given difficulties with materialism and dualism, philosophers should reconsider phenomenalism.



Seeing Aspects, Seeing Value

Joe Fearn

This paper is a defense of moral realism. It claims that Hume's projectivism and abuse of resultance has led us to gross distortions of non-cognitivist ethics. The analogy of moral properties with secondary properties is noted, before offering a stronger theory of moral realism. This theory recognises moral properties as constituting part of the manifest image, in a way that is satisfactory both ontologically (about what kind of entities moral properties are) and epistemologically (about the grounds to prove their presence.) This involves a rejection of austere, scientific reductionism. This model of moral realism relies on an analogy of moral properties as aspects. Aspect-seeing and moral value perception are argued to be linked, in a discussion of Wittgenstein's account of noticing aspects. Aspect blindness can best explain moral blindness, and bring out the connection with human possession and use of concepts. Moral value perception is a case of coming to see things in a certain light; as seeing human behaviour as «HUMAN» behaviour. Finally, I go on to argue that seeing is not just a matter of light waves of a certain frequency hitting our retina from an object that we passively see, but is a complex phenomena that can accommodate moral vision.



FRANKFURT, FAILURE, AND FINDING FAULT

V. Alan White

Harry Frankfurt's famous examples of overdetermined moral agents who are nevertheless responsible for their actions and omissions have long been hailed as proofs that the ability and/or opportunity to do otherwise (Principle of Alternative Possibilities — PAP) is not a necessary condition for moral responsibility. In this paper I use recent clarifications of some of these examples by Frankfurt himself to show that their force relies in part on tacit *ceteris paribus* assumptions concealing a reliance on PAP that concerns matters of fairness in assessing moral responsibility.



**PARTIALLY RESOLVING THE TENSION BETWEEN
OMNISCIENCE AND FREE WILL: A MATHEMATICAL
ARGUMENT**

Joseph S. Fulda

Moral theology is given force by punishment and reward, which is, in turn, comprehensible only in the presence of free will. Yet free will has been bedevilled with philosophical difficulties, not least among them the tension between omniscience and autonomy. The paper, building on a theory of temptation and sin published in *Mind*, gives a partial resolution to that tension using a mathematical argument.

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«Intention and Foresight in the British Law of
Murder»

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INTENTION AND FORESIGHT IN THE BRITISH LAW OF MURDER

William Irwin

Establishing the *mens rea* for murder is often a difficult task. Unfortunately, this task has been made all the more difficult in British Law by confusions regarding the nature of intention and foresight. Lord Hailsham said, with reference to the landmark *Hyam* case, «foresight of a high degree of probability is not at all the same as intention; and it is not foresight but intention which constitutes the mental element of murder.»¹ While Hailsham was quite correct in claiming that foresight is not the same as intention, he was (as I shall show) incorrect to insist that intention is a necessary constituent of the mental element in murder.

At least since the 1967 Criminal Justice Act, British Law has seen a move away from both foreseeability and actual foresight as necessary constituents of the *mens rea* for murder. In this paper I argue that while it is important to distinguish between the foreseeable, the actually foreseen, and the intended, such distinctions do not disqualify the actually foreseen as, in some cases, being a sufficient condition for meeting the *mens rea* requirement for murder. Under certain conditions an act can be culpable which is intended but not foreseen, and also an act can be culpable which is foreseen but not intended. British law has been misguided in its attempts to build foresight into the concept of intention, working under the presumption that demonstrating intention is necessary to establish *mens rea*. In response to this confusion, I shall argue for the reinstatement of felony murder or, in lieu of this, for the adoption of ordinary language in the law of murder.

¹ *Hyam v. D.P.P.* (1974), p. 77. For discussion of the case see R.A. Duff, *Intention, Agency, and Criminal Liability: Philosophy of Action and the Criminal Law*, (Oxford: Basil Blackwell, 1990), pp. 1-3, 15-18.

§1.— Intention, Foresight, and Desire

British law has been plagued by a number of mistaken assumptions regarding the connections among intention, foresight, and desire. I shall argue that there are actually no necessary connections between any two of these concepts. I shall further argue that not only are intention and foresight logically and linguistically distinct, but each can at times, without the other, constitute the *mens rea* for murder. I shall take an ordinary language approach to the analysis of these concepts. Of course, we cannot just presume that ordinary language use should be the same as legal use; there are special aspects of the legal arena which may arguably justify specialized use.² As I shall in time make clear, however, the ordinary language uses of intention, foresight, and desire are the most appropriate. They accomplish the task while avoiding unnecessary and detrimental confusion.

Let us begin with a refutation of a long presumed principle in criminal law: foresight implies intention. Indeed, prior to the 1967 Criminal Justice Act the even stronger claim that foreseeability implies intention was maintained. This was, of course, quite mistaken — not everything which is foreseeable is always actually foreseen. The presumption was that what is foreseeable is foreseen, and that what is foreseen is intended. As the *Hyam* and *Moloney*³ cases illustrate, however, what is deemed foreseeable is sometimes not actually foreseen.

The more interesting claim, though, is that what is foreseen is intended. This claim too is mistaken. All we need do is look at the meanings of foresight and intention in light of a simple example. I can correctly be said to foresee that the sun will rise tomorrow, but I cannot correctly be said to intend that the sun will rise tomorrow. I can only intend what is in my power (or what I believe is in my power) to bring about. I note also that I can only correctly be said to foresee what actually happens.⁴ There is no such thing as mistaken foresight; what I am mistaken about I do not truly foresee. This understanding may at first seem odd, but a little reflection shows that it does fit with ordinary language. In the criminal law, however, we are not typically concerned with issues and examples such as whether the sun will rise. Rather, we are concerned with actions⁵ and their consequences. Perhaps the classic counterexample to the proposition that foresight of the consequences of an act implies intending those consequences is that in the

² For one who makes this point see Duff, pp. 33-34.

³ *Moloney v. D.P.P.* (1985). See Duff, pp. 20-25.

⁴ Alan R. White, *Grounds of Liability: An Introduction to the Philosophy of Law* (Oxford: Clarendon Press, 1985), p. 86.

⁵ The definition of an action is itself problematic. As is well known, it is quite problematic to define an action in terms of bodily movement.

act of drinking a bottle of whiskey I may foresee that I will have a hangover the next day while not intending to have a hangover.⁶

The proposition that intention implies foresight is also subject to counterexamples, and is thus false. We commonly intend to do things that we do not ever actually do, and so which we truly do not foresee. (We can have bare intentions but not bare foresight.) I may intend to mow the lawn tomorrow without foreseeing this, without any mental accompaniment or imagery. Also I may intend to mow the lawn tomorrow without ever doing it, and so without having foreseen it.

The question may arise: How can we distinguish between intention and foresight? Certainly it is not always immediately clear whether something was intended, foreseen, or both. R.A. Duff has provided a neat and tidy answer to this question with what he calls the «test of failure.» If my action does not produce an expected effect, will it have been a failure? If so it was intended, and if not it was at most foreseen.⁷ Notice, the test is given in terms of expected effects — not desired effects.

It has also been a common presumption in British law that intention implies desire.⁸ Clearly, however, we do not always desire what we intend. For example, in the *Steane* case⁹, in which an Englishman was forced by the Germans to broadcast Nazi propaganda, the defendant intended to assist the enemy in this way — but he certainly did not desire to assist them. He would have been very happy if his broadcasts were of no real help whatsoever. He intended to provide assistance as he was asked in order to protect himself and his family; he did not intend or desire his assistance to

⁶ This example may bring to mind the Doctrine of Double Effect. The example of the hangover is certainly not a moral one, but it does raise the question of whether one necessarily intends the consequences of an action which one foresees. For an excellent discussion of these issues as related to philosophy of the act see Michael Bratman, *Intentions, Plans, and Practical Reason* (Cambridge: Harvard University Press, 1987), pp. 140 ff.

⁷ Duff, p. 61. If my action does not pass the test of failure its consequences/side effects were not intended, but that does not mean by default that they were foreseen. It is possible for consequences/side effects to be neither intended nor foreseen.

⁸ See for example, Anthony Kenny, «Intention and Purpose in Law,» in R.S. Summers ed., *Essays in Legal Philosophy* (Berkeley: University of California Press, 1968), pp. 146-163.

⁹ *R. v. Steane* (1947) K.B. 997. For an excellent discussion of this case see H.L.A. Hart, *Punishment and Responsibility* (Oxford: Oxford University Press, 1968), pp. 125-127.

be helpful, though certainly he foresaw this.¹⁰ It clearly, then, violates ordinary language to call all the consequences of intended actions desired.

More straightforwardly, desire does not imply intention. We commonly desire things we do not intend, some of them in our power and some not. I may desire Ms. X as my bride, but I do not intend to marry her. It seems out of my power. This applies to actions and their consequences as well. Someone may recognize that it is within his power to quit smoking thereby improving his health, desire to quit, and still not intend to quit.

We turn now to the relationship between foresight and desire. Foresight clearly does not imply desire. I may foresee something that I do not desire at all. Strolling across a field, I may foresee that it will soon rain and that I will get wet, although I do not desire this at all. Again, in terms of consequences of my actions, I may foresee that drinking a bottle of whiskey will give me a hangover without desiring the hangover. Also, of course, desire does not imply foresight. I may desire Ms. X as my bride, although I do not foresee her becoming my bride. In terms of actions and consequences, I may desire that with the swing of my bat I will hit the ball out of the park — without foreseeing this happening.

To be clear, then, there are no necessary connections among intention, foresight, and desire — at least as each is understood in ordinary language. And ordinary language in the law not only has the advantage of being the most accessible to juries, but as we shall see, is all that is needed. There is no need for an awkward legal understanding of intention because even without intention there are cases in which we would want to say we have the *mens rea*, the guilty mind, needed for murder. Before exploring how this is so, let us turn to a clarification of the intended and the foreseen.

§2.— The Intended and the Foreseen

As I have suggested, British law has attempted to bring much of what is only foreseen under the concept of intention. Behind this attempt is the unfortunate necessity under existing law that only demonstration of intention is sufficient to establish the requisite *mens rea* for murder. At work here is the mistaken reasoning that what is foreseen is intended, and so we can be held criminally responsible for what we foresee. As we saw in the previous section, however, foresight of the consequences of an action does not necessarily imply the intention of those consequences. Still, we may want to hold someone criminally responsible for action done with foresight but without intention. We shall take this issue up in a subsequent section.

¹⁰ This is very much like the case of the hangover. The agent intends to drink the bottle of whiskey, and foresees but does not desire the hangover.

In coming to terms with what is intended it is instructive to consult Bentham's distinction between direct and oblique intentions.¹¹ A direct intention is aimed at the goal of the intentional action, while an oblique intention encompasses expected side-effects. Bentham did not see a significant legal or moral difference between the two kinds of intention, but others do.¹² If we understand intended agency in accord with ordinary language as, «an agent intends those results which she acts in order to achieve,»¹³ oblique intention is no intention at all. Oblique intentions are not «in order to,» but rather are constituted by accidental side-effects. Such side-effects may well be foreseen, but they are not necessarily intended. As Burleigh T. Wilkins has said,

[I]n my judgment the concept of oblique intention represents a desperate fudge which seeks by linguistic *fiat* to bridge the gap between a necessary and a sufficient condition.¹⁴

Duff has wrestled with the problem of so-called direct and oblique intention and offered his own nomenclature. To be certain, Duff's approach represents an advance over Bentham's, but, as we shall see, it is still unsatisfactory. Dispensing with direct and oblique intentions, Duff speaks instead of acts done with intention and acts done intentionally.¹⁵ Acts done with intention correspond roughly to Bentham's direct intentions. We say, for example, that the gunman pulled the trigger with the intention of killing his victim. Duff's acts done intentionally are significantly different from Bentham's oblique intentions, however. Duff's acts done intentionally do not encompass all expected side-effects, but rather, «those side-effects of whose occurrence I am morally certain and for which I am properly held responsible.»¹⁶

By restricting acts done intentionally to those which I am certain of and for which I am properly held responsible, Duff attempts to avoid

¹¹ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, ed. J. Burns and H.L.A. Hart (London: Methuen, 1970). See also G. Williams, «Oblique Intention,» *Cambridge Law Journal* 46 (1987), p. 417.

¹² See Hart (1968), pp. 113-115 for some support of Bentham's view. For the opposing view see Burleigh T. Wilkins, «Intention and Criminal Responsibility,» *Journal of Applied Philosophy* 2 (1985), pp. 271-278.

¹³ Duff, p.73.

¹⁴ Wilkins, p. 273.

¹⁵ Duff, p. 37.

¹⁶ *Ibid.*, p. 95.

problems with conversational implicature.¹⁷ Without making these qualifications we would have to say, for example, that my dentist intentionally causes me pain when he drills my teeth. While of course the dentist foresees this side-effect as certain, it would not be proper to blame him for it — and so it would be misleading to say he causes me pain intentionally.

Duff's solution does not avoid all problems of conversational implicature, however. If an agent's act done intentionally is not at all his reason for acting, it is still misleading to say he has done it intentionally. Under Duff's schema an act which I foresee as certain and for which I am properly held responsible, but which is no part of my reason for acting, is still done intentionally. This is counterintuitive and unnecessarily confusing. The intended act and the intentionally done act are too close linguistically to accommodate neatly such disparate acts. Why not simply call the acts as they are — intended and foreseen? Duff clings to this intended/intentional distinction because he holds to the idea that some form of intention is necessary to establish the *mens rea* for murder.

Let us then call the intended what Duff calls the intended — those results which an agent acts in order to achieve. Let us call the foreseen what is known or correctly envisioned beforehand. To be certain, the intended and the foreseen frequently overlap and when they do there is usually little difficulty in assigning responsibility to the agent. As we shall now see, however, we can have the *mens rea*, the guilty mind, necessary for murder when the act is intended but not foreseen, and more importantly when the act is foreseen but not intended.

§3.— Intention and Responsibility

The guilty act (*actus reus*) accompanied by an intention to commit the act is the paradigm of the act for which I am properly held criminally responsible. I do not wish to dispute this. I do wish, however, to point out that such an intention need not include actual foresight. As I demonstrated in the previous section, intention does not entail foresight. For example, I may intend to kill someone—anyone — , take aim at Smith, shoot, but instead kill Jones who was standing next to him. Here I had an intention to kill, but did not foresee the death of the man I killed. Nonetheless I am clearly guilty of murder.

I should point out, as well, that in some cases neither intention nor intention plus foresight is sufficient for responsibility. As H.L.A. Hart makes clear, in the *Steane* case the Englishman charged with assisting the enemy by broadcasting Nazi propaganda was acquitted on the wrong grounds.¹⁸ It

¹⁷ For discussion of conversational implicature see Paul Grice, *Studies in the Way of Words* (Cambridge, MA: Harvard University Press, 1989).

¹⁸ Hart (1968), p. 126.

is simply not the case that his acts were not in order to assist the enemy. Thus he did have the intention to assist the enemy (with “assist” loosely understood), and I might add actual foresight as well. He was deserving of acquittal, however, not because of a lack of intention or foresight but because his actions were done under duress.

One might then argue that the act requirement was not met, but indeed it was. His actions were voluntary (he could have done otherwise although he was strongly coerced) and in and of themselves the actions were criminal. It is only that the mental element was in some way lacking because of the duress. Both intention and foresight were present without there being a guilty mind.

We should note that British law does recognize cases in which no mental element is required for criminal responsibility. These include cases of strict liability, such as that in statutory rape. These cases notably do not include felony murder¹⁹, at least since it was abolished under the heading of ‘constructive malice’ in the Homicide Act 1957. It is the absence of felony murder which has given rise to much of the debate and word play surrounding intention and foresight in the law. In the *Hyam* case, for example, Mrs. Hyam would have been successfully prosecuted under felony murder charges. Whether or not she intended to kill anyone by firebombing the house would not have been an issue. Our intuitions and good judgment tell us that even if Mrs. Hyam were telling the truth about her intentions that should make no difference. Reinstatement of felony murder would be the simplest and most reasonable solution to the problems regarding intention

¹⁹ A felony is sometimes defined as a crime punishable by death or imprisonment. In this way a felony is to be distinguished from a misdemeanor. Another common way to distinguish between a felony and a misdemeanor is in terms of length of imprisonment. Any crime punishable by death or imprisonment for more than one year is a felony and any other crime is a misdemeanor. Cf. Wayne R. LaFare and Austin W. Scott, Jr. *Handbook on Criminal Law* (St. Paul, Minn.: West Publishing Co., 1972), p. 26. Felony murder dates back to early common law. At that time one whose conduct brought about an unintended death in the commission or attempted commission of a felony was guilty of murder. American jurisdictions have limited felony murder in one or more of the following ways: “(1) by permitting its use only as to certain types of felonies; (2) by more strict interpretation of the requirement of proximate or legal cause; (3) by a narrower construction of the time period during which the felony is in the process of commission; (4) by requiring that the underlying felony be independent of the homicide.” LaFare and Scott, p.545. “In England the courts came to limit the felony-murder doctrine in one of two ways: (1) by requiring that the defendant's conduct in committing the felony involve an act of violence, or (2) by requiring that the death be the natural and probable consequence of the defendant's conduct in committing the felony.” LaFare and Scott, p. 546.

and foresight in the British law of murder.²⁰ Assuming that such reinstatement is not forthcoming, however, the implementation of ordinary language uses of the terms ‘intention’ and ‘foresight’ would suffice.

§4.— Foresight, Responsibility, and Murder

It should indeed be possible under British law to sometimes find an agent guilty of murder when the act is done with foresight but without intention.²¹ This is so, in part, because foresight does not logically imply intention, and neither does desire imply intention. I submit further that even the combination of foresight and desire does not imply intention. That is, an act can be both foreseen and desired, with regard to consequences and otherwise, and yet if it had not happened the case would not have failed the «test of failure,» because the intention was quite separate and distinct.

Take the following example. Dr. Smith has developed drug X to treat disease Y. For various reasons he has decided that drug X should now be tested on human beings. Disease Y is out of control, and it is Dr. Smith’s noble intention to stop it. While he believes and foresees that a substantial number of the experimental sample population will be cured of disease Y by drug X, he also foresees that a small number are likely to be killed by the drug. Further, he does not inform the sample population of the risk of death. Also, among the sample population is Jones, a man whose death Dr. Smith desires.

If any of the members of the sample population were killed as a result of taking drug X, Dr. Smith would rightly be convicted of murder. His actions go beyond recklessness, and the deaths of these innocents are certainly constitutive of more than manslaughter. He deserves to be punished to the fullest extent of the law.²² Here we have the foreseen and desired death of an individual (although, of course, Dr. Smith did not specifically foresee that Jones would be among those killed). In the case of Jones or any other member of the sample, however, death was not intended.

²⁰ Certainly there should be restrictions placed on the application of felony murder, but it is not within the scope of this paper to argue for what exactly those restrictions should be. For the various ways in which felony murder has been restricted see not 19 above.

²¹ Raymond Lyons begins to argue along similar lines in his «Intention and Foresight in Law,» *Mind* 85 (1976), pp. 84-89.

²² Some might argue that the crime is, despite its deplorable nature, still only one of manslaughter. I do not find this convincing. In any event, even if this case were not found to be one of murder in itself, it would serve as further testimony for the need for at least some limited form of felony murder. Dr. Smith might conceivably be convicted of a felony in this case apart from the manslaughter, and so in the end still be found guilty of murder.

If we apply the «test of failure» to this scenario we find that the act would have been considered a complete success if no one had died at all, including Jones. Dr. Smith's intention was simply to benefit humankind by finding a cure for a disease. Still, the deadly side-effects which were foreseen should be enough to make Dr. Smith guilty of murder. Any system, including the British one, which would fail to convict Dr. Smith of murder is certainly flawed in this respect. Foresight without intention can and should be sufficient, in some cases, to establish the mental element necessary for a conviction of murder.

The use of language in which I couch my point here is somewhat novel, although the intuition behind it has long been with us. That intuition is simply that we are responsible for a very broad range of actions. Bentham had it in suggesting that we are responsible for what we obliquely intend. More recently, Duff expressed this intuition in his uses of 'intended' and 'intentionally'. My contribution has been to argue that British law should not hold on to intention as a necessary element of the *mens rea* for murder. When intention and foresight are understood in accord with ordinary language, each can at times be sufficient for establishing *mens rea*.²³ With this in mind, there seems to be no reason to cling to legalistic definitions of these terms, and in fact there are obvious advantages to using ordinary language in the law — not the least of which is to facilitate the work of juries.

§5.— Conclusion

While I hope to have clarified some matters regarding the *mens rea* for murder, I have left some old questions untouched. I have not broached the questions of how to prove intention or prove foresight. Proving intention has long been a problem in the law and in the philosophy of law. It was once thought that an act being foreseeable was sufficient to prove foresight, and that foresight was sufficient to prove intention. None of this is truly the case, however. We must now separately pursue the questions of how to prove intention and how to prove foresight. The task also remains of discovering under what conditions the various combinations of intention, foresight, and desire may be sufficient for establishing the *mens rea* for murder. I leave these questions and this task for another time, and with the hope that the reader will consider and perhaps undertake them.²⁴

²³ Of course, though either intention or foresight can be sufficient, neither one is necessary for murder. For example, if I shoot at the president and accidentally kill a bystander I had neither the intention nor the foresight of killing that individual but nonetheless should be found guilty of murder.

²⁴ An earlier version of this paper was presented at the Fall 1995 meeting of the Tri-State Philosophical Association in Erie, Pennsylvania. I wish to thank all of those present, particularly my respondent, Robert B. Hallborg, Jr. In addition I wish to thank Gregory Bassham and James Brady for very helpful comments and

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«Factual Phenomenalism: a Supervenience Theory»

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FACTUAL PHENOMENALISM: A SUPERVENIENCE THEORY

John Bolender

The aim of this paper is twofold: to show that the inability to translate physical-object statements into sensory statements does not refute phenomenalism, and to show that there are still good reasons for taking phenomenalism seriously. I begin with the former more fundamental point.

Reviving Phenomenalism

The term «phenomenalism» has been used to refer to a family of related views. It has variously designated the view that physical objects are composed out of the data of immediate perception, the view that physical objects are permanent possibilities of sensation, and the view that physical assertions are the same in meaning as certain assertions about sensory experience. What all these views have in common is the claim that facts about physical objects wholly depend upon or are wholly explainable in terms of facts about actual and possible subjective experiences. I will use the term «phenomenalism» to refer to this general view.

In the twentieth century, phenomenalism has received a precise formulation, namely *translational phenomenalism*. According to the translational phenomenalist, any assertion that a physical object exists shares the same meaning as some claim about actual or possible sensory experience. For example, the claim that there is a table in the room is supposedly translatable into some such claim as that if a subject were to seem to see a table and seem to extend their hand in a certain way then they would seem to feel a table surface. This, of course, does not even begin to approach a plausible translation since it contains such physical expressions as «table,» but it does illustrate the subjunctive character of the required sensory claims. In order to account for the continued existence of physical objects while not being perceived, such claims would have to refer to what sensations would occur were there to be certain others.

Roderick Chisholm refuted translational phenomenalism in 1948.¹ (It was widely but falsely believed that in doing so he refuted the more general view that physical facts depend upon sensory facts.) He did so by showing that no purely sensory claim is necessary for any given claim that a physical object exists. This is fatal to translational phenomenalism, since a physical claim is translatable into a sensory claim only if one claim states necessary and sufficient conditions for the truth of the other.

C. I. Lewis suggested that the physical claim «There is a doorknob in front of me» entails the sensory claim «If I should seem to myself to see a doorknob and if I should seem to myself to be initiating a certain grasping motion, then in all probability the feeling of contacting a doorknob would follow.»² That is, he proposed that the latter claim expresses a necessary condition for the truth of the former. (Strictly speaking, the latter claim would not be part of the analysans since it contains such physical-object terms as «doorknob,» «grasping,» and «contacting.» Ultimately, these terms must be analyzed away, but this qualification does not affect the current discussion.) Similarly, one might suggest that the physical claim «The only book in front of me is red» entails «Redness would very probably appear to me were I to seem to myself to see a book.»

In arguing against translational phenomenalism, Chisholm's strategy was to show that the proposed analysandum does not entail this hypothetical statement. As Chisholm notes, if the analysandum «There is a doorknob in front of me» were to entail the hypothetical, then it would do so regardless of the truth or falsehood of any other statement. This is simply elementary logic. But suppose that the following statement is true: «I cannot move my limbs or hands but experience hallucinations such that I seem to myself to move them.» Given this assumption, there could be a doorknob in front of me, and I could seem to myself to see a doorknob and seem to myself to be initiating the right sort of grasping motion but with little chance of my having a feeling of contacting a doorknob. Similarly, the statement «The only book in front of me is red» does not entail «Redness would very probably appear to me were I to seem to myself to see a book» because redness would scarce likely appear if the book were under a strong blue light. So the required entailments are not to be had.

One might attempt to avoid this difficulty by complicating the analysandum. For example, instead of «There is a doorknob in front of me» being the targeted analysandum, one could have it be «There is a doorknob in front of me, and I am not subject to paralysis or hallucination.» Similarly,

¹ «The Problem of Empiricism,» *The Journal of Philosophy* 45 (1948): 512-7.

² C. I. Lewis, *An Analysis of Knowledge and Valuation* (LaSalle, Illinois: Open Court, 1946), pp. 240, 248-9. Lewis was not a translational phenomenalist, but he did maintain that any physical statement entails sensory statements — a claim essential to translational phenomenalism.

instead of «The only book in front of me is red» being the desired analysandum, one might try analyzing «The only book in front of me is red and is under exclusively white light.»

The problem, however, with complicating the analysandum is that one must likewise complicate the analysans. That is, one must also analyze, in purely sensory terms, what it means for someone not to be paralyzed or for something to be under a white light. This, in turn, would raise the same problems all over again. In order for the proposed analysans to be a genuine entailment, one must keep introducing more physical information into the analysandum. This, of course, leads to a vicious regress. The upshot is that there is no purely sensory statement which is necessary for any given physical statement.

Although this has not been the only objection to phenomenalism,³ it was the only one widely considered to be decisive. This is surprising given that materialism managed to survive an analogous objection in the late 1960s. Prior to that time, materialists had believed that for any psychological statement, one could articulate necessary and sufficient physical conditions; for example, that So-and-so is in pain if, and only if, So-and-so's C-fibers are firing. The necessity here was meant to be physical or nomological, not conceptual as is the case with phenomenalism, but the requirement to reduce one domain of phenomena to another via biconditionals united both translational phenomenalists and materialists. However, when Hilary Putnam first suggested that the mental can be physically multiply realized,⁴ this raised doubt as to whether there are necessary physical conditions for many mental claims. If pain can be realized in brains, computers, and whatnots, then the sought after necessary physical conditions are not to be had.

The phenomenalist could not formulate sensory statements necessary for, say, the claim that there is doorknob before one. The materialist could not find physical conditions necessary for, say, the claim that an organism is in pain. The obstacles are formally identical. Nonetheless, while phenomenalism was left for dead, materialism managed to adapt to the changing times. One materialist strategy was token materialism, namely the claim that, even though mental event types are not identical to physical

³ D. M. Armstrong provides a number of fascinating objections to phenomenalism in his book *Perception and the Physical World* (London: Routledge & Kegan Paul, 1961); see Chapters Five and Six. Although each of his objections merits serious consideration, I do not have space in this paper to address them. Suffice it to say that Armstrong himself does not consider the objections to be decisive.

⁴ Hilary Putnam, «Psychological Predicates,» in W. H. Capitan and D. D. Merrill, eds., *Art, Mind and Religion* (Pittsburgh: University of Pittsburgh Press, 1967).

event types, any token mental event just is a token physical event.⁵ However, the claim that the mental supervenes on the physical proved to be an even more popular hope for materialism.⁶ Roughly, this amounts to the claim that physical sameness guarantees mental sameness or that the physical wholly determines the mental. The thesis is often couched in terms of particulars possessing properties: if two particulars have precisely the same physical properties, then they possess precisely the same mental properties. That is, physical twinhood guarantees mental twinhood. The supervenience of the mental on the physical was meant to preserve the essence of materialism, the claim that the physical wholly determines the mental, without requiring that some physical statement or other be necessary for any mental statement.

A large literature on supervenience has emerged primarily for the sake of refurbishing materialism to withstand the brave new world of multiple realizability. Why wasn't a similar strategy adopted to save phenomenalism? Could phenomenalism be refurbished as a supervenience thesis thus avoiding Chisholm's objection? The answer is that it can. In fact, given materialist failures to accommodate subjective experience (see final section), it may be a more profitable use of resources to employ supervenience as a means of saving phenomenalism rather than materialism.

Unfortunately, however, spelling out a supervenience version of phenomenalism will not be an immediately straightforward affair. Materialist supervenience is usually stated thus: it is necessary that two particulars, regardless of whether or not they belong to the same possible world,⁷ that share precisely the same physical properties, also share precisely the same mental properties. What would be the phenomenalist analogue of such a supervenience claim?

The persistence of physical objects while unobserved makes it problematic to state phenomenalism in terms of particulars possessing

⁵ Donald Davidson, «Mental Events,» in Lawrence Foster and J. W. Swanson, eds., *Experience and Theory* (Amherst: University of Massachusetts Press, 1970).

⁶ See Ibid. and Jaegwon Kim, *Supervenience and Mind* (Cambridge: Cambridge University Press, 1993).

⁷ The clause bracketed by commas makes this supervenience «strong.» Weak psychophysical supervenience, by contrast, is the claim that physical sameness of two individuals guarantees their mental sameness *within* any physically possible world but not necessarily between worlds. So the weak supervenience of the mental on the physical is compatible with two individuals being exactly alike physically but radically different mentally as long as they occupy different physically possible worlds. This form of supervenience, however, is of little interest as it clearly fails to capture the dependence of the supervenient on the subvenient. See Ibid., Chapter Four.

properties. Since it must be possible for there to be a table in the room even when no one is looking, a phenomenalism stated in terms of particulars and properties would have to appeal to possible but non-actual sensory property-instances. After all, the physical-property instances of the unobserved table would have to supervene on sensory-property instances, and the latter could not be actual given the assumption that no one is actually witnessing the situation. But to admit possible yet non-actual sensory-property instances into one's ontology offends too greatly against Ockham's razor. I conclude that the variables of phenomenalism supervenience should not range over properties.

There is still hope. Supervenience theses are sometimes stated in terms of facts rather than individuals possessing properties.⁸ This has come to be known as «global supervenience.»⁹ On one materialist construal of global supervenience, two possible worlds that are indiscernible with respect to physical truths are also indiscernible with respect to mental truths. If one assumes that all truths are determined by physical truths, then the materialist thesis would be that any two worlds that are physically indiscernible are the same world.

This suggests what may be a promising start for attempting to revive phenomenalism in a supervenience form: two possible worlds that are indiscernible with respect to sensory truths are also indiscernible with respect to physical truths. If one assumes that all truths depend upon sensory truths, then the phenomenalism thesis would be that any two worlds that are indistinguishable with regard to sensory truths are the same world. In order to allow for material objects existing unperceived, one must also include subjunctive sensory truths in the supervenience base, e.g. were one to have sensory experiences x, y, and z, this would probabilify one's having sensory experiences X, Y, and Z. So this sort of phenomenalism must admit hypothetical sensory states of affairs. (However, it need not admit possible but non-actual instances of sensory properties as would a phenomenalism supervenience stated in terms of properties and particulars.)

In order to make this thesis more vivid, let's introduce some terminology. Consider all the sensory truths for some given world W. Call this «the sensory Book on W.» Let «the physical Book on W» refer to the set of all physical truths in W.¹⁰ According to the above initial formulation,

⁸ See John Haugeland, «Weak Supervenience,» *American Philosophical Quarterly* 19 (1982): 93-103.

⁹ See Paul Teller, «Relational Holism and Quantum Mechanics,» *British Journal for the Philosophy of Science* 37 (1986): 71-81.

¹⁰ This terminology is inspired by, but not quite identical to, some of Alvin Plantinga's terminology. See Plantinga, *God, Freedom, and Evil* (Grand Rapids, Michigan: Eerdmans, 1977), p. 36.

to say that the physical globally supervenes on the sensory is to say that sameness of sensory Book on any two possible worlds guarantees sameness of physical Book.¹¹

Now we have a theory which, while phenomenalist, does not require that any claim that a physical object exists be translatable into some statement of purely sensory fact. Instead, we have the looser claim that, for any possible world, the physical facts as a whole could not be other than what they are given the sensory facts. So this type of phenomenalism is not the translational phenomenalism of A. J. Ayer. It is perhaps better described as «factual phenomenalism,» the claim that physical facts supervene upon sensory facts.

Phenomenalism and Scepticism

But does phenomenalist supervenience really have to be global? Could one state the theory merely as a relation between parts of Books? It appears unlikely, for it seems that any judgment that a physical object exists is open to rational doubt as long as its evidence is less than a complete sensory Book. No matter how much empirical evidence has supported such a judgment in the past, there may come along new experiences which should rationally shake one's confidence. It would seem that nothing less than an account of all the sensory facts can secure a physical judgment from such doubt. My judgment that there is a laptop computer before me is not epistemically secure unless all sensory facts are present for inspection. Therefore, the judgment that there is a laptop computer before me supervenes on nothing less than the complete sensory Book on the actual world.

Ayer has disputed this sort of claim with a homey example. According to Ayer, «The assumption» motivating this sort of scepticism «is that if, for example, I am looking at my telephone and see it change into a flower-pot ... that proves that it never was a telephone.»¹² Against this, Ayer insists that were his telephone-like sensory experiences to be replaced «in the same place» by flower-potish sensory experiences, he would not say that no telephone existed then and there. Rather, he would say either that the telephone became a flowerpot or that there was once a telephone there, but he is not sure what is there any more. In other words, given enough of the right kinds of sensory experiences up to a certain point in time, his judgment that there *was* a telephone there at that time, would not be impugned by any future experiences. So, according to Ayer, the truth of a judgment about the existence of a physical object at some specific place and time can be secured

¹¹ This is only an initial formulation of the theory. I will suggest several refinements at a later point in the paper.

¹² A. J. Ayer, «Phenomenalism,» *Proceedings of the Aristotelian Society* 47 (1946/7): 163-96; see pp. 171-4.

by a modest portion of the sensory Book on the world. One does not always require complete information on the sensory facts of the actual world in order to have rationally indefeasible certainty that such a statement is true.

Now I am willing to grant what Ayer says about his likely reactions to that particular case. If my telephone-like sensory experiences were suddenly replaced with flower-potish sensory experiences, while all my other future experiences are quotidian and unexotic, my estimate of things would probably be the same as what Ayer claims his would be. However, it does not follow that sufficiently bizarre future experiences wouldn't rationally overturn the judgment that there was a telephone there and then. My certainty that there is a telephone just to my left is based upon past (and possibly present) sensory experiences of the obvious sort. However, one can easily imagine future experiences which, were they to occur, *should rationally* abolish such certainty. I may in the future have sensory experiences which should inspire doubt concerning all my previous judgments about physical objects.

For example, I may come to experience a seemingly godlike voice coming out of nowhere. This voice, let us suppose, accurately predicts very many of my subsequent experiences. It informs me that I will have an experience which I would describe as that of a huge crevice opening in the earth which issues forth baby chicks carrying miniature umbrellas, and I do. It informs me that I will have an experience which I would describe as that of opening people's heads only to find them containing, not brains, but hamsters operating tiny control panels, and this too comes to pass.¹³ Such predictive accuracy earns my rational confidence in what this voice has to say. But then it tells me that no physical object exists or has ever existed. Such an experience should at least cause some rational hesitation in insisting that there was a telephone there at that earlier, more innocent time. So the judgment that some physical object exists can at least be rendered doubtful by certain exotic future experiences. I conclude that for the phenomenalist, nothing less than the complete sensory Book on W guarantees the truth of any physical claim in W.

At this point, some may object that much of the motivation for phenomenalism has been lost. After all, many philosophers adopted it in order to avoid scepticism about physical objects — specifically the scepticism resulting from indirect realism, the view that one infers the existence of physical objects on the basis of non-physical sensory experience. But saying that nothing less than the complete sensory Book on W guarantees the truth of any physical claim in W is to grant a strong scepticism. Has the factual phenomenalist made any epistemic progress over the indirect realist?

¹³ For the inspiration behind this example, see Peter Unger, *Ignorance: A Case for Scepticism* (Oxford: Clarendon Press, 1975), pp. 123-6.

But one can see that s/he has made progress in examining how the phenomenalist's inference to the physical differs from that of the indirect realist. According to the phenomenalist, sensory-to-physical inference is reducible to sensory-to-sensory inference. That is, to conclude that there are physical things, one must infer from those parts of the sensory Book with which one is acquainted to those parts not enjoying one's acquaintance. For example, part of what it is to conclude that there are physical objects is to infer that most sensory facts are sufficiently similar to those already perceived, i.e. that the sensory Book is not too exotic and bizarre. This kind of inference is what Ayer called «horizontal inference.»¹⁴ More specifically, it is inference to facts which are only accidentally inferred, facts which one will be or could be in a position to verify. For example, if one infers that one will have sunrise-like sense experiences tomorrow because one has had such experiences daily in the past, then the inference is horizontal; for all one needs do to verify the inference is to await the morrow. Given phenomenalism, concluding that a physical object exists requires only horizontal inference because one is inferring from sensory facts having met one's acquaintance to other sensory facts — facts which have only accidentally failed to meet one's acquaintance.

For the indirect realist, however, physical facts are not immediately perceived, nor do they supervene on any sort of fact which is. So, according to the indirect realist, inference to the physical is what Ayer called «vertical inference.» That is, the inferred entities, in this case facts, are essentially inferred; it is impossible for one to have any immediate access to the things inferred.

Now one cannot deny that horizontal inference faces sceptical difficulties. Hence, phenomenalism is not free of such difficulty. In concluding that physical objects exist, the phenomenalist must infer that unobserved parts of the sensory Book are relevantly similar to observed parts, but this scepticism is simply Humean inductive scepticism and so is hardly a unique burden to the phenomenalist. The indirect realist must face such Humean problems as well. After all, indirect realism affords no greater rational confidence in future sensory experiences resembling past ones than does phenomenalism.

Putting Humean doubts aside, a pox on friend and foe alike, let us ask whether horizontal inferences are in any other way more secure than vertical ones. Russell's method of logical construction is based on the view that they are, but he never explicitly defended this assumption. Mark Sainsbury suggests that one might argue that horizontal inferences are safer

¹⁴ A. J. Ayer, *Bertrand Russell* (New York: Viking, 1972), p. 34.

because they are «of a kind with inferences whose conclusions have been discovered, non-inferentially, to be true.»¹⁵

I take this to mean that beliefs based on unverified horizontal inferences pick up some confirmation from horizontal inferences which have been verified. For example, I infer that tomorrow's sensory facts will not be too exotically different from today's. Since this conclusion was only accidentally inferred, I can verify it, in this case by waiting to see what tomorrow brings. That is, of all the horizontal inferences, some come to be verified while others remain inferences. Those which are verified give a boost in rational confidence to those which remain mere inferences. The verified horizontal inferences lend support to the whole enterprise of horizontal inference.

By contrast, no belief resulting from vertical inference could ever pick up such confirmation since the conclusion of a vertical inference is essentially, not accidentally, inferred. That is, since vertically inferred beliefs are essentially unverifiable, they receive no epistemic support from inferences which have been verified. Since vertical inferences are not of a kind with inferences which have been verified, the enterprise of vertical inference does not receive the boost in rational confidence enjoyed by that of horizontal inference.

Although Sainsbury suggests that this might be someone's reason for favoring horizontal over vertical inferences, he insists that horizontal inferences are actually no more secure than vertical ones. According to Sainsbury,

Presumably, insecurity must involve some risk of clash with what is non-inferentially known [i.e., the content of immediate awareness]. But whether in the case of horizontal or in the case of vertical inferences, the non-inferentially known facts are the same: a vertical inference has resulted in a clash with what is non-inferentially known when, and only when, the corresponding horizontal inference has resulted in a clash with what is non-inferentially known.¹⁶

In other words, what one hopes to avoid in inferring that a physical object exists is a clash with sensory facts. This is true of indirect realist and phenomenalist alike. But, says Sainsbury, there is no reason to think that horizontal (phenomenalist) inference is any more immune to such clash than vertical (indirect realist) inference.

Although valid, I do not think that Sainsbury's argument is sound. «Insecurity» and «safety» here do not refer to possible clashes with sensory experiences *per se* but with the risk of any kind of ontological error whatsoever. The problem in positing physical facts logically independent of sensory facts is not that it will make for bad predictions of future

¹⁵ Mark Sainsbury, *Russell* (London: Routledge & Kegan Paul, 1979), pp. 202.

¹⁶ *Ibid.*, p. 203.

experiences. It is, rather, that there may be no such physical facts. So comparing the predictive power of vertically inferred versus horizontally inferred hypotheses is beside the point. The point is whether or not one's inference leads from true premises to a true conclusion. Many horizontal inferences come to be verified in immediate experience, thus raising rational confidence in the enterprise of horizontal inference as such. Facts vertically inferred, however, can never be immediately apprehended, and so the enterprise of vertical inference lacks this extra support. I conclude that horizontal inference is safer than vertical inference, not in the sense of generating better predictions of future sensory experience, but in the sense of being less likely to posit a non-existent realm.

To summarize: given phenomenalism, it is less risky to infer that there are physical objects. For, on this view, sensory-to-physical inference is reducible to sensory-to-sensory inference. That is, inference to the physical turns out to be horizontal inference. Furthermore, horizontal inferences are being confirmed all the time thus lending rational support to the whole enterprise of inferring horizontally. However, given indirect realism, sensory-to-physical inference is irreducibly vertical. Hence, the inferences which the indirect realist requires do not receive the rational support enjoyed by those which the phenomenalist requires. I conclude that, even though the phenomenalist must face some doubts about the existence of physical objects, these are simply Humean doubts about sensory-to-sensory inference. Since the indirect realist must accept the insecurity of vertical inference in addition to Humean scepticism, there is an epistemic payoff in going phenomenalist.

Phenomenalism as a Conceptual Thesis

Even without the biconditionals, factual phenomenalism can be construed as a theory about the logic of physical statements. Indeed, I believe that it should be so construed. In order to maximize rational confidence in the existence of a physical world, the dependency of the physical on the sensory should be knowable a priori. And this means that the dependency must be logical and not simply metaphysical. Metaphysical necessity and that which is knowable a priori were once identified, but Saul Kripke in his *Naming and Necessity* clearly distinguished the two. So the merely metaphysical dependency of the physical on the sensory would be compatible with the subject lacking good reason to infer from the sensory to the physical. Similarly, it may be metaphysically necessary that water partly consists of oxygen, but this does not mean that any ancient Sumerian had rational grounds for inferring the presence of a component of air from that of water. In order to have the strongest possible confidence that physical things exist, factual phenomenalism should be construed as a conceptual thesis.

As regards supervenience, this means that factual phenomenalism should be characterized in terms of all conceptually possible worlds. Materialists usually place some constraint on their claim that physical sameness guarantees mental sameness. They do not want to deny that there may be conceptually possible worlds, worlds containing, say, entelechies or angels composed of subtle matter, in which psychophysical supervenience fails. So they will often add some qualification, e.g. that physical sameness guarantees mental sameness in all physically possible worlds or all nomologically possible worlds. By contrast, to say that factual phenomenalism is a conceptual thesis is to say that it recognizes no such constraint or qualification. This conceptual form of factual phenomenalism is the claim that sameness of sensory Book guarantees sameness of physical Book for all conceptually possible worlds. Since all the conceptually possible worlds are simply all the possible worlds, one can drop the qualification. The conceptual factual phenomenalist claims that sameness of sensory Book guarantees sameness of physical Book *simpliciter*.

However, this logical dependence does not imply that physical statements are translatable into sensory statements. D. M. Armstrong has made a similar point using a well-worn but excellent analogy.¹⁷ A nation is nothing more than certain relations between people. That is, facts about nations supervene upon facts about interpersonal relations expressible without using the concept of *nation*. Furthermore, this is simply a conceptual remark about nationhood and the interpersonal. However, this does not imply that statements about nations are translatable into statements about relations between persons. It may be the case that the United States entered World War II partly because of decisions made by individual members of Congress. But one can perfectly well understand the claim that the United States entered World War II without knowing who those Congressional members were or the precise decisions they made. Nor is it necessary that one be familiar with a lengthy disjunction of possible interpersonal affairs any one of which would have been tantamount to the U.S. entering the war. Similarly, the factual phenomenalist is free to say that the physical supervenes on the sensory relative to all conceptually possible worlds without being exposed as a translational phenomenalist for doing so.

The Final Version of the Theory

Now for some refinements. Although useful as an initial exposition, the earlier formulation of factual phenomenalism is imperfect. Instead of being couched in terms of indiscernibility, phenomenalist supervenience should be couched in terms of degrees of similarity between worlds.¹⁸ The

¹⁷ D. M. Armstrong, *op. cit.*, pp. 48-50.

¹⁸ Kim appears to have been the first to suggest that global supervenience is more plausible when spelled out in terms of degrees of similarity rather than

reason for this emendation is obvious upon the briefest reflection. The earlier indiscernibility formulation allows for two worlds which are radically physically different while being only slightly different in terms of sensory facts. That is, it allows that two worlds can have profoundly different physical Books while yet having sensory Books that come ever so close, but not quite, to being the same. For example, there may be another possible world that is exactly like this one in terms of all sensory facts except that in that world one color impression on one occasion is just slightly darker in hue than it is in this world. However, given that one miniscule difference, the two worlds are no longer indiscernible with regard to sensory facts and so may be as physically different as one cares to suppose. For example, in that other world, there may be no physical objects at all, or one physical object only — something suspiciously similar to a toothbrush bristle. And this is so despite the sensory facts of that world being *almost* indiscernible from those of this world.¹⁹ So factual phenomenalism should instead be understood as the claim that the *degree* to which any two worlds are similar in respect of sensory facts is matched by the degree to which they are similar in respect of physical facts. Or, similarity of sensory Book between any two worlds guarantees equal similarity of physical Book.

Appealing to similarity may seem problematic. Indeed, judgments of similarity presuppose various and sundry metrics and standards and are thus liable to lead to disagreement. However, as Jaegwon Kim has noted,²⁰ the sorts of similarity which global supervenience requires are no more problematic than David Lewis' notion of overall similarity between worlds.²¹ The friend of global supervenience and Lewis may appeal to the intuition that similarities among facts depend upon wholly objective matters.

Very likely, the reader has noticed that the global supervenience of the physical on the sensory is compatible with the global supervenience of the sensory on the physical. That degree of sensory-Book similarity corresponds to an equal degree of physical-Book similarity hardly rules out the converse, namely that physical-Book similarity corresponds to an equal sensory-Book similarity. There might even be a temptation to suppose that the two claims are equivalent. Hence, the formulation of factual phenomenalism given so far fails to capture the dependency of the physical on the sensory.

indiscernibility. See Kim op. cit., pp. 89-91.

¹⁹ This example is inspired by Kim's «wayward atom» objection to global supervenience. See Kim, op. cit., p. 277.

²⁰ Kim, op. cit., p. 90.

²¹ David Lewis, *Counterfactuals* (Cambridge, Massachusetts: Harvard University Press, 1973), Chapter Four.

However, saying that degree of sensory sameness guarantees an equal degree of physical sameness is *not* equivalent to saying that degree of physical sameness guarantees an equal degree of sensory sameness. Only the former claim guarantees that one can read off the physical facts from the sensory facts alone, and only the latter claim guarantees that one can read off the sensory facts from the physical facts alone. That is, the phenomenalist claim that some degree of sensory sameness guarantees an equal degree of physical sameness leaves open the possibility that one *cannot* read off the sensory facts from the physical facts alone. For example, this claim leaves open the possibility of inverted spectra. Moreover, the materialist claim that some degree of physical sameness guarantees an equal degree of sensory sameness leaves open the possibility that one *cannot* read off the physical facts from the sensory facts alone. For example, this claim leaves open the possibility that two worlds are experientially indistinguishable while differing in their microphysical facts.

Therefore, as an initial attempt at refinement, the factual phenomenalist can say that the totality of physical facts can be read off, at least in principle, from the totality of sensory facts but that the converse does not hold. For example, there might be a world physically indiscernible from the actual world except that people's private experiences of color are in some way different, perhaps their spectra are inverted relative to ours. (This is the phenomenalist analogue of the supposed physical multiple realizability of the mental — think of it as the sensory multiple realizability of the physical.) In other words, the physical globally supervenes on the sensory, but the sensory does *not* globally supervene on the physical. This emendation sets factual phenomenalism in sharp contrast to contemporary materialism which requires the supervenience of the sensory on the physical.

But even with this refinement, my proposed phenomenalism does not quite capture the dependency of the physical on the sensory. Given the asymmetrical supervenience just described, it remains open that the domain of physical facts and the domain of sensory facts both depend upon some third domain of facts. In that case, the fact that there can be no difference in physical Book without a difference of equal degree in sensory Book would just be a consequence of that arrangement. The physical would not really be depending upon the sensory, rather both the physical and sensory would be depending upon something else. So factual phenomenalism should be redefined so as to rule out this possibility. Specifically, the factual phenomenalist should not allow that the sensory supervenes on anything (other than itself).

The following four sentences express factual phenomenalism in its most refined form: The degree to which any two worlds are similar in respect of sensory facts is matched by the degree to which they are similar in respect of physical facts. It is *not* the case that the degree to which any two worlds are similar in respect of physical facts is matched by the degree

to which they are similar in respect of sensory facts. This implies that the physical Book on any world does *not* determine a unique sensory Book. Finally, it is also *not* the case that there are non-sensory facts of any type such that the degree to which any two worlds are similar in respect of those non-sensory facts is matched by the degree to which they are similar in respect of sensory facts.

Why Phenomenalism Now?

Even granted that global supervenience can save phenomenalism from Chisholm's critique, why bother bringing it back? One can see the value in phenomenalism by considering how contemporary philosophers have dealt with the issue of subjective experience.

Many philosophers have argued for the impossibility of providing reductive explanations (physical or computational) of subjective experience,²² and philosophers of mind in general appear to be increasingly moved by such arguments. David Chalmers has indicated what appears to be the underlying obstacle in physically explaining subjective experience.²³ He notes that physical science is only able to explain structures and functions. Specifically, it can explain macro structures by describing their micro constituents, and it can explain functions in terms of the mechanisms performing them. But a feeling of pain, for example, is not a structure composed of physical elements. Nor is being in pain simply being in some physical state playing a specified causal role. Subjective experiences are not functional states but first-order or intrinsic states. That is, they are not characterized by their causal relations, as are air-foils and mouse-traps, but by their intrinsic natures, specifically how they feel.

Instead of expecting a physical reduction of subjective experience, philosophers increasingly favor property dualism.²⁴ This is the view that subjective experiences, points of view, belong to objects in addition to their physical properties. Nonetheless, the subjective and the physical are mutually irreducible. More specifically, according to this view, brains have irreducible psychic properties, including tactile feels and phenomenal visual images, in

²² Thomas Nagel, «What Is It Like to Be a Bat?» *Philosophical Review* 83 (1974): 435-50; Frank Jackson, «Epiphenomenal Qualia,» *Philosophical Quarterly* 32 (1982): 127-36; and Ned Block, «Troubles with Functionalism,» in C. W. Savage, ed., *Perception and Cognition: Issues in the Foundations of Psychology* (Minneapolis: University of Minnesota Press, 1978), pp. 261-325.

²³ David J. Chalmers, «Facing Up to the Problem of Consciousness,» *Journal of Consciousness Studies* 2 (1995): 200-219.

²⁴ See *Ibid.*, and Thomas Nagel, *The View from Nowhere* (Oxford: Oxford University Press, 1986), Chapter Three.

addition to their neurophysiological features. Chalmers points out that such a dualism is «entirely compatible with the scientific view of the world. Nothing in this approach contradicts anything in physical theory»²⁵

However, property dualism undermines the epistemic foundation of science by reintroducing indirect realism. If subjective experience is not physical, an individual can only infer that physical objects exist by making vertical inferences from facts of subjective experience to physical facts. Since I have already argued that vertical inference is riskier than horizontal inference, it should be obvious why phenomenalism should be taken seriously: phenomenalism acknowledges the irreducibility of subjective experience without making inference to the physical vertical. That is, it shares the antireductionist advantage with property dualism but without the sceptical disadvantage.

It is worthwhile to recall that in his classic argument for the physical reducibility of subjective experience, J. J. C. Smart appealed to two criteria for a good metaphysical theory: consistency with contemporary science and Ockham's razor.²⁶ The property dualist has heeded only the former constraint. Ockham's razor is conveniently ignored as ontology swells with irreducible pains and experiences of phenomenal red.

The motivation behind Ockham's razor, it will be recalled, is epistemic. The more vertically inferred entities one posits, the more likely one's theory is to be false. By positing physical facts logically independent of the facts of subjective experience, the property dualist has proposed a riskier ontology than one wholly supervenient on the sensory.

With the implausibility of materialism and the scepticism of property dualism as its alternatives, philosophers should reconsider, however grudgingly, the virtues of phenomenalism.

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²⁵ Op. cit., p. 210.

²⁶ J. J. C. Smart, «Sensations and Brain Processes,» in V. C. Chappell, ed., *The Philosophy of Mind* (Englewood Cliffs, New Jersey: Prentice-Hall, 1962), pp. 160-172.

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«Seeing Aspects, Seeing Value»

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SEEING ASPECTS, SEEING VALUE

Joe Fearn

At the beginning of Ray Gaita's book *Good & Evil An Absolute Conception* there is this passage from Chaim Kaplan's Warsaw Diary:

A rabbi in Lodz was forced to spit on a Torah scroll that was in the Holy Ark. In fear of his life he complied and desecrated that which is holy to him and his people. After a short time he had no more saliva, his mouth was dry. To the Nazi's question, why did he stop spitting, the rabbi replied that his mouth was dry. Then the son of the 'superior race' began to spit into the rabbi's mouth and the rabbi continued to spit on the Torah.²⁷

What are we to make of the claim by the non-realist that a witness could not have seen that what the Nazi did was wrong? The common-sense conviction that the wrongness of the act is no more unobservable than its cruelty and viciousness, stems not only from a less philosophically restricted use of the word «see» but from our intuition, and the feeling that, as Gaita puts it, morality goes deep with us, and what can go deep, is constrained by what can *be* deep.

David Hume's explanation of why we believe we can see the moral worth of an act, namely that what we experience is actually a projection of sentiment, has, until recently, largely been accepted. His main point is expressed in various ways.

Vice and virtue...may be compared to sounds, colours, heat and cold, which...are not qualities in objects, but perceptions in the mind.

²⁷ Gaita. Raymond. «*Good & Evil An Absolute Conception*» (Macmillan)1991 page 1.

Hume is doubtful about what kind of entity could have a foot in each camp of an agent's mind and the external world. Hume's classic statement is well known and often quoted. Yet Hume's argument takes a resultant property (viciousness), asks you to look hard at the properties from which it here results, asks you if you discern another property like those, and then announces that because you do not, there is no such property as viciousness in the object. The whole argument is therefore an abuse of resultance.²⁸ Jonathan Dancy points out that the objection rests on Hume's argument directing our attention in the wrong direction and then insisting that since we did not see what we were looking for, there was nothing there to be seen in the first place. Dancy offers an illuminating mimicry:

Take any object allow'd to be a table: This one, for instance. Examine it in all its lights, and see if you can find that matter of fact, or real existence, which you call *its being a table*. In which-ever way you take it, you find only certain shapes, sizes, textures, and colours of its component parts. There is no other matter of fact in the case. Its being a table entirely escapes you, so long as you consider the object. You can never find it, till you turn your reflection into your own breast, and find there a certain sentiment of respect-for-ability, which arises in you, towards this object.²⁹

Despite such objections, Hume's projectivism has been influential in the development of meta-ethical theories of moral value as having a secondary existence, either having their source in our subjective nature for the non-realist, or reflecting reality as it is for the realist by being a disposition to elicit a response in us.³⁰ «The fact and value gap segregates value to keep it pure and untainted. It is not derived from or mixed with empirical facts...with the increasing prestige of science, there has been a marginalisation of the ethical-Big world of facts, little peripheral area of value», Iris Murdoch, *Metaphysics As a Guide To Morals* p.25.

What I find disturbing about the non-realist projectivism³¹ is expressed well by R.D.Laing. «If there are no meanings, no values,...then man, as creator, must invent, conjure up meanings and values,...out of nothing. He is a magician.» Yet surely our experience of growing up and maturing in a moral world is not that of a magician but an explorer, a discoverer.

²⁸ see Dancy, Jonathan. *Moral Reasons* (Blackwell)1993 page75.

²⁹ *ibid* page 75.

³⁰ See Dancy «Two conceptions Of Moral Realism» Proceedings of the Aristotelian Society 1981.

³¹ «Projectivism» was coined by Simon Blackburn. See his *Spreading The Word*.

We may agree with Hume that morality depends on feeling, and ask the non-realist to read again the passage from Kaplan's Warsaw Diary and to reflect on how it *feels* to say «I can't see it as wrong». Now I am well aware that in two worlds, one where value exists, while in the other it is absent, the inhabitants will go on taking their morality equally seriously. But my point is that it cheapens our understanding of our lives to say that morality is one thing, the meaning of things another. Essays on moral realities have tended to feature the realist as the defendant, when the boot should be firmly on the other foot. I am certain the non-realist feels revulsion as much as the realist when reading the passage from Kaplan's diary, but because of his scepticism, he takes carrion comfort³² in projectivism and denies moral reality. I feel there should be a deeper integration of morality into a concern for the meaning of our lives than is usually acknowledged by modern philosophy. Perhaps this would be realised if there could be a way of recognising that moral value constitutes part of «the furniture of the world» in a way that would satisfy both the ontology (what kind of entity value is) and the epistemology, (the grounds to prove their presence) I should like now to offer such a model. What should be included in the intrinsic nature of a visual experience, and what provides the criterion for the possession by a visual experience of a certain intrinsic nature, lies at the heart of, and provides the motivation for, Wittgenstein's examination of noticing an aspect. Christopher Peacocke in *Sense and Content* draws a distinction between two kinds of intrinsic properties of visual experience: Representational and Sensational properties. In an aspect switch experience, Peacocke maintains that what happens is that the sensational properties of the experience stay the same, whilst at least some of the representational property changes. This *prima facie* seems to capture Wittgenstein's comment «I see it has changed and yet not changed.» This also serves my purpose for an account of what it is like to notice a moral aspect, so it is worth looking at the claim closely. This is what Malcolm Budd takes the claim to be in full. To start by stating something obvious; that normally, a visual experience represents the environment of the perceiver as being a certain way.

The representational content of a visual experience is the way the experience represents the world as being, and obviously can be given by a proposition and therefore is assessable as true or false. This is intrinsic to the experience itself: an experience with a different representational content is phenomenologically different. Representational properties are possessed by the visual experience in virtue of representational content. The sensational properties of a visual experience are possessed in virtue of some aspect it has — other than its representational content-of what it is like to have the

³² A reference taken from the first line of the poem «Carrion Comfort» by Gerard Manley Hopkins, «No I'll not carrion comfort, despair».

experience. Add up these properties and we get a full specification of what having the experience is like.

Accordingly, both representational and sensational properties are intrinsic properties of the experience. So it can be seen from this that there can be visual experiences whose intrinsic properties are not fully captured by representational content: if every visual experience possesses sensational properties (which surely must be correct) then Peacocke can justifiably claim that aspect switches are to be understood as alterations in the representational content of a visual experience whose sensational properties remain the same. Peacocke's example is of a cubical wire frame, where first one then the other face appears to be in front of the other. the representational contents of both the experiences are different; the experience is unchanged when first one then the other face is seen as nearer, because its sensational content remains the same. The representational content of the experiences is a variable component.

Now an important point to hold on to, is that this variable component of the representational content of the visual experiences is not something had by the perceiver in virtue of her possession of a concept under which she brings the object seen — as when I am looking at a huge ship whose type I cannot remember, then suddenly recall it is a clipper ship, and thereby see it as a clipper. The change in the representational content of the experiences of the cubical wire framework is not merely a matter of different concepts informing an unchanging representational core. It is rather that the intrinsic nature of the representational component of our visual experience undergoes a change when we notice an aspect. The sensational properties remain the same. In the moral case, the represented moral properties are reported as good or bad, depending on the nature of the act the subject is contemplating. This means taking into account shape and salience, of noticing the pertinent features, of making sense of what is going on. The wrongness of an action would not be seen by a less virtuous person, because that salient feature, though represented, would fail to dawn. Two subjects could actually *see* the moral act differently. This is conclusively anti-interpretationist, «The essential thing about seeing is that it is a *state* and such a state can suddenly change into another one.» Wittgenstein goes on to remark that seeing an aspect is also a state, a state which has genuine duration; it can begin and end in a moment. Whether it is still going on can be checked. So here is a significant similarity between the uses of the word «see» in two contexts: seeing an aspect resembles seeing a colour with respect to duration.

My first intention in this paper was to link aspect-seeing, moral value perception and seeing colours, but it has become clear during my research that seeing an aspect should not be forced into a mould that it conforms to only in some respects. Seeing as can be taken as interpreting differently, and not so, like seeing, and yet not like. In Wittgenstein's words, «It is seeing, insofar as, it is seeing only insofar as, (that seems to me to be the solution)»

Richard Norman has described seeing moral value as «A metaphor of seeing»³³ But while it may be true that if we model our concept of seeing upon the specific features of the perception of colour or shape, then there is a divergence; when we see something different, the optical picture changes, but with an aspect switch, there is no comparable change, this does not entail that it is incorrect to think of us *seeing* an aspect. We should not restrict the word *see* to colours and shapes, but extend *see* to cover cases where I can see the father's face in the son, see that cliff as dangerous, see a smile as faint, a posture as hesitant, see a look cast upon another, and many other phenomena.

Wittgenstein tells us that our normal way of expressing ourselves does not contain any *theory*, but only a *concept* of seeing. Richard Norman says that «The insistence that something that falls under one of the many descriptions of what is seen is really visual is empty in itself and misleading if it implies a comparison with the status of colour or shape.»³⁴ (The phenomenon of Seeing as, Wittgenstein emphasised, is «like seeing, and again not like») and he tells us that there are «Hugely many interrelated phenomena and possible concepts» within the field of perception, and that the smooth transition from one concept to another creates difficulties in philosophy because «It is hard to understand and to represent conceptual slopes» The philosophical importance of the phenomenon of seeing an aspect derives from the fact that in the description of it the problems about the concept of seeing come to a head. For its irreducibility either to a purely sensory or purely intellectual paradigm make it especially suitable to promote recognition of the polymorphous character of the concept of seeing. What I have been striving for, is an account of the resemblances and differences between the concept of seeing something that falls under one of these descriptions, and other concepts of seeing — concepts of seeing something that falls under a different kind of description and especially a description solely in terms of colour and shape. As McNaughton says, we need to develop a more generous theory of perception. As Wittgenstein has emphasised, it is seeing insofar as, it is seeing only insofar as. He tells us that a fearful face can be seen, but the fear *in* the face is noticed. We should not restrict the word *see* to shapes and colours but rightly extend it to cover cases where I can see the father's face in the son, where people can see the beauty of a sunset, i.e. *see* the beauty itself directly, as interwoven in my experience of the sunset. The insolence of Macenroe on the tennis court is no more unobservable than his groundstrokes. We must allow that I can see that one thing is further away than another, that that cliff is dangerous, that I can see a posture *as* hesitant, a person *as* worried, and an act *as* wrong.

³³ Norman, Richard. «Making Sense Of Moral Realism» unpublished paper given at the philosophy of education conference at Gregynog

³⁴ *ibid.*

«There are many occasions in which one is profoundly struck by the particular shade of consciousness manifest in someone's expression or behaviour; on such occasions, it is not just that we see *that* the person is fearful or joyful—we *see* the fear in his stance, the joy in her face. Similar experiences might be cited in relation to language as well as to facial expression or behaviour; for in certain contexts, we can *experience* the expressive meaning of a form of words, *hear* the emotion of an utterance»³⁵

The realist can also adopt a strategy of analogy between colours and moral properties. The difference is that whereas Mackie, following Locke, has it that perception of secondary qualities involves error in the projectivism, (We view a secondary quality in a way more appropriate for experiencing primary qualities. Like Hume, he thinks that we mistakenly objectify moral value) the realist identifies secondary qualities as «Powers to produce various sensations in us» as Locke also insisted³⁶ and therefore secondary quality experience presents itself as perceptual awareness of properties genuinely *possessed* by the object we are confronted with. So «looking red» is implausible as being intelligible independently of «being red». so the realist can see no objection to taking the appearance of «redness» at face value. «An object's being such as to look red is independent of its actually looking red to anyone on any particular occasion; so notwithstanding the conceptual connection between being red and being experienced as red, an experience of something as red can count as a case of being presented with a property that is there anyway — there independently of the experience itself.³⁷ And there is no evident ground for accusing the appearance of being misleading. So the realist can refute Mackie's claim that a naïve perceptual consciousness takes secondary qualities for primary ones.

Secondary qualities to the realist are subjective in the sense that they are not adequately conceivable except in terms of certain subjective states. This contrasts with a primary quality which is objective in the sense that what it is for something to possess it can be adequately understood without the need of recourse to terms of dispositions to elicit subjective states. Now this is a contrast, but not one between veridical and illusory experience.

The realist can admit to a chain of properties that start at shape and colour, and extend (outwards?) to aesthetic properties and moral properties. Moral value has been proposed as an emergent property, and one which

³⁵ Mulhall, Stephen. «*On Being In The World*» Wittgenstein and Heidegger On Seeing Aspects. page 73

³⁶ Locke, John. *An Essay Concerning Human Understanding* Book 1V.

³⁷ McDowell, John. «Values and Secondary Qualities» in *Morality and Objectivity*, ed. by Ted Honderich (Routledge and Kegan Paul) 1985 page 112.

cannot outrun our discernment of it. (The «View From Nowhere» could not recognise it) While this may accord with our everyday experience, it seems to contradict the feeling that a *real* property of an object does not have to be perceived in order to exist. Similarly, the moral quality of an action does not depend on anyone's recognition of it. I shall go on to show how this can be achieved.

The analogy with colour makes it clear that our mode of perception does not create colours but allows us to see them. Similarly, moral properties, it has been argued, are real properties of objects which could be seen to have a secondary existence; perception independent, but not conception independent; something's «being red» has a necessary link with «seeing red» and something being wrong has a necessary link with someone being able to see it *as* wrong. The idea that what is real need not be independent of our peculiar way of conceiving the world comes from Kant, and was recently put forward by Thomas Nagel as a formulation for the acceptance of the manifest image³⁸ itself a rejection of austere scientific reductionism, which Iris Murdoch has pointed out as leading to the marginalisation of moral value, construing the world as composed of the hard, solid world of scientific facts, ethereal, nebulous, ghostly world of moral value. Constructing a model of moral properties as secondary properties means that moral value can be seen as a disposition genuinely possessed by the object to elicit a subjective response in us, so that metaphysically, moral properties are *real* but nevertheless subjective; they are dispositions *in* the world to produce experiences. This gives them an existence that is perception independent but not conception independent, in that moral value cannot outrun our discernment of it. Moral values on this model, do not have the highest degree of objectivity, they exist only in a secondary sense. I hope to endow moral value with a stronger realism later. Dancy has come to question the analogy with colour, pointing out that colour is strongly non-dispositional, i.e. the disposition seems to exist in the object due to it being that *colour*. The disposition exists in virtue of the fact that the object is coloured. Dancy has, however, kept the disposition in his explanation of moral realism; moral value exists as a disposition to elicit a *merited* response. Dancy inherits the idea of a *merited* response from McDowell, in the hope of capturing some of the normativity of morality, since a disposition to petition a *merited* response, is internally related to the will. Dancy points out that moral value is essentially *for us* and points to narrative structures in the world of shape and salience, and that noticing the pertinent features of what we are contemplating is a cognitive task. Moral value, Dancy says, merits *directly* and is thereby internally related to the will, and not an emergent quality, which he points out would still put something between us and our *direct* apprehension of the object under contemplation.

³⁸ Nagel, Thomas. *The View From Nowhere* (

It seems to me that if the secondary property analogy is to hold, we have three options: A. Moral value is an emergent property. B. moral value is identical with the disposition. And C. The object possesses a disposition in virtue of it possessing moral value, a position which has the moral value as separate from the disposition. Position A has been criticised by Dancy on the grounds that is insufficiently realist, putting some other emergent thing between us and our *direct* apprehension of the world.³⁹ Position B seems to conflict with position C. A circular argument that firstly has moral value as the disposition, then separate from the disposition, in that the object has a disposition in virtue of its possession of moral value.

At any rate, Dancy appeals to a narrative conception of noticing shape and salience, i.e. moral value is essentially *for us*. He says «The way in which the world exists for us when it exhibits value is a practical way.» This amounts to a denial of extreme metaphysical realism about value, which accords well with Nagel's insistence that moral value cannot outrun our discernment of it. This account of moral value meriting directly, through an inclination of the will, means we can keep the internal relation of moral value and will, while abandoning the analogy with colour. For Dancy, moral value is in the world as a disposition which is internally related to the will, so it needs perceiving minds for its «total» (as I shall call it) existence, for otherwise, it will be only a disposition, awaiting perceiving minds for «total» realisation. Value is only possible with an inclination of the will. It is that the world cannot be fully separated from our peculiar way of conceptualising it. Moral value is thus directly meriting, it forms part of the narrative structures of the world, it is *for us*. Richard Norman has suggested we should abandon talk of what is «real» in favour of talking about what is «objective».⁴⁰ He says «The value of the secondary quality analogy is that it enables us to hold on to the idea of objectivity alongside ideas of anthropocentrism at a certain level. It is, I shall suggest, objectivity rather than realism that is the important issue. Questions about the real existence of moral properties tend to get stuck in circular arguments of talk about dispositions or dissolve on closer inspection.» While I have great sympathy with this, sharing Wittgenstein's disdain for Empiricist investigation of every philosophical problem concerning what is «real» or not, I do think that I can successfully show how an acceptance of the manifest image can lead to a robust model of a direct and real existence of moral value.

Arguments about what is real and what is not «totally» real, tend to cluster around mind independence, or an object's ability to outrun our discernment of it, or how much the world can be pulled away from our peculiar way of conceiving it. I shall now offer an example of total mind

³⁹ op cit Dancy, J. «Two Conceptions Of Moral Realism» P.A.S. 1981.

⁴⁰ *ibid*

independence for moral value. Let us imagine a tribe of people who do not recognise morality. They have a hierarchy, where the interests of the stronger members take precedent over the weaker ones. They are studied by an anthropologist. One day, a member of the tribe who is currently second in command, wrongly informs the leader who is showing the anthropologist around, that his son has been attacked by a lion. The leader goes off on a wild goose chase and the deceiver gets the undivided attention of the anthropologist, which was his intention all along. Although the tribe could not recognise it as such, the moral value could be said to exist in its own right, as a deceitful act. Attempts to show how this could be so in terms of dispositions, realness, etc. will centre on mind-independence. Now the non-realist could maintain that the sneaky tribesman is only guilty of deception, which carries with it no moral value, and that the reason for calling the behaviour deceitful is down to an interpretation of the deception *as* deceitful by the perceiving mind of the anthropologist, and that *this* is why morality is not applicable to the lion even if it had attacked the boy in our imaginary tale, (morality is not strictly applicable to animals; we do not morally censure a lion for the wilful killing of a wildebeest.) and to the tribe itself, because no value exists *in* the act to begin with; only when human minds are present does the deception get *interpreted as* deceit.

The realist however, can insist, using the disposition model, that the disposition exists to petition as deceit, and can only become so when perceived by human minds possessing the concept *of* deceit. Since animals possess no moral concepts, the attack by the lion carries no moral value, and in the case of the tribesmen, petition by the disposition has no chance of being recognised without perception by human minds, therefore moral value exists as the disposition, but depends on human conception; whether we construe it as emergent from the interaction between the affecting and the affected, or as identical with the disposition. Either way, moral value is still to be thought of as a real property of the world.

I think I can suggest a better explanation of how moral value can be *totally* mind-independent and part of the independent world, while relying on anthropocentricity for its proper fruition. Our tribe's deceit could be said to be *there* in the world awaiting recognition as an *aspect*. Only human beings, or beings who share a whole network of responses with us, could recognise it *as* deceit. The ability to recognise it *as* deceit is not available to an animal, nor even to an immature infant, only to people who possess the concept of what deceit *is*. It is in this way that moral value is a real property of the world that is perception-independent, but not conception-independent, in that it relies on our conception for its apprehension and meaningfulness. A benefit of accepting my model is that unlike the analogy with secondary properties, it explains how value can exist independently of perceiving minds, not as a disposition, but in its own right, because it is an aspect of the independent world. Like the duck and rabbit aspects, both are permanently in the picture, whether we see them or not — it is just that

minds are needed to grasp their concept. So moral value is best seen as an aspect of the manifest image, only being able to be grasped by beings who possess the proper concepts to see it *as*. Since animals and our imaginary tribe possess no moral concepts, in a world devoid of human minds that can recognise moral value, moral value could be *in* the world, as an aspect of the world, existing truly mind-independently, but would be like Wittgenstein's free-spinning flywheel image, unable to have any meaningfulness except for perceiving minds that possess the appropriate concepts.

I think that Dancy is saying something interesting in his insistence that moral value is narrative. I should like to adopt this idea in offering a model of moral value as an aspect genuinely possessed by an object, which relies, like the analogy with secondary properties, not on perception, but conception. The analogy with aspects gives us a quality which is genuinely possessed by an object, due to Wittgenstein's insistence that it is what a picture can have permanently in a picture. The extension of the word see to cover cases of moral aspect perception, means that no recourse to a mysterious moral intuition is needed. This reclaims the original meaning of the word «perception» as «pertaining to the senses». We *see* aspects, not invent them, and we see the moral aspect, not a projection of sentiment. Only someone who knows what a rabbit is will see the rabbit aspect of the ambiguous figure, similarly, only someone in the possession of the right concepts will see the moral aspect. Adopting my model of moral realism also allows us a relation between moral value and the will.

We can have this relation between moral value and the will because seeing an aspect is subject to, or dependent on, the will. («One wants to ask of seeing an aspect: 'is it seeing? Is it thinking? The aspect is subject to the will: this itself relates it to thinking» Remarks On The Philosophy of Psychology Vol 2 page 544) But not always *responsive* to the will. (Last Writings On The Philosophy of Psychology. page 612) Because when we are seeing one aspect of an object and try to see it as something else, we may fail, and when trying to see an aspect permanently, it may change against our will. We can also change the aspect without being aware of any other act of volition which causes the change. (Last writings 451 & 488) and most importantly for noticing moral aspects, an object can possess a number of aspects, and if we are only seeing one of them, we can try to see another, and have an aspect brought to our attention.

I believe the experience of seeing as to be correctly ascribable to someone who has noticed the possibility of redescription. This, I believe, involves noticing *two* aspects, one present and one absent. In a straightforward case of seeing, it is a case of describing one's experience as «I can see that as wrong» In a moral dilemma, there is the recognition of the possibility of redescription, where we might say «It could also be...» where both aspects are having an effect, (though not necessarily an equal effect, it

would depend on the dilemmatic situation) both moral aspects are present, like the rabbit and the duck, and we *feel* pulled both ways, due to the moral situation being compulsively present to the will, and we feel concerned, because whatever we do, we may fail to meet an obligation. Aspect blindness, where an aspect fails to dawn, can explain moral disagreement, and moral blindness, and having aspects as permanently in the picture shows how an act can be objectively wrong whatever we think about it. An act can be wrong, and possess moral value, independently of whether anyone sees it or not. Aspect blindness can be remedied on occasion by someone who has noticed the aspect, and can point it out, bring our attention to it, as in «Can't you see it *as*?» or «It can also be-» Part of the point of the language of seeing, of vision, is to stress that coming to a moral conclusion is not a matter of applying rules, it is rather a matter of *recognition*. A recognition in which we *see* the force of moral requirements. i.e. «Seeing the situation in a certain light» as McDowell has put it. There has been much written, since David Hume, on the problem of getting an «ought» from an «is». On my model, the recognition of the morally salient features of a particular situation will do the moral work; the rule «Do not be deceitful» means far more when adoption of the rule entails that we have recognised an act *as* deceitful. Moral value is thus *for us*. Unlike animals, *we* notice narrative structures in the world, we recognise patterns, shape and salience, and the notion of *meaningfulness* is useful here, because making sense of the world is a cognitive task. Noticing the pertinent features of an object, noticing that aspect of it that is *in* the object and petitioning a response, is only possible by someone who is in the possession of the right concepts, someone whose experience has given them their «eye for the fittingness of things» to use Aristotle's phrase. Those who do not possess such moral vision, such as the very young, can be helped with training, by parents or by attending school, just as attending music appreciation classes can allow us to develop an ear for the melodiousness of a piece of music. The right teaching can equip children with the beginnings of an eye for the fittingness of things.

Stephen Mulhall claims that the notion of aspect perception captures the basic nature of our relation to the world and that this is also what Heidegger was getting at in his conception of human existence as Being-in-the-world. Mulhall borrows from Heidegger the idea that our primary relation to objects is in their use, every object is a plan of action. His basic argument is that the fact that we can see an object as something else shows we must already see it in one particular way. Therefore in a sense, all seeing is seeing as, because of this constant aspect seeing.

Stephen Mulhall says the aspect blind person interprets what the picture might be intended to represent from a direct perception of its arrangement of colours and shapes, i.e. from its properties as a material object. Such a person's responses characterise such blindness as a general sort of attitude towards pictures — a mode of treating them which reveals an orientation towards them as *material* objects rather than as representative

symbols or *meaningful* objects.⁴¹ Wittgenstein remarks that the aspect blind regard pictures as we do blueprints — they cannot immediately see the pictured scene or object in the picture.

The phenomenon of aspect blindness has been illustrated by great writers; the central character of Nabokov's *Lolita* for example, or in this stanza from W. H. Auden's «The Shield Of Achilles»

A ragged urchin aimless and alone,
loited about that vacancy, a bird
flew up to safety from his well-aimed stone.
That girls are raped, that two boys knife a third,
were axioms to him, who'd never heard
of any world where promises were kept,
or one could weep because another wept.

Auden's poem illustrates how an aspect can fail to dawn, because of the way the aspect blind cannot see the moral situation in a certain light, the aspect blind thus manifest an orientation towards human behaviour in which it is treated as *behaviour* rather than as *human* behaviour — they do not treat it as behaviour expressive of mind.

«Seeing the situation in a certain light» seems to entail that when two observers see the same thing, they see that a,b,c, with respect to that object, but if only one observer sees that d,e,f, that person in some sense sees differently; he or she sees *more* than the other. Seeing more is concerned with having a «richer conceptual pattern with respect to an object»⁴² We can agree with Iris Murdoch that The good man sees well, the virtuous man sees more, while the saint sees most of all. People require a disposition not just of applying standard labels or knowledge about things, but also the tendency to *break* the standard mould and seek a new way of seeing old things. People need also a creative and imaginative vision; to see things in a new light, where at first glance there seems to be no need for it. This is the stuff that discovery is made of. What the non-realist is saying seems to involve regarding the phenomenon of seeing-as as involving interpretation, as if we see a sunset as a brightly lit gaseous cloud of varying colour, and we infer from our direct perception of its shape, colour and movement that it is beautiful-rather like interpreting from a blueprint. It reminds me of an error in explanation for noticing a friendly glance; we hypothesize the

⁴¹ ibid page 73

⁴² Soltis, J. F. «*Seeing, Knowing & Believing*» (George Allen & Unwin)1966 page 46.

psychological significance of an instance of behaviour from our immediate perception of its constituent elements, and infer from the shape, colour and movement that it must have been friendly⁴³ The error here is that one of the fundamental aims of Wittgenstein's examination of seeing aspects is to show that aspect dawning and seeing as are a matter of seeing *rather than* of interpretation.⁴⁴ For Wittgenstein, the notion of interpretation carries connotations of formulating defeasible hypotheses, of drawing conclusions. «A crucial motivation for stressing the aptness of the concept of seeing in these contexts is precisely to underline the sense in which the friendliness of the glance is as directly, as immediately perceived as the colour of the eyes might be thought to be»⁴⁵ The same goes for our direct perception of the beauty of the sunset, and the wrongness of an act of wilful murder. If someone were to ask me for a paradigm example of a petition from the world, I would answer look to the human face. Saying that we see a person's behaviour as expressive of mind is to say that we treat such behaviour in an appropriate way. «Someone who needs to interpret the perceived physiognomy cannot intelligibly be said to have the attitude towards that behaviour (the capacity to treat it appropriately) which is grammatically bound up with calling the relation one of seeing.»⁴⁶ The non-realist wants us to believe our relation to pictures where moral value is concerned, is like that of a blueprint, from which we interpret; we get a petition which elicits a subjective state in us, which is then projected back on to the object and gets taken for objective reality. But our experience of the world is not like that of interpreting a blueprint. We are *in* the world, *of* the world, the things of experience are ready-to-hand, they are *there* and we *directly* experience them.

Constructing a model for moral value as existing in the world as aspects, gives us room for saying that some moral aspects can be picked out by some people and missed by others, in that two observers can see a situation differently. We are human beings, and members of a moral community, yet human beings are male and female; an analogy with aspects can allow for a feminine morality, where a woman could see a moral situation differently than a man. A woman in a seeing situation, may, because of her situatedness, possess a degree of difference in her moral vision: an observer is not passive in seeing, but quite active. In trying to categorise, read, match up and organise the impression of what she is seeing to match up with her acquired repertoire of perception «recipes» (coined by

⁴³ Wittgenstein, Ludwig. *Remarks on the philosophy of psychology* 1 1102.

⁴⁴ Wittgenstein, Ludwig. *Philosophical Investigations* 212D

⁴⁵ op cit (Mulhall) page 79

⁴⁶ ibid page 80

Gilbert Ryle) labels and other knowledge *about* objects of the visible world, to put a «reading» on what she sees, may involve seeking a reading beyond the standard reading which is obvious and easily applied by men.

This has made me think about where successful seeing (in cases where we see correctly) ends, and imaginative conceptualizing begins, and if indeed there is such a line, what may constitute an illegitimate crossing of the line? Blake's ability to «See a world in a grain of sand» makes fine poetry, but poses problems for my conception of moral vision, i.e. when is it legitimate to say that what someone has seen in the moral situation does not «fit the bill.»?

These «allusions» (to distinguish them from «illusions») are typically seeing a rock formation as a face, a cloud as a pig, an inkblot as a tree etc, in which we «see» a tree in the ink blot. These are visual situations which are *suggestive* but not *deceptive*. They are also not constant; the pig-cloud changes to a cow, then to a cat, we are not *deceived* by allusions, we *believe* the cloud looks like a cow, a pig, a cat. We have stepped beyond ordinary recognition. We have seen the object under contemplation as something that we believe it resembles, and yet *know* it is not. It is the firmness of belief and our active seeing which gives the appearance its different look. These are different cases in their essence from ordinary cases of seeing, and serve to emphasise the role that knowledge and belief play in seeing, for, in all the cases of seeing I have examined, by being deceptive, ambiguous, and suggestive, they show that seeing is not just a matter of light waves of a certain frequency hitting our retina from an object which we passively see, but is a complex phenomenon which is actively engaged in by us in the use we put our acquired knowledge to and the beliefs we form in a seeing situation. It is seeing insofar as, it is seeing *only* insofar as, and, like Wittgenstein, I should like to add, for me, this seems to be the solution.

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«Frankfurt, Failure, and Finding Fault»

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Frankfurt, Failure, and Finding Fault

V. Alan White

Harry Frankfurt has long argued that examples of overdetermined moral agents prove that reasonable claims of moral responsibility against them do not entail that the agents involved could have acted otherwise (stated as a necessary condition of responsibility, Frankfurt calls this the *Principle of Alternative Possibilities*, or PAP; [1]). However, recent clarifications of certain of his examples reveal the subtle presence of *ceteris paribus* assumptions at work in them that, when examined more carefully, either call his entire project into question or at least require a narrower claim for what the examples establish.

In an attempted response to some criticisms by Peter van Inwagen ([4]) to the effect that Frankfurt's arguments do not address questions of the responsibility of *failures* to act, Frankfurt ([3]) offers the example of an automobile driver Q who fails to drive attentively due to his preference to look left at scenery during a crucial moment. Frankfurt adds overdetermining conditions that counterfactually necessitate Q's looking left at that time. He then remarks: «In these circumstances, Q cannot keep his eyes straight ahead. Is he morally responsible for failing to do so? Of course he is! The fact that he cannot avoid failing has no bearing on his moral responsibility for the failure, *since it plays no role in leading him to fail.*» ([3], 292, latter emphasis mine.) Frankfurt believes that this latter claim is justified because while the overdetermining conditions in Q's case stand as redundant *sufficient* conditions for Q's failure, they are *not* at all *necessary* for Q's failing in the actual sequence of events, as opposed to necessary conditions external to an agent that were absent in a consequences-oriented example van Inwagen offered, and thus accounted (in part) for van Inwagen's agent's moral failure. Frankfurt concludes that judgments of moral failures such as that of Q are therefore *completely* justified without resort to either a PAP-

like principle or reference to any existing (but actually inoperative) overdetermining conditions:

«Failing to keep one's eyes straight ahead is exclusively a matter of what movements a person makes; it is *constituted* by what the person himself does, and what the person does is therefore both a necessary and sufficient condition for it. It cannot be said, then, that Q's failure would have occurred no matter what he had done — i.e., regardless of what bodily movements he made. If he had not moved his eyes to the left at all he would have not failed.» ([3], 292-293)

This passage bundles together not only much of the force of Frankfurt's counterexamples against PAP, but the basis of his psychologically-structured compatibilism as well [2]. For here he states quite powerfully what he takes to be the moral sufficiency of agents who act even in overdetermined conditions: «[f]ailing to keep one's eyes straight ahead is *exclusively* a matter of what movements a person makes» in such circumstances that do not bring peripheral (i.e., non-agent-related) but actually present necessary conditions of moral action into play. It is the «moral purity» of the example of Q apart from surrounding circumstances that so effectively fixes our gaze upon Q as the only entity supposedly responsible for the failure.

However, as is the case with all Frankfurt-style examples, the intuitive judgment of Q's responsibility is mainly driven by the *apparent* irrelevance of all surrounding circumstances, even ones of overdetermination, no matter what their counterfactual significance. The one subtlest factor in all this is that Q's act in the given example is *stipulated to be a failure*. This begs some critical attention be paid to the fundamental issue of what a failure is, as well as how Q in Frankfurt's example is specifically judged to fail.

Again, intuitively, it would appear that any agent's failure arises because of an absence of some normatively expected act or consequences of an act. Since Frankfurt's example requires that Q's act be a failure in some sense, it should be made clear in what sense that act constitutes an absence of some normatively expected act. In Q's case clearly this is that Q should have kept his eyes fixed on the road ahead during the time period he was actually judged to have failed. Note, however, that the normative expectation here is two-fold, both generally and specifically. Generally we expect that drivers attend to driving, *ceteris paribus*. Specifically a driver fails to be attentive if this expectation is unmet without qualification to the *ceteris paribus* specification — i.e., *if there are no circumstances mitigating our normative judgment of failure*. If we do discover such mitigating circumstances, then we may find a particular driver absolved of failure, such as when a driver is maliciously drugged or suddenly and unexpectedly attacked by

a passenger. The driver may not have been properly attentive to driving in such a case, but we do not attribute a *failure* to her.¹

Of course, in the case of Q Frankfurt argues that there are no such mitigating circumstances, and thus we may hold Q responsible for failure. In so arguing Frankfurt draws a distinction between «personal» and «impersonal» unavoidable behaviors:

«Now there are two ways in which a person's action, or his failure to act, or a consequence of what he has done, may be unavoidable. It may be unavoidable in virtue of making certain movements which the person makes and which he cannot avoid making; or it may be unavoidable because of events or states of affairs that are bound to occur or to obtain no matter what the person himself does. . . I shall refer to the first type of unavoidability as «personal» and to the second as «impersonal». ([3], 293)

Frankfurt argues that Q's unavoidable failure is personal, and thus he is «*fully* responsible for his failure» ([3], 292). Why? Though Q's act is overdetermined by external otiose circumstances, he fails due to his own behavior — not *only* because of some external condition or situation that requires failure come what may (as in van Inwagen's own imagined «impersonal» case, involving an apathetic agent unaware that a telephone he should have used was actually broken). Recall that it is Frankfurt's belief that «[i]t cannot be said, then, that Q's failure would have occurred no matter what he had done — i.e., regardless of what bodily movements he made. *If he had not moved his eyes to the left at all he would have not failed*» (emphasis mine). Hence Frankfurt argues that Q, and only Q, is responsible for his failure.

However, it is instructive to note that in this latter supportive remark that Frankfurt appeals to something like a *ceteris paribus* case of (some) Q's failure! In Lewisian modal language, the possible Q referred to in this latter statement (the «he» of the counterfactual antecedent) is a counterpart quite remote from the Q of Frankfurt's example — a counterpart Q who presumably is *not* overdetermined to fail (otherwise the consequent of the counterfactual would be false). It is this «modally remote» Q who may truly be said to have failed *ceteris paribus*, and that counterfactual reference to failure reveals that at least some of these *ceteris paribus* assumptions involve conditions *surrounding* that Q — namely that he is *not*

¹ Throughout his discussion, Frankfurt equates the event of Q's looking left at scenery with his failure to remain attentive. This collapsing together of descriptive and normative elements of the examples — essentially an equivocation fallacy — is what at bottom allows Frankfurt to attend most closely to those agent-related matters that seem so irrelevant to PAP, and diverts attention from matters of surrounding circumstances that, as I argue here, are tightly tied to PAPish assessments of fairness.

overdetermined to fail, and so does not if he does not move his eyes to the left at all. Besides the dubious — I would say equivocal — slide from arguing about Frankfurt's Q to appealing to a «modally remote» counterpart Q, this raises the question of how such *ceteris paribus* assumptions work — or are ignored — in the consideration of Frankfurt's overdetermined Q.

In general, what could be the nature of these assumptions? Appealing to familiar kinds of cases somewhat like Q's, as suggested above, they are of two varieties: one, that the agent involved is of rather ordinary character and behavioral capacity; two, that the agent is not coerced to act or otherwise interfered with in acting. In the case of Frankfurt's Q, both of these, Frankfurt would argue, are intact, and most importantly for Frankfurt's example, in spite of the presence of overdetermining conditions. I would urge, however, that this latter claim overlooks some commonly-held views on what constitutes freedom from interference.

Interferences in another's affairs are of two kinds. One is direct and causal, as in cases of forceful physical or psychological coercion. Obviously Frankfurt's overdetermining conditions for Q are irrelevant here, and assist the plausibility of his example. But another kind of interference is indirect and (at least potentially) more passive, as in cases of clandestine conspiracy. These cases constitute interference not because they are necessarily directly invasive, but because they transgress a basic concept of fairness — agents should be left completely alone to do as they, and they alone, see fit. Of course, Frankfurt could rightly point out that the overdetermining conditions for Q were, in fact, unneeded — Q *did* act as he saw fit. How then could these conditions constitute interference?

I insist to the contrary that our basic moral concept of fairness is not as restricted as that. Consider the case of a gambler who unwittingly agrees to a certain series of bets against a roulette wheel fixed by the house, which would be used near the end of the series of bets to assure that the gambler loses. As it turns out, however, the gambler's luck just happens to be so bad that the means of assured loss are never invoked. If we discover this arrangement afterwards, do we excuse the house from blame completely? I would think most certainly not — the house conspired against a player, and thus it was not possible for the gambler to win. Our sense of fairness is offended, and we may well argue that the gambler's losses should be returned. Note, moreover, that this sense of fairness is built upon something like the very PAP Frankfurt disdains, though it is not a PAP directly related to questions of personal character. For the gambler, given ordinary conditions, very likely would not have acted otherwise given his proclivity to waste money. Rather, the situation wasn't fair because the wider conditions didn't provide any possibility for the gambler to win, irrespective of his character.

Frankfurt might protest that this example is similar to van Inwagen's in crucial respects, and for that reason is similarly irrelevant as a criticism of his Q example. He could try to argue that the house's conspiratorial action against the gambler constituted matters over which the gambler had no control, and thus necessitated the gambler's losses. Hence, the gambler's «failure to win» was «impersonal», as was van Inwagen's apathetic agent (and for that reason the gambler is not fully responsible for losing his money).² However, I would counter that such an argument depends on considering the relevance of overdetermining conditions that Frankfurt himself usually questions by focussing on the actual sequence of events — namely, that *in fact* the gambler lost of his own foul luck and the overdetermining conditions were not needed, and thus played no role in the gambler's actually losing. Hence, in the actual sequence of events the gambler's «failure to win» was personal — he wanted to gamble and it turned out that he lost his money on fair spins of the roulette wheel. My point specifically is that the fixed roulette wheel was not used because the conspiratorial house «got lucky» and needed to do nothing, and yet our moral intuitions of fairness cannot exempt the house from responsibility based on the simple fact that the gambler couldn't win in any case. Note that I do not have to claim that the gambler is not at least partially responsible here — his wantonness about money need not be ignored completely. But the gambler cannot be held fully accountable for losing, which is all I must demonstrate. Our intuitions about Q, I insist, must be parallel. And generally I would say that this situation about the gambler draws out the key defect in all Frankfurt-style scenarios: there are always, according to Frankfurt, unindictable individuals or circumstances that in fact «got lucky» and needed to do nothing to bring about a certain end result. But, I insist that it is their very indictment that our sense of fairness requires, and that in turn dilutes the attribution of responsibility we apportion to the «unlucky» evil-doer (as being a sort of unwitting «free» stooge).

Hence, I would argue that Frankfurt's Q should not be held responsible for failure, or at least not fully responsible for it, as long as we consider that something or someone «conspired against» him to fail. Generalizing from this point, I would also argue that Frankfurt examples as a whole ignore the role PAP plays in our ordinary ideas of fairness: we require in general that our morally responsible actions are not merely our own, but *fairly* so, apart from a conspiratorial set of even actually otiose

² I have enclosed my references to the instance of the gambler's actually losing as «failure to win» because I wish to clearly indicate that I do not literally want the gambling loss to be construed as a *failure* in the same sense that Q may have been claimed to fail. The force of my argument concerns the surrounding circumstances that are comparable between the gambler and the case of Q, and does not crucially depend upon equivocating these obviously separate senses of «failure».

circumstances that would otherwise guarantee a particular kind of outcome. So PAP remains a necessary condition for full moral responsibility in that wider sense, even if Frankfurt's examples do serve to show — as with a more ordinary *ceteris paribus* case of our gambler — that PAP need not apply to agent's characters in order to hold them accountable.³

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³ No doubt Frankfurt would hold that my argument constitutes a *non sequitur* because PAP as he defines and discusses it relates only to his favored (psychologically structural) concept of free will, and any reference to a PAP-like principle beyond the purview of an agent's psychological makeup is an illicit attempt to associate matters foreign to that concept however relevant they might be to ulterior moral considerations (see similar comments in [3], 294). I would retort that such a claim itself misses *my* point. Free will, I insist, in its most fundamental meaning and usage must refer in part to morally relevant conditions that encompass circumstances *surrounding* an agent as well as those involving an agent's psychological states and history. As I see it, Frankfurt-style examples merely construct a sort of modal set of blinders that illegitimately screen off matters quite relevant to an adequate moral model of free will.

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«Partially Resolving the Tension between
Omniscience and Free Will»

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**PARTIALLY RESOLVING THE TENSION BETWEEN
OMNISCIENCE AND FREE WILL: A MATHEMATICAL
ARGUMENT**

Joseph S. Fulda

DEDICATION

The author would like to dedicate this paper, with love and respect, to his father and teacher, Rabbi Dr. Manfred Fulda.

One of the thorniest and most intriguing problems in the philosophy of religion has been the tension between man's free will and God's omniscience — or more exactly, His foreknowledge. For if He knows in advance what we will do, in what sense can our doing it be free?: the limited sense of the compatibilist perhaps, but that does not really satisfy: It works around the problem rather than working to resolve it. A standard answer, dating to at least Maimonides, is that the phrase «in advance» is misused. What God knows, He knows timelessly: time is a measure of change in the material and the corporeal; God is outside the realm of the material and the corporeal: His knowledge is therefore qualitatively different from ours and exists, as it were, above and without time.¹ This answer, too, seems to work around the problem rather than addressing it squarely.

In this paper, we sketch a partial resolution to this classical problem by concentrating not so much on God's omniscience as on His omnipotence. Of course, His omnipotence poses no direct problem for free will, since it is understood that any agents that He has decided to make autonomous will, up to the limits of their autonomy, be free actors. But while God does not control the autonomy of free-willed agents, He certainly does control the environment within which they act; in fact, He controls it omnipotently, i.e. completely.

¹ See, for example, Maimonides, *Guide of the Perplexed* (M. Friedländer, translator; Hebrew Publishing Company, 1881), III: XX.

In an article in *Mind*,² «The Mathematical Pull of Temptation,» we put forth a theory of temptation that can be used to show how God's omnipotence matters, how it can be used to rescue His omniscience in the face of free-willed agents. Let us briefly review this theory.

It is assumed by preachers and laymen alike that our steadfastness when presented with an object of temptation depends on (a) our character, and (b) the tempting strength of the object. To paraphrase Henry Ward Beecher on character and temptation: Temptations *without* imply desires *within*. A man ought not to say «How powerfully the devil tempts,» but «How strongly I am tempted.»³ As for the pull of the object, it is the conventional view that the stronger it is, the more likely we are to succumb and the less likely we are to resist.⁴

We put forward an alternative account of temptation which suggests that both character and the object of temptation may not, in some cases, be considerations, let alone the dominant considerations, in explaining behavior in the face of temptation.

We arranged a simple thought experiment, which we referred to as *the red case*. A man is placed in a solitary room with a red button and nothing else. For twenty-four hours, he remains alone in that room. Pressing the red button at any time initiates a sequence of sinful events which will culminate in his obtaining the object of his temptation. However slight the pull of the temptation behind the red button, it is a man of very rare will who will be able to resist its continuous lure. The man, that is, is as weak as weakest moment and the red case is conjunctive in nature: A conjunction is as false as its falsest conjunct.

We also arranged the converse thought experiment, which we referred to as *the black case*. A man has already initiated a sequence of events which will result in his obtaining the object of his temptation. Now, he is placed in a solitary room with a black button and nothing else. For twenty-four hours, he remains alone in that room. Pressing the black button just once disrupts the sequence of events that would otherwise produce for him the object of his temptation, and the temptation will have been successfully resisted. However strong the pull of the tempting object, the pull of conscience nearly guarantees that the man will leave his confinement having

² Joseph S. Fulda, «The Mathematical Pull of Temptation,» *Mind* 101(April 1992): 305-307.

³ See Henry Ward Beecher's *Life Thoughts* (Philips, Sampson and Company, 1858), pp. 73-74.

⁴ Jack Katz, *Seductions of Crime: Moral and Sensual Attractions in Doing Evil* (Basic Books, 1988).

pressed the black button. The man, that is, is as strong as his strongest moment and the black case is disjunctive in nature: A disjunction is as true as its truest disjunct.

We continued by presenting the mathematics behind these intuitions. Even if the man in the red case is a very good man, one who normally resists temptation, and even if we can quantify this judgment by saying that *a priori*, and without our intervention and the lure of the red button, he would succumb to a single presentation of the tempting object only one time in one hundred (and *this* number *does* depend on the object), simple probability calculations show that for the 4800 presentations in the red case he is virtually certain ($1 - .99^{4800}$) to succumb. (See [2] for more details and for the derivation of 4800.) Likewise, even if the man in the black case is very easily swayed by the slightest of desires, and even if we can quantify this judgment by saying that *a priori*, and without our intervention and the pull of the black button, he would succumb to a single presentation of the tempting object fully ninety-nine times in one hundred (and, again, *this* number *does* depend on the object), simple probability calculations show that for the 4800 chances he will have to resist a single presentation he is virtually certain ($1 - .99^{4800}$) to resist it. Notice that in either case switching .99 and .01 would make *no* perceptible difference for any significant number of opportunities to succumb or resist.

Now, God's omnipotence places Him in control of the opportunity structure of the world with which we are all daily faced, while man's autonomous will places him (primarily) in control of the likelihood of his succumbing or resisting an opportunity (what we call character), so the man-God interaction comes down to a^b , with man in control of a and God in control of b , and as everyone knows, b dominates a . That is the crux of the (partial) resolution of the tension between omniscience and free will: God sets up the opportunity structure within which we sin or do good and He can force an outcome out of even truly free actors, and even when He does not force an outcome, it may be plain to Him as a simple result of His knowledge of both a and b and his complete control over b . Since we would not expect forcing or prior-knowledge-without-forcing for each of man's actions, our solution remains partial, but it does suggest an avenue of thought and research on this millennia-old problem.

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Review of John C. Eccles's *How the Self Controls Its Brain*

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John C. Eccles, *How the Self Controls Its Brain*. Berlin/New York: Springer, 1994.

In his latest book Eccles claims that his dualism is an empirical theory of the mind, and that he has confirmed it. «So this book is an inexorable challenge that materialist have to answer.» (p. X) In commenting on this challenge I will not dispute any of Eccles's neurophysiological descriptions of the brain, which make up the larger part of the book, nor will I contest the thesis that the brain at its micro level works quantum mechanically. I will argue that even if all this is true, a non-dualistic interpretation of the facts rests on the better arguments. Eccles's picture is this:

a) Some electric processes in the cortex are quantum mechanically probabilistic. The ultimate synaptic units are the boutons that deliver the total contents of a single synaptic vesicle probabilistically. This quantal emission is the ultimate functional unit of the transmission processes in the brain (cf.p. 55).

b) There is a self acting on the brain. The self (the mind) is a «probabilistic field» not a material entity in space and time. Popper's ontology of the three worlds of existents is presupposed: «The new light on the mind-brain problem comes from the hypothesis that the non-material mental events, the World 2 of Popper, relate to the neural events of the brain (the World 1 of matter and energy) by actions in conformity with the physics of quantum theory.» (p. 56) Probabilistic fields carry neither mass nor energy but exert effective action at microsites (cf.p. 56).

c) This probabilistic field alters the behaviour of the probabilistic emitters in the cortex. That is its mode of interaction. «The hypothesis of mind-brain interaction is that the mental events act by a quantal probability field to alter the probability of emission of vesicles from the presynaptic vesicular grids.» (p. 69)

Therefore,

d) The self starts the brain's behaviour, it controls the brain's behavioural output.

e) Since the self is immaterial and does not act according to the laws of nature, but only by altering probabilities, the physical conservation laws are not broken. The greatest obstacle to dualism is removed. Now let us assume that (a) is true and the brain works quantum mechanically. Then there is no nomological causal determination. Now a dualist like Eccles assumes that there exists a self (a soul) as a non-causal starting point of a chain of actions. The existence of the self explains why there is a start. We need now (i) a self, and (ii) some way the self affects quantum probabilities.

The materialist on the other side who accepts (a) has to explain why something in the quantum brain happens. There is no nomological connection. And there has to be mental causation. Let us assume the materialist burden of proof. We need now (i) some way of non-nomological interaction between brain (=mental) states which starts a causal chain off and which explains psychologically why something happened. And (ii) we need - nothing else!

Although the materialist, too, is committed to a second channel of «some kind of causality» the dualist is committed to this anyway. And, furthermore, the dualist is ontologically committed to a soul. If we now take a look at criteria for choosing theories, simplicity and parsimony favour the materialist. Even if there is the possibility of an immaterial self existence somewhere out of space and time, the assumption of its existence will always be explanatory superfluous once we have accepted a second kind of causality.

Once we assume that causation in the brain is not classical causation, why do we need an extra entity? There is, a priori, no need for dualism. There is a need for a theory of non-nomological causation. This theory is missing in Eccles's book. How are the probabilities changed? Eccles repeats the thesis of a probability field, but has to confess that «...its mechanism clearly lies beyond ordinary quantum mechanics.» (p. 160).

And interactionism is a two-way traffic: Intentions act on the brain, perceptions (= neural events) yield knowledge. How do the synapses act back on the self? If the probability field depends on the states of the quantum objects (cf. pp. 108-10), why treat it as an object itself instead of treating it as a (quantum) property of the neural objects? Eccles sees the merits of dualism in two further areas: (i) freedom of the will and (ii) religion.

(i) Concerning freedom of the will, let's say (a) might well be true. If it is true, there is no overall strict determination in the brain. Even if the

causal chain starting in the brain behaves deterministically there is no nomological determinism, which would be describable in strict causal laws, because of the probabilistic origin.

But nomological determination was a problematic theory anyway: If I claim something to be true I expect my audience to assent because the reasons I have given are acceptable. If my audience behaves merely because of their causal history they lack the capacity to accept good reasons because they are good reasons (i.e., in view of our epistemic standards). As a nomological determinist I seem to contradict myself if I assume that a thesis is accepted because of our standards of epistemic evaluation and at the same time assume that this acceptance depends only on a nomologically strict natural history. If there was no place for consent and dissent in the same causal history there would be no epistemological rules which say how we should behave.

The quantum brain fits into this picture. Since there is no strict determination in the brain rules of grammar and epistemic evaluation have to be consulted with respect to some perceptual input.

But we do not have «brains with full freedom» (p. 172). Nor has Eccles «transcended» the age old problem of freedom of the will (p. 173). The above argument, if sound, does not refute psychological determinism: We might be determined by our epistemological standards, and our reasons might be the causes of our beliefs. All the psychological determinist (and a causal theory of action) has to concede is (a).

If we assume that there is a second channel of causation, it will turn out to be a description of physical events which depicts them as the epistemic proper causes of our behaviour and beliefs (i.e., a Davidsonian rationalisation). This determination is in accord with epistemology. We are determined in as much as we are rational.

(ii) Concerning religion, let's assume Eccles could tell us why a probabilistic field is attached to a specific brain, and that it is not material. Should we now speak of a soul, which is immortal, and of creation (cf.p. 180)?

No, we should not. Dualism does not make immortality more plausible than materialism. Sydney Shoemaker made this point:¹ In interactionism there can exist systems which consist of one or more immaterial substances (Eccles's self) interacting «causally» with one or more material substance (the boutons). Immaterial substances need not be simple, and if they have parts or properties by which they interact with the brain,

¹ Sydney Shoemaker. *Identity, Cause, And Mind*. London, 1984, Chap. 7.

there is no reason why it is not possible that these immaterial substances are subject to destruction through dissolution of their parts.

Therefore, dualism as a theory of mind does not solve the problems of the philosophy of religion. It does not make things more easy - neither in the debate on freedom of the will nor concerning the question of immortality. Eccles sums up with a comment on materialism: «all of this pseudophilosophy can now be rejected» (p. 169). Eccles's book is filled up with neurological descriptions of the brain and some quantum mechanics. Unfortunately there isn't much philosophy to be rejected.

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¹ Unfortunately we cannot yet handle TeX or LaTeX files. The convertors we've tried have proved useless.

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