

Aletheia

Spring 2024



TEXAS A&M
UNIVERSITY.

Table of Contents

Notes from Executive Team.....	4
Editors.....	5
A Critical Appraisal of Russell’s Normative Embrace of Probability Joseph Georges.....	8
Evaluating Neuroscience Theories of Artificial Consciousness through Philosophy of Mind Zachary Carr.....	19
Education, Equality, and Law: A Constitutional Analysis of Education John Adams.....	32
For I Am A Stoic Bennett Handler.....	42

Table of Contents

Space Law Through Reinach's Philosophy

Massaro

Ochoa.....56

Sexual Desires: I am No Sinner, For I am Simply Human and Free

Kaleigh Marshall.....70

A Helping Hand

Michael

Birdwell.....79

Notes from Executive Team

Editor-in-Chiefs and the Executive Editor

Before this year, the Aletheia organization had to shut down due to unforeseen circumstances. However, thanks to the persistence of Dr. Raymond, the journal was given a second chance. He helped gather our executive team and guided us through how the journal was run before. All of us are honored to have been given the opportunity to restore the journal to its former prestige. We wanted to thank our editors for their willingness to work with us through the difficulties of starting a journal from the ground up. Their hard work and thoughtfulness that they have poured into the journal have led to interesting insights and discussion. Watching this all unfold is inspiring to all of us on the executive team. We would like to thank our authors as well for their excellent papers ranging from a question of where consciousness begins to a critique of Russell's normative embrace of probability. We are excited to see the future of the journal and of all of our many contributors as they continue to refine and develop their thoughts, their writing, and their editing skills. With this in mind, we hope you enjoy Aletheia's 2024 Spring edition!

Thanks,
Hailey Baker, Will Stinebaker, Nelson Espinosa and Ani Vishnupriyan

Contributors

Editors

Abigail Otts, Class of 2027 and Majoring in Philosophy

Taylor Pellerin, Class of 2027 and Majoring in Philosophy

Ana Vergara Gonzalez, Class of 2025 and Majoring in Philosophy

Emily Johnson, Class of 2027 and Majoring in Philosophy

Michael Birdwell, Class of 2026 and Majoring in Philosophy

Audrey Schabel, Class of 2025 and Majoring in Philosophy

Alexander Gulde, Class of 2024 and Majoring in Society, Ethics, and Law

Joseph Georges, Class of 2024 and Majoring in Philosophy

Reece Day, Class of 2025 and Majoring in Society, Ethics, and Law

Kaleigh Marshall, Class of 2026 and Majoring in Communications and Philosophy

Alondra Salinas, Class of 2025 and Majoring in Political Science

Aaron Saikho, Class of 2025 and Majoring in Philosophy

Contributors

Authors

Joseph Georges- Originally from Houston, Texas, is a Texas A&M graduate who earned his philosophy degree in Spring 2024. His philosophical areas of interest primarily center on epistemology, normative ethics, ontology, and 20th-century continental philosophy. Beyond his role as an editor for Aletheia, Joseph's extracurricular pursuits have included roles in litigation research, coaching public speaking and debate, entrepreneurship, and software consultancy. This fall, he plans to further his education at the University of Pennsylvania Carey Law School, where he aims to specialize in corporate law.

Zachary Carr- I am an undergraduate Philosophy major set to graduate 2024 from Dallas, TX. I am currently the president of the Texas A&M Weightlifting Team and I am the undergraduate representative for the Undergraduate Philosophy Advisory Committee (UPAC). I plan on attending Texas A&M College of Law and eventually pursuing a career in law.

John Adams- John is pursuing a B.A. in Philosophy at Texas A&M University class of '25 from College Station, Texas. His research interest is in Critical Pedagogy and the Philosophy of Education. He hopes to graduate and pursue a Ph.D. in Philosophy and work towards building a better education system.

Bennett Handler- Bennett Handler is a Philosophy Major rounding out his Junior year at Texas A&M. He is from Dallas with philosophical interests such as Stoicism and Determinism. A couple awards and honors of his include Eagle Scout, Gold Presidential Service Award, and former captain of the A&M Climbing Team. In the future, he hopes to explore new areas of learning and help others with the information he learns.

Contributors

Massaro Ochoa- Massaro Ochoa is currently working on the Masters part of his BA+MA program at the Department of Philosophy at Texas A&M university. He is currently in his second and last year of his masters. His main interest lies in continental philosophy, specifically existentialism and phenomenology. After completing his program, he plans on returning for a post bachelorette in genetics and aerospace engineering and thereafter, ultimately pursuing a PhD in Philosophy.

Kaleigh Marshall- Kaleigh Marshall was born in San Antonio, Texas. When she was twelve her family moved to Traverse City, Michigan where she attended High School. During the COVID-19 pandemic, Kaleigh went to work as a laborer on the cleaning crew at Munson Medical Center, creating her awareness of the inequality in blue-collar labor and medical professions. When she graduated high school, she moved back to Texas to attend Texas A&M University. She is working towards a Bachelors degree in Philosophy and a philosophy/Pre-Law certificate while working at a local law firm in College Station. Kaleigh plans on attending law school after graduation to pursue mass tort litigation and advocate for women's rights.

Michael Birdwell- Michael Birdwell is a philosophy major from Aledo, Texas and a member of the Texas A&M class of 2026. He is interested in the metaphysics of modality, philosophy of science, and, primarily, philosophy of religion. He is interested in either going to Law school, or pursuing a PhD in Philosophy.

A Critical Appraisal of Russell's Normative Embrace of Probability

Joseph Georges

Abstract

In *The Problems of Philosophy*, Bertrand Russell challenges the reliability of inductive reasoning and promotes probability as a preferable normative methodology for acquiring empirical knowledge. This paper deconstructs and critically appraises Russell's argument that "probability is all we ought to seek" by examining its logical soundness and broader philosophical consequences. It argues that Russell's endorsement of probability, despite his framing of it as a superior methodological alternative to induction, is philosophically unconvincing due to a fallacious reliance on the same inductive reasoning he criticizes. The paper concludes that if Russell's criticisms of induction's inherent uncertainties are accepted, then probability must also be dismissed as equally uncertain and irrational. Furthermore, this critique not only undermines Russell's specific arguments but also holds significant consequences for contemporary discussions pertaining to and surrounding probability theory. By exposing the unreliability of probability due to its dependence on induction, the paper casts doubt on the epistemic value of probabilistic reasoning across various domains, including decision theory, risk assessment, and scientific inference. Ultimately, the analysis reveals that the problem of circularity, if taken to negate the value of induction, also extends to and undermines probability theory, thereby casting doubt on the legitimacy of probability as a foundation for empirical knowledge and epistemically valuable reasoning.

Introduction

In exploring epistemology, the debate between certainty and probability lies at the heart of our understanding of empirical knowledge. This intellectual battleground, where the methodologies of understanding and prediction are deconstructed and evaluated, finds a prominent and impactful analysis in Bertrand Russell's *The Problems of*

Philosophy. Here, Russell challenges the foundation of inductive certainty and posits an alternative methodology as comparatively preferable: the pursuit of probability. However, this transition from the assuredness of absolute knowledge to the tentative foundation of probabilistic reasoning is unequivocally fraught with complexities and philosophical problems that necessitate in-depth examination and deconstruction.

Russell's discourse brings to light the inherent uncertainties that pervade our attempts to understand the world as it empirically manifests. By critiquing the foundations of inductive reasoning—the method by which we extrapolate from observed phenomena to unobserved conclusions—he unsettles one of the primary tools of empirical investigation: the ability to infer future likelihoods from past occurrences. Yet, in the very act of deconstructing this method, Russell introduces a conundrum: if inductive reasoning is so fraught with uncertainty, can probability—a concept inherently linked to induction—provide a more stable foundation for knowledge? This question lies at the heart of Russell's claim that “probability is all we ought to seek,”¹ a statement laden with explicit, significant normative implications for the pursuit of empirical knowledge.

In asserting that probability is what we “ought” to seek, Russell is not merely making a descriptive claim about the limitations of inductive reasoning; rather, he is making a normative claim about the value and reliability of probability as an alternative approach to empirical knowledge. Understanding this normative dimension of Russell's argument is incontrovertibly vital for one to truly grasp the entire scope of his claim and the philosophical implications it entails.

The purpose of this paper is to reconstruct and critically examine Bertrand Russell's argument that “probability is all we ought to seek,”² as introduced in *The Problems of Philosophy*, particularly in relation to its interaction with his critique of inductive reasoning. While Russell articulates the limitations and uncertainties of inductive reasoning, he advocates for the pursuit of probability as—to some degree—a seemingly more reliable form of empirical knowledge. However, this paper argues that he fails to adequately justify the normative value and predictive reliability of probability to any sufficient degree. Furthermore, his attempts to do so ultimately concede the authority of and rely on the very inductive reasoning he criticizes. By meticulously reconstructing Russell's normative claim through its transition from a critique of induction to an unwarranted endorsement of probability, this paper aims to demonstrate

¹ Bertrand Russell, *The Problems of Philosophy*, (London ; New York: Oxford University Press, 1912), 102.

² *Ibid.*

that this argument's recommendation rests on a fallacious line of reasoning, marked by a logical circularity, a lack of non-inductive substantiation, and a false dichotomy between absolute certainty and probability. The central argument of this critique holds that Russell's embrace of probability, devoid of a distinct and rational foundation, culminates in an inherently flawed and irrational stance that fails to escape his critique of induction and errs in its attempt to establish probability as a reliable and rationally valuable alternative to absolute certainty.

To achieve this goal, this paper will undergo a two-pronged approach to this critical appraisal in engaging with his stance. Firstly, it will undertake an in-depth reconstruction of Russell's argument that holds that "probability is all we ought to seek,"³ outlining its underlying premises and dissecting its rationale. This aims to provide a clear and comprehensive understanding of Russell's perspective, ensuring that his argument is presented in its full context, intent, and complexity.

Subsequently, the paper will transition into a rigorous critique and deconstruction of Russell's argument. This section will refute the validity and logical consistency of asserting that "probability is all we ought to seek,"⁴ especially in light of Russell's own critique of inductive reasoning. By examining the potential fallacious underpinnings of Russell's normative position on probability, it aims to uncover whether his advocacy for probability withstands philosophical scrutiny or collapses under the weight of its internal contradictions.

Russell's Argument For Probability Against Induction

To begin with the first prong of our analysis, this paper will reconstruct the argument he posits, holding, once again, that "probability is all we ought to seek."⁵ In what follows, this analysis shall explore this argument in the form of a structured, premise-conclusion format to clarify the logical structure of his position prior to challenging its soundness. Russell's argument is warranted as follows:

Premise 1: Inductive reasoning, which relies on the assumption of the uniformity of nature, is inherently uncertain and limited in its ability to justify our beliefs about the unobserved. Russell expresses his skepticism about induction, stating that "all arguments which, on the basis of experience, argue as to the future or the unexperienced parts of the past or present, assume the inductive principle; hence we can never use experience to prove the inductive

³ Russell, *Problems of Philosophy*, 102.

⁴ Russell, *Problems of Philosophy*, 102.

⁵ *Ibid.*

principle without begging the question.”⁶ This premise provides a foundation for establishing the circular nature of induction, for any attempt to justify induction using experiential evidence would necessarily presuppose the very principle it seeks to prove. Therefore, inductive reasoning must remain inherently uncertain and cannot provide a rational foundation for beliefs about the future.

Premise 2: The pursuit of absolute certainty in empirical knowledge is futile, given the limitations of inductive reasoning. Russell acknowledges the impossibility of attaining absolute certainty, asserting that “all knowledge which, on a basis of experience tells us something about what is not experienced, is based upon a belief which experience can neither confirm nor confute, yet which, at least in its more concrete applications, appears to be as firmly rooted in us as many of the facts of experience.”⁷ This premise extends the foundation of certain predictions as impossible, for there is no capacity for predictive power within inductive inferences in spite of the apparent stability of our beliefs. Even though they might seem intuitively rational, their foundation is—by its very nature—unfounded and holds no rational basis for epistemically certain reliability.

Premise 3: Probability, despite its limitations, offers a more modest and reliable approach to empirical knowledge than the pursuit of absolute certainty. Russell argues that “the most we can hope is that the oftener things are found together, the more probable it becomes that they will be found together another time, and that, if they have been found together often enough, the probability will amount almost to certainty.”⁸ He further clarifies that “the greater the number of cases in which a thing of the sort A has been found associated with a thing of the sort B, the more probable it is (if no cases of failure of association are known) that A is always associated with B.”⁹ This premise introduces probability as a potential alternative to the unattainability of certainty of future occurrences, suggesting that the frequency of observed associations can, at least to some degree, provide us with predictive power.

Premise 4: The adoption of a probabilistic stance provides us with the capacity to navigate the complexities of empirical knowledge while acknowledging and accounting for the limitations of our inductive inferences. Russell contends that “we must either accept the inductive principle on the ground of its intrinsic evidence, or forgo all justification of our expectations about the future.”¹⁰ He also notes that “probability is always relative to certain data. In

⁶ Ibid., 106.

⁷ Russell, *Problems of Philosophy*, 107-108.

⁸ Ibid., 102.

⁹ Ibid., 104.

¹⁰ Russell, *Problems of Philosophy*, 106.

our case, the data are merely the known cases of coexistence of A and B.”¹¹ This provides a pragmatic foundation for probability in two ways: firstly, it provides a pragmatic justification for embracing probability, holding that it is the only viable option for making predictions given the limitations of inductive reasoning; secondly, it emphasizes its utility as internally reliable, for the relativity of probability is contained in relation to a specific data set, and we can therefore create justifiable judgments of probability from those sets.

Conclusion: Given the inherent limitations of inductive reasoning and the impossibility of attaining absolute certainty, “probability is all we ought to seek”¹² as the most appropriate and reliable approach to empirical knowledge. This conclusion encapsulates Russell’s view that probability, its own limitations notwithstanding, is the best available foundation for our empirical beliefs in the face of inductive skepticism. In asserting that “probability is all we ought to seek,”¹³ Russell frames his argument as a crucial normative epistemic claim, which will be further explored in the subsequent section.

Russell’s Argumentative Shortcomings

Now, in this second prong of analysis, this paper will critically examine Russell’s argument for the primacy of probability, focusing on the logical consistency, validity, and philosophical implications of his assertion that “probability is all we ought to seek.”¹⁴ By subjecting Russell’s reasoning to rigorous scrutiny and logical contestation, this analysis aims to isolate the fundamental flaws in his attempt to justify probability as a methodological framework with any rational basis for normative value.

To begin, let us reestablish the normative implications of Russell’s claim. By stating that probability is what we “ought” to seek, Russell is asserting that the pursuit of probability holds some normative value. However, for a framework to have normative value, it must contribute to the pursuit of an intended aim. In the case of an epistemic framework, such as probability, this aim is to derive rational conclusions about the world. Therefore, for probability to be considered as something we “ought” to seek, it must be reliable in achieving this aim.

¹¹ Ibid., 105.

¹² Ibid., 102.

¹³ Ibid.

¹⁴ Ibid.

The reliability of probability is contingent upon its ability to provide evidence for likely future empirical outcomes. However, as we shall demonstrate, probability fundamentally relies on induction in all instances. Consider the following proof:

Premise 1: To say that one “ought” to do something implies that, at the very least, doing it holds some normative value. In both moral and epistemic contexts, the use of “ought” suggests that there are justified reasons for taking certain actions or holding certain beliefs. These reasons provide the normative force behind the “ought” claim, establishing importance, value, or obligation for an action or belief in question.

Premise 2: For a framework to have normative value, it must contribute to equipping one who utilizes it in the feat of pursuing some intended aim. A framework, whether moral or epistemic, must serve a purpose or goal in order to hold value or worth for adoption in its consideration. If a framework fails to contribute to the achievement of its intended aim, then it lacks normative value and cannot be considered as something one “ought” to utilize.

Premise 3: For an epistemic framework to meet its intended aim, it must be methodologically capable of equipping one who uses it to derive at least some rational conclusion about the world by nature and consequence of its reliability. The primary purpose of an epistemic framework is to facilitate the acquisition of justified beliefs or knowledge about the world. In order for such a framework to achieve this aim, it must have a rational basis to take as reliable in its methods and outcomes, for failing to do so fails to meet its very normative aim and therefore lacks value in the project of epistemology—a project inherently tied to the end of reliable acquisition of valuable beliefs and knowledge.

Premise 4: Probability is only reliable insofar as it provides at least some evidence for likely empirical outcomes in the future. For probability to be taken as a reliable project, it must accurately predict or provide evidence for future events based on past outcomes, for if it fails to provide evidence for such outcomes, it fails to meet its end and telos in the very rationale behind generating such “probabilities.”

Premise 5: Probability, both in its use as a framework and in the evaluation of all of its individual particularities on a case-by-case basis, relies on induction in all instances. When making probabilistic inferences, one must rely on the assumption that past observations can inform future outcomes. This is something tied to the continuity of any individual case-by-case application of probability as well as the methodology of probability at large, for when one

attempts to demonstrate that probability in and of itself is a method that can yield the capacity to make predictions, one can only come to such a conclusion through the analysis of its efficacy in the past. When we've used probabilities historically, they have been consistent in predicting likely outcomes, but that does not justify the continuity of probability as a project, for the very reliability of that process is one that can only be taken from the past. If one assesses the frequency with which things corresponded with their calculated probabilities in the past in a vacuum, we wouldn't be able to assess its predictive capacity without induction.

Premise 6: Induction is irrational (as per Russell's critique). Russell critiques induction as outlined earlier in this paper, establishing that inductive reasoning inherently relies upon its own reliability, for the reliability of induction as a process can only be something we attempt to infer by assessing its historical efficacy—an inductive form of reasoning by its very nature in predicting its future outcomes.

Conclusion: We cannot say that we ought to seek probability. It follows from above that probability, which fundamentally relies on induction, is an unreliable and irrational epistemic framework. As such, it fails to meet the necessary conditions for having normative value and, consequently, cannot be considered as something we "ought" to seek. If it is inherently irrational due to its reliance on induction, then we have no normative reason to adopt or utilize it as an epistemic framework.

Furthermore, Russell's argument rests on a false dichotomy between absolute certainty and probability, incorrectly suggesting that the flaws of one (inductive reasoning) automatically validate the other (probability). This assumes, wrongly, that both forms of reasoning cannot be equally unsound. For example, if a meteorologist inaccurately predicts clear weather using empirical data, it does not inherently validate or lend credibility to a fortune teller's rain forecast based on tea leaves. The failure of one method does not inherently prove the validity of another; both methods could be fundamentally flawed. This highlights the fallacious reasoning Russell employs: debunking one method does not logically bolster the credibility of an alternative unless the alternative's efficacy is established independently.

Additionally, Russell's endorsement of probability due to its perceived modesty—its acknowledgment of limitations—mistakenly equates this modesty with enhanced reliability. Consider two fortune tellers, both using tea leaves for predictions but differing in their presentation:

1. Fortune Teller A confidently claims a specific outcome, asserting certainty in their reading.
2. Fortune Teller B presents a probabilistic forecast, admitting to the inherent uncertainty in making such predictions, suggesting there is a 60% chance of rain tomorrow.

While Fortune Teller B's approach may seem more reflective and less dogmatic by acknowledging and quantifying the uncertainty, this modesty does not inherently improve the method's epistemic capacity nor validate the accuracy of that quantification. Both fortune tellers rely on the same unvalidated technique; thus, the expressed probability by Fortune Teller B does not translate into greater predictive accuracy or reliability. It merely highlights an awareness of the method's limitations without providing a valid, reliable pathway to overcome them or to demonstrate the accuracy of the specific limitations quantified. Russell's argument fails to demonstrate how such modesty in probability substantively improves its utility over absolute certainty. The reliability of an epistemic tool lies not in its epistemic humility but in its ability to produce rationally justified and dependable predictions. Without showing that probability can offer this, its modesty serves more as a philosophical comfort than a practical advantage.

Moreover, Russell's argument fails to convincingly establish a meaningful relationship between past occurrences and the probabilistic likelihood of future occurrences. His assertion that "the oftener things are found together, the more probable it becomes that they will be found together another time"¹⁵ makes an unwarranted leap from historical frequency to future probability. This leap lacks a crucial internal link: a non-inductive justification for why past patterns should inform future probabilities. Without this link, Russell's argument fails to connect past occurrences to future likelihoods in any meaningful way.

Consider the example of a coin that is generally believed to have a 50/50 chance of landing heads or tails based on its historical flipping record. This belief is rooted in the large number of flips historically converging towards a 50/50 distribution. However, if we set aside inductive reasoning—which uses past occurrences to predict future results—we lose the basis for believing that future coin flips will continue this pattern. Without inductive justification, there is no compelling reason to assume that the physical and probabilistic factors influencing the coin will remain unchanged. In a non-inductive framework, asserting future probabilities based on past data becomes baseless. The

¹⁵ Russell, *Problems of Philosophy*, 102.

assumption that future flips will mirror the past distribution relies entirely on the continuity presumed by inductive reasoning, making the application of probability speculative at best.

Furthermore, Russell's claim that "probability is always relative to certain data"¹⁶ provides his argument with no relief. The fact that probability is always relative to certain data proves that it can be a reliable measure in establishing that, under its own framework, it is reflected as commonly or uncommonly recurring. However, there is a missing internal link between this self-contained probabilistic framework and any capacity for this framework to predict data outside of its own set, especially data pertaining to unobserved events. The efficacy of one's establishment of probability as a measure of recurrence in the past does not, in any justified way, demonstrate reliability in using such a measure to predict future outcomes, and any attempt at doing so necessarily relies upon inductive reasoning, for the efficacy of such a method can only be justified in analyzing its past successes.

Conclusion

In conclusion, this analysis reveals a fundamental tension in Russell's philosophy: his critique of induction undermines his own advocacy for probability. By applying Russell's skepticism about induction to his endorsement of probability, we expose a critical inconsistency in his reasoning. This realization extends far beyond Russell's specific arguments, challenging the foundations of probabilistic reasoning across all domains of knowledge and practice.

The repercussions of this critique are substantial and widespread. Accepting Russell's premises about the unreliability of induction leads to an epistemic impasse affecting numerous fields that rely on probabilistic methods—from scientific research and economic forecasting to medical trials and everyday decision-making. The practice of using past events to calculate probabilities of future occurrences becomes suspect, as it rests on a logically unstable foundation.

However, this critique does not merely leave point to a deadlock; it prompts a fundamental reevaluation of our epistemological frameworks. The way forward, while not immediately clear, opens several avenues for exploration. Given the central role of induction and probabilistic reasoning in our epistemic practices, we might either develop alternative a priori justifications for these methodologies or reevaluate the role of rationality in guiding our actions and beliefs. This could involve exploring a priori frameworks that offer rational justifications for induction independent of

¹⁶ Russell, *Problems of Philosophy*, 105.

empirical data, potentially grounding it in logical necessities rather than historical trends. Alternatively, we could embrace a pluralistic view of rationality within the context of normativity, which integrates rational considerations with ethical, emotional, and intuitive factors to form a more efficacious approach to decision-making. This recentered view of rationality would consider the practical implications of using rationality in action guidance, examining how it interacts with other normative factors to influence our choices and beliefs. Such an approach would not only address the philosophical shortcomings of traditional probabilistic and inductive methods but also enhance their applicability and relevance in guiding real-world decisions. These suggestions represent just a few of the many possible ways we might proceed in light of this critique, leaving the path ahead open for further exploration and innovation in our approaches to knowledge and prediction.

Ultimately, Russell's argument for the primacy of probability ultimately collapses under the weight of its own inconsistencies and limitations, leaving us with no solid foundation for accepting his normative endorsement of probability on the basis of its all-encapsulating lack of predictive capacity. If we are to take Russell's critique of induction seriously, we must also reject probability as having any power to stand as a reliable alternative to inductive certainty and continue to explore the challenges posed by induction in our continued pursuits of epistemic knowledge.

Works Cited

Russell, Bertrand, 1872-1970. 1912. *The Problems of Philosophy*. London ; New York, Oxford University Press.

Evaluating Neuroscience Theories of Artificial Consciousness through Philosophy of Mind

Zachary Carr

Abstract

Since the 1940s artificial consciousness has been a topic of interest in the field of neuroscience and philosophy. Although both fields have investigated the topic, there seems to be a disconnect between their approaches. After looking at both perspectives of artificial consciousness, I will argue that the Global Workspace Theory could prove to be a good model for simulating Husserlian intentionality in an artificial system. To show this, I will first highlight the neuroscience requirements for consciousness, namely the requirement for embodiment, information integration, and attention. Next, I will explain how even though the Global Workspace Theory lacks embodiment, it is still a good model of consciousness. After this, the philosophical background of consciousness will be given. Lastly, I will evaluate each requirement and the Global Workspace Theory with similar topics from philosophy of mind, specifically with classical computational theory of the mind and phenomenology.

Introduction

Consciousness is a topic with no definitive answers for neuroscientists and philosophers alike. There have been many theories and explanations for consciousness in both fields that seek to understand the source of consciousness or how consciousness exists in the first place. While many theories and explanations vary and are incompatible, most professionals agree that the “hard problem” of consciousness is the problem of understanding or explaining the inner workings of phenomenal consciousness. In other words, neither neuroscientists nor philosophers have a clear idea of how consciousness allows us to have first-person experience. There are explanations for how memory is stored, the difference between unconsciousness and consciousness, how we understand things, etc. However, explaining why we can consciously experience the world around us has proven to be quite a difficult issue.

While explaining consciousness in humans or animals is hard enough, the issue of artificial consciousness seems to be an even more difficult problem. Artificial consciousness has been a popular inquiry since the construction of the first digital computer. The idea that a machine, computer, or program could be conscious has attracted many thinkers and has opened new paths of exploration into the issue of consciousness as a whole. (Chuchland et al., 1990)(Signorelli, 2018)(Ng & Leung, 2020) However, there is a divide between disciplines on the issue of artificial consciousness. Some are either hyper-fixated on the theoretical or metaphysical aspects of artificial consciousness, while others neglect the philosophical inquiry and attempt to approach this issue from a purely functionalist approach. While each perspective has its merits, it seems that both miss what the other has to offer. This isn't to say that artificial consciousness has been achieved or even that it is possible, but exploring artificial consciousness in more depth could provide further insight into our own consciousness.

The sole aim of this paper is to evaluate the philosophical adequacy of neuroscientific theories of consciousness through classical computational theory of the mind and phenomenology, focusing on Husserl. This will be achieved by first presenting the major neurological requirements for consciousness, the idea that consciousness requires embodiment, information integration, and attention. Next, I will present the neural architecture hypothesized to be a model of consciousness in humans and artificial systems known as the Global Workspace Theory (GWT). I will then evaluate these theories with theories from philosophy of mind. I will argue that the Global Workspace Theory could prove to be a good model for simulating consciousness within an artificial system based on prominent notions within the philosophy of mind. This is because the Global Workspace theory helps explain Husserlian intentionality via its attention-based information integration and gets us closer to a working neural framework for phenomenal consciousness.

Neurological Requirements

In the neuroscience literature, it is widely accepted that certain requirements or criteria must be met before consciousness is possible. While there are some minor disagreements about the requirements, there are a few that are prevalent across the literature despite the discrepancies that can be found. When taking a look at the literature with a wide lens, there seem to be three major requirements that most would agree are necessary for consciousness, at least for the current examples of consciousness that we currently have. This is based on the fact that while other requirements or

theories are more often discounted, the three in this paper are most often agreed upon as being necessary. These major requirements are embodiment, information integration, and attention. Some see each one of these requirements to be the source of consciousness by themselves, while some of the newer literature will suggest some combination is the reason consciousness emerges. While other requirements are sometimes thought to be necessary for consciousness, the ones mentioned are the most common and encapsulate the literature most concisely.

Across the literature, it is suggested that embodiment is at least inseparable from human conscious experience (Carney, 2020)(Barron & Klein, 2016)(Kiverstein et al., 2015). This realization leads others to suggest that it may also be a requirement for consciousness. (Aru, 2023)(Gibbs, 2005) Embodiment is the idea that most, or all, of cognition, is influenced by or emerges from sensory experience. To explain further, embodied cognition states that all of our ideas, emotions, sensations, etc. have their foundation in sensory experience. While it could be suggested that consciousness can arise from a system without embodiment, the only instances of consciousness that exist come from embodied beings. One way to conceptualize embodiment is by describing it as the “umwelt” of a conscious being. The umwelt is the total sensory experience of the world that a conscious being has. (Uexküll, 2010) For example, A human umwelt would be mostly made up of sounds, sights, and touch. One reason that embodiment is seen as a requirement for consciousness is that without being embodied, a being would have a very limited umwelt or sensory experience. With a limited sensory experience, there would be very little for that being to consciously experience. In other words, most of, or all, conscious experience, as we currently understand it, comes from sensation. Therefore, it remains that embodiment could be a base requirement, above all else, for a conscious experience of the world.

The second requirement in neuroscience literature is information integration. The information integration theory states that consciousness is correlated with, or even directly “corresponds[,] to the capacity of a system to integrate information.” (Tononi, 2004) Information integration is the ability to translate and communicate information among different modules or systems within the brain. (Reggia, 2013) Moreover, the information that is integrated at any one moment is said to be what constitutes consciousness, and the different pieces of information that create that experience are not divisible. (Tononi, 2005) When you experience a car passing you on the street, you experience the sound of the car, the sight of the car, and even the wind from the car. However, all of these different sources are integrated into one conscious experience. You are not able to independently experience any one of the senses. Every sense experienced is

all integrated as one whole conscious experience. On top of this, the communication between different brain systems is said to create a higher level of information than would be possible on its own. (Tononi 2010) For example, if you read a sentence, your body processes the visual stimuli of reading the sentence and communicates that with other areas of the brain to derive meaning from the sentence. Some have argued that information integration is the cause of consciousness itself and that consciousness can even be characterized “mathematically both in quantity and in quality” under this theory. (Oizumi et al., 2014) While others will say information integration is only one piece of the puzzle for the emergence of consciousness. Since this paper seeks to understand the neuroscience literature on consciousness as a whole, information integration will be treated as one of the many requirements for consciousness instead of the reason for consciousness.

The third requirement that will be looked at is attention. Attention is much like information integration as it can be viewed either as the source of consciousness or just a requirement. The consensus is that attention is not the source of consciousness, but it does play a vital role. (Brogaard et al., 2020) Attention can be understood as consciously or unconsciously choosing which stream of information is to be processed within a system at any given time. It can also be understood as the “allocation of processing resources” (Cho et al., 1997) In the context of the car situation previously given, attention is the process of choosing which information to integrate and to what extent. For example, when the car passes by, the brain may subconsciously decide that the visual sensory input of the car takes precedence over the other senses and that sense is what is given the most attention, or what sensation is experienced the strongest. Furthermore, attention can be a conscious process, meaning that attention, or an allocation of processing power, can be intentionally directed towards certain stimuli or even towards an action. (Milner & Rugg, 1992) In the simplest sense, someone may focus on the sound of the car passing by or the sight of the car instead. Attention is said to be necessary for consciousness because there needs to be some sort of direction of the brain’s processing power toward a mental object. ”When we are conscious of an object, our attention is focused on that object.” (Starzyk & Prasad, 2011) In other words, to consciously experience something, attention must be given to the ‘something’. It seems intuitive that without the ability to focus on certain streams of information, conscious experience would at best be a meaningless jumble of information and, at worst, impossible.

Global Workspace Theory

Now that the neuroscience requirements for consciousness have been highlighted, an architecture for modeling consciousness can be described. The Global Workspace Theory (GWT) (Baars, 1988) is a theory that suggests that consciousness emerges from different portions of the brain communicating with each other collectively. The brain is thought to have separate, highly specialized systems that each are responsible for different operations. There is no one system responsible for the emergence of consciousness, but the parallel processing and communication between highly specialized systems create what is known as consciousness. (Baars, 2005) This simplifies the theory, but this description encapsulates the general idea behind it. Although this proposed theory isn't going to bring us to the answer of consciousness, it does provide a good framework for further understanding consciousness and possibly modeling or simulating consciousness in an artificial system. (Signa et al., 2021) This is because the GWT acknowledges some of the requirements for consciousness, such as information integration and attention. One important requirement it does lack, however, is embodiment. Based on this reasoning, it is believed that if GWT could be properly implemented into an artificial system, as well as adding the embodiment component, consciousness could be modeled accurately. (VanRullen & Kanai, 2021) This is not to be confused with creating a conscious artificial system or emulating consciousness, which most believe we are very far from accomplishing. (Juliani et al, 2022) With this in mind, simply modeling consciousness is still very useful for understanding the human brain and its functions further even if creating a conscious machine is impossible.

Philosophical Notions

In philosophy, like neuroscience, there are many different notions of consciousness, and not all of them are agreed upon. For this paper, the most popular and commonly accepted notions of consciousness will be the ones considered. Before describing the philosophy of consciousness in detail, it must be understood that there are levels of consciousness. (Bayne et al., 2016) On one end of the spectrum, there is the consciousness that adult humans have. This would be the higher level of consciousness which includes a narrative self, understanding, introspection, etc. While the low end of the spectrum would be called phenomenal consciousness. This could be described as a pure subjective sensory experience or the qualia of having consciousness. Furthermore, it can be described as the "what-its-likeness" of

being something. (Nagel, 1974) Using the famous example, what it is like to be a bat. A bat has no introspective abilities or a narrative self, but it follows that there must be some sort of subject experience of being a bat. The latter type of consciousness is the one that philosophers and neuroscientists are concerned with the most since it is much easier to understand how high-level consciousness arises from phenomenal consciousness than vice versa. This is because whatever sparks phenomenal consciousness is unknown and it's very difficult to assign a formal, concrete reason for why we can subjectively experience things. Many of the neurological theories and implementations of artificial systems are trying to identify what systems in the brain are responsible for phenomenal consciousness in the human brain, and then trying to explain or replicate these systems. Most of these approaches take a purely functionalist approach but commonly neglect some important philosophical ideals about consciousness.

When considering the possibility of simulating consciousness in a computational system, or artificially, the issue of whether the human mind can be accurately modeled comes into question. In philosophy, some will say yes, and some will say no. The theory that states that a human mind could be artificially modeled is known as the classical computational theory of the mind (CCTM). (Rescorla, 2009) Under this theory, a computer has the necessary faculties to recreate the functions of the human mind. (Chalmers, 2011) Some proponents of (CCTM) will even suggest that all thoughts are symbolic, meaning that a computer could completely model all human thought processes. (Haugeland, 1985) However, not all proponents of (CCTM) are suggesting that thoughts are merely symbolic, but simply that a computer is capable of replicating the functions of the human mind. Critics of (CCTM) will argue that a computer is not capable of replicating the faculties or functions of the human mind. For them, a computer is simply a machine that organizes information based on a set of rules, no matter how complex it is. This is because computers lack certain important aspects of consciousness that humans have, one of the most important being intentionality. (Searle, 1980) Similarly, other critics argue that a computational system cannot model the mind because it focuses on a representational model of cognition rather than on “agent-environment dynamics” or embodiment. (Chemero, 2011) Essentially what the critics of CCTM are arguing is that a computer is not able to fulfill the requirements, intentionality and embodiment, to instantiate a human mind. Therefore, if these requirements could be met in a computational system, it would alleviate some of the issues that critics have with CCTM.

The area of philosophy most concerned with understanding the subjective, phenomenal experience of consciousness is known as phenomenology. Phenomenology seeks to study and understand the subjective experience of consciousness through philosophical reasoning. That is what, how, and why we can have a phenomenal experience. The philosopher most commonly credited with beginning this specific line of philosophical inquiry in the modern age is Edmund Husserl. (Grodén, 2005) Husserl was focused on understanding the subjective human experience by way of phenomenal reduction, or by removing all presuppositions about the external world and only focusing on the internal experience of consciousness. "Rather, we are investigating what exists and remains valid whether anything like objective reality exists or not, whether the positing of such transcendence is justified or not" (Husserl, *The Idea of Phenomenology*, P.34) He is arguing that when studying consciousness we must not concern ourselves with aspects of consciousness that can be doubted, the external world, but we should focus on what is a given or what we can be sure about, which is subjective conscious experience. Furthermore, a concept in philosophy known as intentionality is what Husserl says is the foundation of phenomenal consciousness.

Intentionality has a different meaning in philosophy than in common language. Intentionality in philosophy is the directedness of the mind towards, of, or about an object. It is also believed that all mental activity involves intentionality. "Obviously there is no act of thinking without an object that is thought, nor a desire without an object that is desired." (Brentano, 1874 p68) Brentano believed all mental acts and consciousness to contain intentional properties, or that they are all directed towards an object. To clarify the idea of intentionality, if I were to imagine an orange, I could say I have a directedness of mind toward the object, orange. Intentionality can be the directedness of the mind towards an object in the mind, like the given example above, but also towards the world itself, or sensory perception of the world. In simple terms, intentionality can be described as the aiming of one's consciousness. This directedness of the mind, or intentionality is a characteristic of consciousness for Brentano. While Husserl would expand on Brentano's view of intentionality and would argue that it is not merely a characteristic, but the fundamental structure of consciousness. "The concept of intentionality, grasped in the indefinite breadth we have given it, is a concept which at the threshold of phenomenology is quite indispensable as a starting-point and basis." (Husserl, *Ideas* 1913 p173) Essentially, Husserl is arguing that intentionality is not just a necessary component of consciousness, but it is the inherent structure of consciousness.

Analyzing Neuroscience through Philosophy of Mind

With a philosophical background of CCTM and phenomenology, we can evaluate the philosophical adequacy of the neuroscience perspective of consciousness and artificial consciousness. Starting with embodiment, there seems to be a connection between the two disciplines on it being a requirement for consciousness. Neuroscience holds it to be necessary and so do the opponents of CCTM, but what about the proponents of CCTM and phenomenologists? Some proponents might argue that since the mind is purely symbolic, a computational system that lacks embodiment is still sufficient for modeling consciousness. Other proponents may also not consider it a requirement because the entire idea behind CCTM is that a computer can model a human brain. As for phenomenologists, or at least Husserl, embodiment would seem to be a requirement due to the importance of intentionality in consciousness. Since all conscious experiences are about an object, there needs to be objects for consciousness to be about, namely sense perceptions. While phenomenologists do say that consciousness can be about internal mental states that are, in a sense, separate from sense perception, our consciousness is still inseparable from embodied experience. With this being said, Husserl might not consider embodiment as a 'requirement' for consciousness, but it is an essential feature of consciousness in humans. Therefore, while in some corners of the philosophy of mind embodiment wouldn't be a requirement for consciousness, most would say that it is a requirement, or at the very least would consider it an important aspect of consciousness.

The next requirement, information integration, lacks the connection to philosophy that embodiment has. There is no direct correlation of information integration theory in philosophy, but it can be related to some topics in philosophy. (CCTM) theorists would likely not hold any strong opinions on whether it is a requirement for consciousness, but it could be considered a helpful explanation for how the mind communicates or shares information. As for phenomenologists, it could be a way of explaining the neurological processes that occur with higher levels of consciousness or intentionality. For example, it could explain how we attribute meanings to certain objects that the mind is directed at, or why we understand objects of sense perception. Furthermore, Information integration theory could prove helpful in explaining or modeling aspects of intentionality. However, it fails to explain subjective experience or intentionality at its core, because it lacks the structures needed for directing one's mind towards objects.

Therefore, in phenomenology, it could be an important step for describing certain aspects of intentionality, but it would most likely not be seen as a requirement for modeling phenomenal consciousness.

Lastly, attention would not be a specific requirement for CCTM proponents, but for opponents of CCTM and phenomenologists, it may be the most important requirement. This is because attention can be almost directly related to intentionality. Attention was described as focusing mental power toward a mental object, which is exactly how intentionality is described. This means that attention, for Husserl specifically, would be the most important requirement for consciousness because it draws a neural correlate to the philosophical notion of intentionality. While there are still gaps in explaining the direct cause of subjective consciousness, implementing attention into a model of consciousness would be essential for phenomenologists who hold intentionality as important as Husserl does.

The Global Workspace Theory would fulfill two of the three common neuroscience requirements for consciousness, with the possibility of fulfilling all three in the future, making it a promising model of consciousness from a neuroscience perspective. With that being said, would it also be a good model of consciousness from a philosophical perspective? With the philosophical implications of the requirements considered, GWT would alleviate some of the issues that opponents of CCTM had with computational modeling of consciousness. The issue being the lack of intentionality in an artificial system. Likewise, GWT would also satisfy phenomenologists, like Husserl, in the fact that attention would represent intentionality in a model of consciousness. The main issue from many philosophers would be that GWT does not currently take into account embodiment. However, as stated before, GWT could at one point be implemented into an embodied system. This would allow for GWT to account for aspects of consciousness that phenomenologists hold important, like experiencing sense perceptions. Therefore, GWT would be a good model of consciousness from a neuroscience and philosophical perspective because it would model intentionality, which is considered the base structure of consciousness in Husserl's phenomenology.

Conclusion

The exploration of artificial consciousness leads to a bridging of the gap between neuroscience and philosophy. In this paper, I highlighted the major theories of consciousness from both neuroscience and philosophy. Then, the philosophical adequacy of the neuroscience perspective was evaluated by examining the neuroscience theories through philosophy of mind.

This was done first by providing the background of the neuroscience literature by highlighting commonly accepted neurological requirements for consciousness, embodiment, information integration, and attention, and presenting the Global Workspace Theory, a model of consciousness. Next, the philosophical background of consciousness was given. The main ideas being classical computational theory of the mind and phenomenology. Lastly, the requirements of consciousness and GWT were evaluated based on related theories in philosophy. Ultimately, GWT is a good model of consciousness from a philosophical perspective because it would model intentionality, which is a requirement for opponents of CCTM and is the fundamental structure of consciousness for early phenomenologists.

Works Cited

- Aru, Jaan, Matthew E. Larkum, and James M. Shine. "The Feasibility of Artificial Consciousness through the Lens of Neuroscience." *Trends in Neurosciences* 46, no. 12 (2023): 1008–17.
<https://doi.org/10.1016/j.tins.2023.09.009>.
- Baars, B. J. "Bernard J. Baars, a cognitive theory of consciousness." *PhilPapers*. 1988.
<https://philpapers.org/rec/BAAACT>.
- Baars, B. "Global workspace theory of consciousness: Toward a cognitive neuroscience of human experience." *Progress in Brain Research*. 2005.
<https://www.sciencedirect.com/science/article/pii/S0079612305500049#bib38>.
- Barron, A. B., & Klein, C. "What insects can tell us about the origins of consciousness." *Proceedings of the National Academy of Sciences of the United States of America* 113, no. 18 (2016): 4900–4908.
<https://doi.org/10.1073/pnas.1520084113>.
- Bayne, T., Hohwy, J., & Owen, A. "Are there levels of consciousness?" *Trends in Cognitive Sciences*. 2016.
<https://www.sciencedirect.com/science/article/pii/S136466131630002X>.
- Brentano, F. *Psychology from an Empirical Standpoint*. London: Routledge and Kegan Paul, 1874 [1911, 1973, 1995].
- Brogaard, B., Chomanski, B., & Gatzia, D. E. "Consciousness and information integration." *Synthese*. 2021.
<https://link.springer.com/article/10.1007/s11229-020-02613-3>.
- Carney, J. "Thinking Avant La Lettre: A review of 4e cognition." *Evolutionary studies in imaginative culture*. 2020.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7250653/>.
- Chalmers, D. "Facing up to the problem of consciousness." <https://consc.net/papers/facing.pdf>.
- Chalmers, D. "David Chalmers, moving forward on the problem of consciousness." *PhilPapers*. 1997.
<https://philpapers.org/rec/CHAMFO>.
- Chalmers, D. "A Computational Foundation for the Study of Cognition." *The Journal of Cognitive Science* 12 (2011): 323–357.
- Cho, S. B., Baars, B., & Newman, J. "A neural global workspace model for conscious attention." *Neural networks : the official journal of the International Neural Network Society*. 1997.
<https://pubmed.ncbi.nlm.nih.gov/12662511/>.
- Churchland, Paul M., and Patricia Smith Churchland. "Could a Machine Think?" *Scientific American* 262, no. 1 (1990): 32–39. <http://www.jstor.org/stable/24996642>.
- Gibbs, Jr, Raymond W. *Embodiment and Cognitive Science*. Cambridge: Cambridge University Press, 2005.

- Glenberg, A. m. "Embodiment as a unifying perspective for psychology." Wiley interdisciplinary reviews. Cognitive science. 2010. <https://pubmed.ncbi.nlm.nih.gov/26271505/>.
- Groden, Michael, and Martin Kreiswirth. The Johns Hopkins Guide to Literary Theory and criticism. Baltimore: The Johns Hopkins university press, 2005.
- Hamilton, W. Discussions on Philosophy and Literature, Education and University Reform. 1866. Blackwood and Son.
- Haugeland, John. Artificial Intelligence: The Very Idea. Cambridge: MIT Press, 1985.
- Hume, D. An Enquiry Concerning Human Understanding. Encyclopædia Britannica, 1952, p. 150.
- Juliani, A., Arulkumaran, K., Sasai, S., & Kanai, R. "On the link between conscious function and general intelligence in humans and machines." 2022. https://www.researchgate.net/publication/359890444_On_the_link_between_conscious_function_and_general_intelligence_in_humans_and_machines.
- Kiverstein, Julian, and Mark Miller. "The Embodied Brain: Towards a Radical Embodied Cognitive Neuroscience." Frontiers, April 13, 2015. <https://www.frontiersin.org/articles/10.3389/fnhum.2015.00237/full>.
- Levine, J. "Materialism and qualia: the explanatory gap". Pacific Philosophical Quarterly 64 (1983): 354–361.
- Milner, A. D., & Rugg, M. D. The Neuropsychology of Consciousness. Academic Press, 1992.
- Ng, Gee Wah, and Wang Chi Leung. "Strong Artificial Intelligence and Consciousness." Worldscientific, 2020. <https://www.worldscientific.com/doi/abs/10.1142/S2705078520300042>.
- Reggia, J. A. "The rise of machine consciousness: Studying consciousness with Computational Models." Neural networks : the official journal of the International Neural Network Society. 2013. <https://pubmed.ncbi.nlm.nih.gov/23597599/>.
- Rescorla, Michael. "The Computational Theory of Mind." In The Stanford Encyclopedia of Philosophy, edited by Edward N. Zalta. 2009. <https://plato.stanford.edu/archives/fall2020/entries/computational-mind/>.
- Robinson, H. "Dualism." Stanford Encyclopedia of Philosophy. 2020. <https://plato.stanford.edu/entries/dualism/>.
- Rosenthal, D. "Two concepts of consciousness." Philosophical Studies 49 (1986): 329–59. <https://www-jstor-org.srv-proxy1.library.tamu.edu/stable/4319832?seq=11>.
- Searle, J. "Minds, Brains, and Programs." Behavioral and Brain Sciences 3 (1980): 417–457.
- Signa, A., Chella, A., & Gentile, M. "Cognitive Robots and the conscious mind: A review of the global workspace theory - current robotics reports." SpringerLink. 2021. <https://link.springer.com/article/10.1007/s43154-021-00044-7>.

- Signorelli, C. M. "Can Computers Become Conscious and Overcome Humans?" *Frontiers in robotics and AI* 5 (2018): 121. <https://doi.org/10.3389/frobt.2018.00121>.
- Starzyk, J., & Prasad, D. "A Computational Model of Machine Consciousness." 2011. https://www.researchgate.net/publication/228726238_A_computational_model_of_machine_consciousness.
- Stoljar, D. "Physicalism." *Stanford Encyclopedia of Philosophy*. May 25, 2021. <https://plato.stanford.edu/entries/physicalism/>.
- Tononi, G. "An information integration theory of consciousness." *BMC Neuroscience*. November 2, 2004. BioMed Central. <https://bmcneurosci.biomedcentral.com/articles/10.1186/1471-2202-5-42>.
- Tononi, G. "Consciousness, information integration, and the brain." *Progress in Brain Research*. September 25, 2005. <https://www.sciencedirect.com/science/article/pii/S0079612305500098>.
- Tononi, G. "Information integration: Its relevance to brain function and consciousness." *Archives Italiennes de Biologie*. 2010. <https://www.architalbiol.org/index.php/aib/article/view/1224/1088>.
- Turing, A. "Computing Machinery and Intelligence." *Mind* 49 (1950): 433–460.
- Tye, Michael. *Consciousness and Persons: Unity and Identity*. Cambridge, MA: MIT Press, 2003.
- Uexküll, J. von. *A foray into the worlds of animals and humans: With, a theory of meaning*. University of Minnesota Press, 2010.
- VanRullen, R., & Kanai, R. "Deep Learning and the Global Workspace Theory." *Trends in Neurosciences*. 2021. <https://www.sciencedirect.com/science/article/pii/S0166223621000771>.

Education, Equality, and Law: A Constitutional Analysis of Education

John Adams

Abstract

This paper investigates the extent to which the United States Constitution protects a right to education. The analysis covers four perspectives: no protection, minimal protection, Primitive Equality, and Affirmative Equality. The "No Protection" view argues that the Constitution does not explicitly mention education, thus offering no protection. The "Minimal Protection" view posits that a basic level of education is necessary to exercise other constitutional rights, particularly the First Amendment's right to freedom of speech. "Primitive Equality" suggests that if the government provides education, it must do so equally in a *de jure* sense, without ensuring *de facto* equality. "Affirmative Equality," on the other hand, advocates for an active role in ensuring equal educational opportunities, addressing factors that create disparities. The paper concludes that the Constitution does implicitly protect a right to an Affirmatively Equal, minimum standard of education, which is necessary for meaningful participation in a democratic society. The implications of this reasoning extend to recognizing other implicit rights and affirming equality across various aspects of life, thereby fostering a more just society.

No Protection

In this section I will discuss the opinion that the United States Constitution does not express a protection of any right to education. A proponent of this view may argue that the United States Constitution does not explicitly mention education and that the constitution only expresses protections for rights that are expressly enumerated. Therefore, they assert, the Constitution offers no protection of a right to education. This was the opinion of the Supreme Court majority in *San Antonio Independent School District v. Rodriguez*: "Education, of course, is not among the rights afforded

explicit protection under our Federal Constitution."¹ Proponents may not consider education to be a right at all, or even if there is a right to education generally, the Constitution in its present state offers no protection.

In this view, proponents may believe that if the framers of the constitution wanted to have a protection of education they would have explicitly mentioned it, or would have created educational protection while they were in power. This is consistent with an originalist view of constitutional interpretation. Since it seems as if the First Amendment was not intended by the framers to immediately protect education, then it would be undemocratic for jurists to retroactively interpret a protection without going through the proper legislative channels.

A proponent of this view may believe education to be vitally important but not constitutionally protected. The importance of education to government and society is not controversial. As affirmed by the majority opinion in *Brown v. Board of Education*, "Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education in our democratic society."² It was then reaffirmed by the majority opinion in *San Antonio Independent School District*: "We are in complete agreement... that 'the grave significance of education both to the individual and to our society' cannot be doubted."³ The given "no protection" argument makes no claims for or against the necessity or importance of education either as a state interest, public interest, or personal interest.

Furthermore, federal protection of education might actually hinder education in America. Denying federal protection pushes the question of education down to other social systems, which could potentially operate better without a constitutional ruling. The Constitution might be "too blunt an instrument"⁴ to progressively manage education. Who knows what the Supreme Court would ordain as the right to education? Education is complex, and the Supreme Court may not be prepared for the "enormous task... to develop multi-faceted strategies to insure quality

¹ *San Antonio Independent School Dist. v. Rodriguez*. 411 U.S. 1 at 35 (1973).

² *Brown v. Board of Education*. 347 U.S. 483 at 493 (1954)

³ *San Antonio Independent School Dist.*, 411 U.S. 1 at 30

⁴ Sutton, Jeffrey S. "San Antonio Independent School District v. Rodriguez and Its Aftermath." *Virginia Law Review*, vol. 94, no. 8, December 2008, pp. 1963-1986. HeinOnline., 1980.

education for all of America's children."⁵ This argument is pertinent for those who believe that the legal system is chiefly a tool of societal influence of the time. As such, they might argue that we ought not read the protection of education into the Constitution if there are better avenues for promoting education: "Rather than re-litigate *San Antonio Independent School District* and devote many resources to recognition of a federal right to education, we need to focus on litigation efforts in the states."⁶

Minimum Standard

In this section, I will discuss the opinion that the United States Constitution expresses a protection of some minimal standard of education. A proponent may argue that since the First Amendment of the Constitution explicitly protects the right to freedom of speech, a minimal level of education is necessary in order to actually exercise this freedom. Therefore, the United States Constitution protects a right to education insofar as it is necessary to protect the freedom of speech. Proponents may propose a "nexus" theory: since education "bears a particularly close relationship to other rights and liberties accorded protection under the Constitution," education itself ought to be protected.⁷

This argument does not actually say that the government itself must provide the education, but rather that a basic standard of education should be universally met. For example, it could be a parental duty to ensure their children receive education through private, non-profit, or religious institutions, with government intervention possibly taking the form of sanctions against parents should their children not receive adequate education. So even if the federal courts are not apt to deal with the intricacies of education,⁸ they could still pass down a ruling which could be used to guide or litigate state programs which do not meet adequate standards. This is similar to how *Endrew F. v. Douglas County School Dist. RE-1* was argued. The court did "not attempt to elaborate on what 'appropriate' progress will look like from case to case" for every child, but in their ruling still provided protection for handicapped students by having it

⁵ Banks, Taunya Lovell. "Unfinished Journey - Education, Equality, and Martin Luther King, Jr. Revisited." *Villanova Law Review*, vol. 58, no. 3, 2013, pp. 471-486. HeinOnline. 483.

⁶ Banks, 483.

⁷ *San Antonio Independent School Dist.*, 411 U.S. 1 at 35.

⁸ See note 4 and 5 above.

such that "a reviewing court may fairly expect those authorities to be able to offer a cogent and responsive explanation for their decisions that shows the IEP is reasonably calculated to enable the child to make progress appropriate in light of his circumstances."⁹

The minimum standard argument also leaves ambiguity regarding to what extent education is necessary. The minimal level of education could be just enough to be able to fill out a ballot or sign one's name. On the other hand, it could be a higher standard of education, something like that of a high school education or beyond. One argument is that the standard should be at a level which offers a person to "reasonably be expected to succeed in life," as noted in *Brown*, and this expectation of success should be considered in "its present place in American life throughout the nation" rather than in some time in the past.¹⁰ However, this standard still leaves the ambiguity of what it means to "succeed in life."

Primitive Equality

In this section, I will discuss what I have termed "Primitive Equality." To understand this, I will discuss the "Equality" concept within the Fourteenth Amendment, specifically the Equal Protection clause, which guarantees "equal protection of the laws." A proponent may argue that if the government offers education, then that education must be provided equally. This argument was clearly established in *Brown v. Board of Education* as is stated, when talking about the "opportunity of an education," that "such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."¹¹ The relevant question for this paper is how the Fourteenth Amendment applies to education and whether a "Primitive" or "Affirmative" standard is necessary.

The difference between "Primitive" and "Affirmative" equality is in how the Fourteenth Amendment is interpreted. Historically, the Equal Protection clause has provided a *de jure* (by law) equality, where there is no discrimination within the letter of the law, as opposed to a *de facto* (by fact) equal result from the law. Proponents of the *de jure* application of the Fourteenth Amendment may argue that the Constitution's jurisdiction only applies to the inequality within the laws, and any resulting *de facto* inequality from *de jure* equality does not necessarily "violate the

⁹ *Endrew F. v. Douglas Co. School Dist. Re-1*, 580 U.S. 386 (2017) at 1001, 1002

¹⁰ *Brown*, 347 U.S. 483 at 492-493.

¹¹ *Brown*, 347 U.S. 483 at 493.

Constitution," even if the result is "chaotic and unjust."¹² This *de jure* understanding of equality is an example of Primitive Equality. Thus, Primitive Equality in the law could be seen as trying to equalize the law whereas Affirmative Equality will try to promote the equality of people.

An example of Primitive Equality with regard to racial segregation is in *Brown v. Board of Education*. In this landmark Supreme Court case, the majority opinion stated that "laws requiring or permitting segregation according to race" are against the Fourteenth Amendment.¹³ Taunya Lovell Banks notes that "*Brown* only dealt with *de jure* segregation."¹⁴ But one issue (or perhaps, to some, a feature) of *Brown's de jure* standard is that it still results in *de facto* segregation: "America's schools are no longer segregated by law, [yet] a substantial percentage of school children are consigned to racially isolated schools."¹⁵ Since so many racial minorities were (and are) still in unequal schools compared to their white counterparts, their equality was not affirmed. Primitive Equality may simply validate any education system that is free of explicit bias. For example, in a public school system, each public school might receive the same funding per pupil, or in a school voucher system, every family would get the same amount per student. It would be irrelevant if this actually resulted in equal educational opportunities for the students.

Many proponents of a Primitive Equality consider it to be the authors of the 14th Amendment's intentions. They say that since the 14th amendment was used in the context of racism in the law, that it should really only apply to that context despite any generalized language. This is similar to how the originalists interpret the constitution, but instead of the founders' intention they defer to the intentions of the authors of the amendment. A common reproach is to argue the ambiguous language was intentional and that if they wanted it to only apply to race in the law then they would have written it that way. Also, opponents may argue against the primacy of the author's intentions altogether. That as our understanding of equality develops, so too should our interpretation of the laws.

Further, A proponent of a Primitive Equality may also believe that the Constitution protects a minimum standard of education. Then, a law that at least protects everyone to the minimum standard of education would satisfy

¹² *San Antonio Independent School Dist.*, 411 U.S. 1 at 39.

¹³ *Brown*, 347 U.S. 483 at 488.

¹⁴ Banks, 477.

¹⁵ Banks, 472.

the Primitive Equality standard even if some people benefit much more from the law than others. This was an argument in the majority opinion in *San Antonio Independent School Dist.* where they upheld that "no charge fairly could be made that the [Texas school financing] system fails to provide each child with an opportunity to acquire the basic minimal skills necessary for the enjoyment of the rights of speech and of full participation in the political process."¹⁶ If only the minimum is held to the standard of protection, then anything above that may be at the complete will of legislatures. What is the limit of the extra? Would the Supreme Court be willing to, say, uphold a law that gives white kids an advantage so long as the other students had some minimal protection? Proponents would probably consider education above the minimal standard to still require *de jure* equality, however I think the intuition to maintain some *de jure* equality even into parts of the law beyond what may be necessarily "protected" is what is at the heart of the Affirmative Equality turn.

Affirmative Equality

Fourth, I will discuss what I have termed as "Affirmative Equality." The argument is the same as the previous — if the government provides education, then it must provide that education equally — but takes a different interpretation of the Fourteenth Amendment's Equal Protection Clause. A proponent of Affirmative Equality might say that true equality must be actively affirmed to be protected. For example, in *Brown v. Board of Education*, it is stated that "[a] sense of inferiority affects the motivation of a child to learn."¹⁷ As such, Affirmative Equality would say that if there exist factors that promote a sense of inferiority — say, for instance, a comparatively dilapidated school, an inadequately accommodated disability, or subjection to poverty¹⁸ — then those factors must be actively righted to mitigate the sense of inferiority. This is where I get the term "Affirmative" in "Affirmative Equality," in that we must actively affirm the equality of all people to have truly equal protection.

A proponent of an Affirmative Equality schooling system may also believe in the aforementioned "nexus" theory with regard to education and the First Amendment. According to said theory, because a person's education and the effectiveness of their speech are so closely related that if some people are given an unequal education, then there is

¹⁶ *San Antonio Independent School Dist.*, 411 U.S. 1 at 37.

¹⁷ *Brown*, 347 U.S. 483 at 494.

¹⁸ See Kozol's *Savage Inequalities* for an account of the, well, savage inequalities that exist within the American school systems.

a resulting inequality in the protection of their right to freedom of speech. The equality of their rights must then be actively affirmed. For example, the Supreme Court has upheld legislation for special funding for disabled students with The Education of the Handicapped Act. The Supreme Court has ruled that this act goes beyond simply having handicapped students in the same classroom as their able bodied peers, but the "'basic floor of opportunity' provided by the Act consists of access to *specialized* instruction and related services which are *individually designed* to provide educational benefit to the handicapped child."¹⁹ The person behind should be given more resources to catch up even if that results in a violation of Primitive Equality. In this way Affirmative Equality is not an extension of Primitive Equality but an evolution.

This evolution idea makes Affirmative Equality compatible with legal realists who see this development of the understanding of equality to be a development in the proper way the law should be interpreted. Also, Affirmative Equality is compatible with a living constitutionalist interpretation. Living constitutionalists believe the interpretations of the law is a task for the living and the now, so if the understanding of equality has changed in a society then the interpretation of the laws should match. However, many living constitutionalists may be more practical and look to using the law in the most effective way possible. In that case they may be persuaded by practical arguments in the "No Protection" section of this paper.²⁰

Further, Affirmative Equality may seem like it harms those who are privileged. Many critics argue that Affirmative Equality only helps the underprivileged by hurting the privileged, calling it a "Robin Hood approach."²¹ However, Banks argues that diversity benefits an educational environment: "racial isolation of *any* race... is harmful to the education of all American children."²² Life is diverse, and "schools must... be even more diverse socio-economically to adequately prepare America's youth for the diverse world in which they will live and work."²³

¹⁹ Hendrick Hudson Dist. Bd. of Ed. v. Rowley. 458 US 176 (1982) at 201. (added emphasis).

²⁰ See note 4 and 5 above.

²¹ Kozol, Jonathan. *Savage Inequalities: Children in America's Schools*. (New York: Crown Publishers, Inc., 1991), 229.

²² Banks, 479.

²³ Banks, 473.

An Affirmative Equality understanding applied to education can help guarantee the diversity needed, and it also could be the moral response not only to the unjust denigration of a group, but as a response to the unjust elevation of some other groups. Just as it may be a breach of equality to teach students they are inferior in their humanity, it would be unjust to teach some students they are superior in their humanity.

Ultimately, though, I believe that the Constitution of the United States does express a protection of a right to an Affirmatively Equal, minimum standard of education as it has the moral standing. Starting from the "self-evident" truth that "all [people] are created equal," as declared in the Declaration of Independence, our government ought to enact laws which affirm this equality. The question arises of how to philosophically formulate an affirmation of equality. One way is Jean Hampton's "expressive" theory of retribution. In this model "retribution is a response to a wrong that is intended to vindicate the value of the victim denied by the wrongdoer's action through the construction of an event that not only repudiates the action's message of superiority over the victim but does so in a way that confirms them as equal by virtue of their humanity."²⁴ In this case, the "wrongdoer" is the law and the "event" to be constructed is a better law which affirms the equality of all people. *Brown* is very clear that the issue with the segregated school was one of a "sense of inferiority" and specifically uses the 14th amendment's equal protection clause to combat it.²⁵ The resulting equality may have been *de jure* and "primitive" but the spirit is one which fits this theory of retribution: "to right the wrong."²⁶ That is, to make equal the inequality.

Conclusion

As I have shown, the Constitution of the United States may have multiple different answers to the question of to what extent it protects the right to education. I believe that we *can* identify implicit rights within the Constitution, one of which is education, specifically from the First Amendment, and that by the Fourteenth Amendment we must affirm the equality of the provided education.

²⁴ Hampton, Jean. "Correction Harms versus Righting Wrongs: The Goal of Retribution," *UCLA Law Review* 39, no. 6 (August 1992): 1686.

²⁵ *Brown*, 347 U.S. 483.

²⁶ Hampton, 1663.

However, I believe that the standard level of education ought to be much greater than the ability to physically fill out a ballot. If we truly believe that every person ought to have a meaningful and equal say in governance, then people must be treated as equals in terms of their right to participate in the democratic system. If we want true freedom of speech and a strong democratic society, then our standard of education should enable a person to evaluate the Constitution themselves and investigate all the intricacies of constitutional interpretation. If every person is a king, then every person ought to be educated like a king.

Further, I believe that there are plenty of other implicitly protected rights in the Constitution that have yet to be recognized. We can take explicitly protected rights and derive implicitly protected rights using "nexus" theory. Then, we can apply the Equal Protection clause to the implicitly protected rights to create a society where everyone's moral equality is not merely nominal, but actively affirmed. The logical conclusion of my position is foreshadowed in the *San Antonio Independent School District* majority opinion, "that the ill-fed, ill-clothed, and ill-housed are among the most ineffective participants in the political process, and that they derive the least enjoyment from the benefits of the First Amendment."²⁷ Therefore, if we believe that everyone should have an "equal enjoyment from the First amendment," we have a duty to ensure that everyone is at least adequately fed, clothed and housed.

²⁷ *San Antonio Independent School Dist.*, 411 U.S. 1 at 37.

Works Cited

- Banks, Taunya Lovell. "Unfinished Journey - Education, Equality, and Martin Luther King, Jr. Revisited." *Villanova Law Review*, vol. 58, no. 3, 2013, pp. 471-486.
- Hampton, Jean. "Correction Harms versus Righting Wrongs: The Goal of Retribution," *UCLA Law Review* 39, no. 6 (August 1992): 1659-1702.
- Kozol, Jonathan. *Savage Inequalities: Children in America's Schools*. New York: Crown Publishers, Inc., 1991.
- Sutton, Jeffrey S. "San Antonio Independent School District v. Rodriguez and Its Aftermath" *Virginia Law Review* 94, no. 8 (December 2008): 1963-1986.
- United States, Supreme Court. *Brown v. Board of Education*. 347 U.S. 483 (1954). Google Scholar, https://scholar.google.com/scholar_case?case=12120372216939101759&q=brown+v+board+of+education&hl=en&as_sdt=6,44
- United States, Supreme Court. *Endrew F. v. Douglas Co. School Dist. Re-1*, 580 U.S. 386 (2017). Google Scholar, https://scholar.google.com/scholar_case?case=1497143189252819425&q=Endrew+F.+v.+Douglas+County+School+Dist.+RE%E2%80%931&hl=en&as_sdt=6,44
- United States, Supreme Court. *Hendrick Hudson Dist. Bd. of Ed. v. Rowley*. 458 US 176 (1982). Google Scholar, https://scholar.google.com/scholar_case?case=16407799260147120534&q=458+U.S.+176&hl=en&as_sdt=6,44
- United States, Supreme Court. *San Antonio Independent School Dist. v. Rodriguez*. 411 U.S. 1 (1973). Google Scholar, https://scholar.google.com/scholar_case?case=13531894237346705488&q=san+antonio+independent+school+dist+v+rodriguez&hl=en&as_sdt=6,44

For I Am A Stoic

Bennett Handler

Abstract

This paper, upon the topic of Stoicism, aims to highlight connections between Stoicism's own Cardinal Principles and a modern day method of maintaining control in the Twelve Steps of Alcoholics Anonymous (AA). A brief overview of Stoicism is given, followed by examples of more modern day practices of Stoicism. Pop culture examples are used to explain Marcus Aurelius's Cardinal Principles of Stoicism. With the understanding of the Cardinal Principles, a table is used to show how each step of the Twelve Steps of Alcoholics Anonymous falls into the four principles. Finally, the reader is called to action to use the aforementioned steps in their own day to day life. The analysis reveals how Stoic principles can be applied to contemporary challenges, offering a structured approach to personal growth and recovery. Moreover, this exploration reveals the timelessness of Stoic philosophy in dealing with life's trials, offering practical insights for modern individuals seeking resilience and inner peace.

Drip.

Drip.

Drip.

Drop.

Deafening silence, interrupted only by the rhythmic falling of water out of my sink. The mesh on the tip of the faucet holding back the stream of water above. Yet, despite the marvelous engineering, the sink would fail and would let one droplet of water fall to the drain. I had been trying to fix it for a few months now, but regardless of how much I tried, the drip simply kept on dripping.

Drip.

Drip.

Drip.

Drop.

I held the bottle of gin to my lips once more. The cold emerald glass of Tanqueray resting on my chapped lips, pulling at some of the dryer and cracked parts. My arm fell down slowly from exhaustion, attempting to keep my hand raised to wipe my face with the back of it, but it was inevitable... I couldn't lift it up anymore. I looked over at the bottle once more realizing it had been finally finished. The sink created an almost hypnotic echo throughout the house. My eyes drooped down before my head snapped up trying to maintain consciousness.

Drip.

Drip.

Drip.

I never made it to the next drop. I had passed out. Bottle in hand. Fighting for control with the desperation of a drowning man; thrashing my body around in water as hard as possible, yet unable to save myself as I slowly sink below the surface.

Control is an interesting concept. It is a paradox within itself. On one hand, an individual must control their actions, reactions, and words. Society would judge them otherwise and difficult natural consequences would ensure. On the other hand, that same individual must relinquish control and surrender to circumstances beyond their control, thus choosing to be content even when feeling helpless. Every individual handles this choice differently. As an addict myself, my manner of grasping for control is using substances such as alcohol to dampen my feelings towards a subject. I feel scared, so I drink. I feel out of control, so I forget. The damage it has done to my own life has been immeasurable. Others use exercise, journaling, therapy, and even self-harm. Each is an attempt to manage the reality that control outside of ourselves is a mirage. But, how do we differentiate between positive ways and negative ways to handle such situations? How can we handle what we fear most?

The Stoics believed they had an answer to that question. Throughout the multitude of years of philosophical discourse and debate, the idea of control has come up numerous times. Hellenistic philosopher Zeno of Citium,

founded the idea of Stoicism in 300 BCE in an attempt to aid individuals in such situations. Yet, it was not until Marcus Aurelius, a Roman emperor from 161-180 CE, defined what was known as the Four Cardinal Principles, that this ideology began to take off. However, even with its new found popularity, Stoicism had one perennial issue. How do you implement such principles in a modern society? This paper aims to shed light upon what stoicism is and its four cardinal principles through the utilization of examples of each principle influencing pop culture today, and ultimately offering a more modern day and effective method of relinquishing control impacted by Stoicism.

Finding inner peace is the Fountain of Youth that many strive for in this world. Whether through methods such as meditation, yoga, or even journaling, humankind's desire to feel peace, stability, and control has been around since time immemorial. Stoics were of the opinion that "evil was not inherent to human beings but simply came from ignorance..." (Hodsdon). Furthermore, by striving for inner peace, mankind could avoid evil, ignorance, and unhappiness which in turn would allow the common man to lead a virtuous life. Yet, how would someone achieve such virtuosity? The Stoics proposed four cardinal ideals for which to live life by: **Courage, Justice, Temperance, and Wisdom**. Through these four ideals, a man would begin to understand how to live a virtuous life. A happy life. A life of self-control. A life at peace.

The question then arises as to what is the purpose of life? The critically acclaimed Will Smith movie, The Pursuit of Happiness, explains it best in its own title. Taking a step back, for a moment, the Hellenistic period of philosophy was characterized and primarily concerned with the pursuit of happiness. This time period lasted from the death of Alexander the Great to the emergence of the Roman Empire, and was home to many great philosophers including Aristotle, Plato, and Zeno of Citium. Zeno of Citium is credited with the origins of Stoicism with his school of thought in 300 BCE that reason and logic were the most important aspects of a good life. This ideology was widely accepted later on in Ancient Rome, when Marcus Aurelius defined what he considered the four cardinal ideologies to live a stoic life, as listed above. Authors and influential thinkers such as Descartes and Thomas More supported and reflected such thought in their writings, further popularizing this school of thought in a more modern era.

Today in the medical world, the ideology of Stoicism is revived and transformed into what is now commonly known as Cognitive Behavioral Therapy (CBT). "Much like Stoicism, this...branch of philosophy is aimed at helping a huge range of patients overcome difficult moments of emotional instability, particularly those which are out of our

control” (Lesso). While effective, CBT is most productive when its principles are taught through a counseling relationship, which not everyone can partake in. This leads many to still aimlessly grapple with control, unsure how to release control in a laissez-faire manner.

Yet, another modern day program which has flourished and has been greatly influenced by Stoicism is the Twelve Steps of Alcoholics Anonymous (AA). As pointed out in the book Stoicism—Philosophy as a Way of Life, “Those who are familiar both with the Stoics and the Twelve Step Program often recognize connections between them” (Robertson). The Serenity Prayer, a commonly known prayer in the world of AA which closes out every meeting, echoes the teaching of Stoic philosophers such as Epictetus in his writing The Discourses. The Serenity Prayer states:

God, grant me the serenity to accept the things I cannot change,

Courage to change the things I can,

And wisdom to know the difference.

Epictetus states the same:

“What, then, is to be done? To make the best of what is in our power, and take the rest as it naturally happens” (The Discourses). This emphasizes the commonality between many of these developments throughout the history of Stoicism and modern techniques. Each of these principles plays an important role in developing an individual’s ability to conquer out of control responses in a positive manner. Thus, with the knowledge and choice to enact these ideologies in

our daily routines, we may take control of our own lives, even when placed in a position of helplessness.

To further understand how to relinquish such control, one first must begin to see the influence of Stoicism in his simple day to day life. What ways do we see the four principles of Stoicism in popular culture? How has it influenced society, even in the most minute and trivial ways?

Courage

And I would’ve gotten away with it too!! If it wasn’t for those meddling kids!! These were the last lines of almost every Scooby-Doo villain right before they were whisked away. How did Shaggy, Scooby, Fred, Velma, and Daphne face all of these baddies; each villain more terrifying than the last? The answer is simple. They had courage. They didn’t always know that the ghost or ghoul was simply another man in a costume yet; they had courage in the

face of fear. So, what happens when an individual doesn't know what the outcome might be; spiraling them into feeling out of control? As Stoics believed courage occurred when an individual was being fearless in front of true fright or horror, that person would be courageous when presented with their hardest aversion or test, yet fearlessly facing public opinion, poverty, or even death. A stoic is brave as they do not fear what they cannot control, realizing that there is nothing to be afraid of.

Courage In Depth

But, what is courage truly? Not every person gets a life as predictable as a tv show. In Ben Dean's Ph.D paper, published by the University of Pennsylvania, he explains how from a scientific standpoint, Psychologist S.J. Rachan entered the discussion of the definition of courage with his own understanding in 1990. He believed that three components accounted for the creation of the emotion we know as Courage. “

“ 1. The subjective feeling of apprehension

2. The physiological reaction to fear (e.g., increased heart rate)

3. The behavioral response to fear (e.g., an effort to escape the fearful situation). These components are imperfectly linked, and it is possible to experience one or two without another. The courageous person affects an uncoupling of fear's components by resisting the behavioral response and facing the fearful situation, despite the discomfort produced by subjective and/or physical reactions.” (Penn).

Mark Twain echoes the same principle in his writing, “Courage is resilience to fear, mastery of fear, not absence of fear.” (Penn). This is often where one of the first disconnects for an alcoholic is. When confronted with the discomfort of a situation, they attempt to avoid the feeling by numbing themselves. They attempt to dodge the emotion, however what they ultimately end up doing is pushing the inevitable problem down the road. It continues to build upon itself until it has created such a tangled web of discomfort that it seems insurmountable. It takes Courage to even take that first step and be able to look at the problem for what it truly is. The timeless idea that one must be the change they wish to see in the world comes to mind but it takes brutal honesty for an individual to look at themselves in the mirror and truly make a

meaningful change. Faith in a higher power allows a person to do just that. Often the motivation to change such an ingrained habit of avoidance cannot just be internal. A higher power can be a God, yet it can also be other things. Support groups, families, even the well being of a pet could be a higher power. A calling that they are part of something greater allows that person to do better for themselves and others.

Whether the vice is alcohol, codependency, drugs, or self-harm, I encourage each individual to seek out their own higher power as without it life is meaningless. To live a fulfilling happy life, one can't simply be self-focused. It's why we volunteer. It's why we have empathy. It's why we have sympathy. As humans we are built to want to be part of something greater, but it takes Courage to admit that.

Justice

The hit show Rick and Morty crashed onto the scene of adult animation back in late 2013. Exploring philosophical, moral, and taboo topics through fun crazy adventures is something which makes the show so infamous. While on the surface looking like a children's show, it is anything but. Interestingly, there is an incredible amount of depth into each character, their views, beliefs, and growth throughout the show. One side character, who goes by the name of Unity, is the titular character Rick's ex-girlfriend. She occasionally emerges, showing the audience her unique ability to take control of an individual and make them do whatever she wants. She is known as a Hive Mind in the show. She is able to take control of an entire civilization and make individuals work towards a common goal, such as worker bees toil together for their queen. They all work in harmony towards the same objective. While this aim of a society working together towards a common goal is ideal, is it truly just if they do not have the opportunity to make the choice themselves? That may be up for debate. However, under the ideology of Stoicism, the second cardinal principle is Justice, or "harmonizing our actions with the common good and treating others with respect and fairness" (Weaver). Positive justice includes "helping others, advocating for fairness, and contributing to the common welfare..."

whereas "...theft, injury, or deceit" fall into negative justice (Weaver). Stoicism holds every individual to the same moral standard. A Stoic attempts to do his or her societal duty by being benevolent towards everyone. Individuals coming together as a community, helping one another towards a singular objective perfectly models Stoicism's Justice target and therefore, Unity exemplifies this Stoic value.

Justice In Depth

In the Jewish faith, there are 613 Mitzvot. Each Mitzvah is both a “way for Jews to connect with God and fulfill their purpose in the world.” (Chabad). When looked at, some of the Mitzvot are perfect examples of Justice in society. Tzedakah is one of these Mitzvot and it means giving charity daily. By giving back to the community, each individual takes personal responsibility for the lives of those around them by attempting to lift them up with them. The golden rule of loving others as you would yourself is another example of a Mitzvah which aligns one individual's interests with the interests of those around them. Visiting the sick, hospitality to guests, and to respect your mother and father are some others. The Justice that the Jewish faith has allows an individual to look within themselves to see how they can best give back to others. By aligning themselves with the common interest of others, an individual brings Justice to their own community and world.

Whether the vice is alcohol, codependency, drugs, or self-harm, I encourage each individual to do some Mitzvot and make their community better as without community life is lonely. To live a fulfilling happy life, one can't simply be self-focused. It's why we love. It's why we care. It's why we have people we care about. As humans we are built to want to be part of a community, but it takes Justice to keep one running.

Temperance

Too much of a good thing is bad for you... Advice given by mothers around the world to children grabbing at their halloween candy; only the wise mom knowing the inevitable belly ache that would ensue. Self-control is a crucial element of life, generally drilled into individuals from an early age, yet many do not begin to truly understand it until later in life. The third ideology of Stoicism is known as Temperance and is often synonymous and interchangeable with the words self-control. To maintain control over one's life, they must do “...nothing in excess” (Daily Stoic), they must do “... the right thing in the right amount in the right way.” Stoics use temperance not simply towards physical objects or goods, but towards “...pleasure or pain, admiration or contempt, failure or triumph” (Daily Stoic). Aristotle explained an idea known as the Golden Mean. In this scenario, virtue, happiness, and ultimately the feeling of contentment and control resides in the middle, between excess and deficiency, in mediocrity. Thus, teaching one's children that nothing should be taken in excess, but rather, everything in moderation is completely in line with the Stoic target of Temperance.

Temperance In Depth

Psychologist Roy Baumeister extensively studied self-control and its impact upon human behavior. Three key elements of self-control were identified: the emotional regulation of impulses, the cognitive capacity to maintain focus, and the motivational drive to pursue long-term goals. While specific, these three elements created an individual's temperate disposition. A person who demonstrates Temperance in their actions has the ability to keep a hold on their immediate desires for a more better alternative down the road, showing both resilience and foresight. Ben Franklin was another historical example who preached temperance through their practices and teachings. *The Autobiography of Benjamin Franklin* explains his desire for moral perfection and as the first of his 13 virtues he listed Temperance. As defined by him, "Eat not to dullness and drink not to elevation" (Franklin). He explains how the effects of overindulging in anything both good and bad can be detrimental to one's self. Temperance was the groundwork for developing other virtues due to the fact that it encouraged a disciplined and clear-headed approach to life. Catholicism repeats the idea that Temperance is important by listing it as one of its cardinal virtues essential for living a righteous life. By exercising temperance individuals not only maintain personal integrity but also contribute to the common good, fostering a community that respects moderation and balance.

Whether the vice is alcohol, codependency, drugs, or self-harm, I encourage each individual to live in moderation and practice self-control as without self-control life is chaotic. To live a fulfilling happy life, one can't simply be self-focused. It's why we meditate. It's why we admire art. It's why we must slow down and enjoy the journey. As humans we are built to want to be part of and enjoy all of what life has to offer, but it takes Temperance to keep an individual safe.

Wisdom

Wisdom, the last virtue of Stoicism, lies in the knowledge and understanding of the opposing natures of good and evil. It comes from living through experiences and is what a plethora of stories are about. Quintessential examples include Star Wars, in the dichotomy of The Empire vs The Republic, Darth Vader vs Luke Skywalker. Or Harry Potter, in the conflict between power and love with Voldemort vs Harry. Additionally, Snow White, and the contrast of deceit and vanity vs kindness, hence, the Evil Queen vs Snow White. Stoics must understand

and be able to discern and contrast two opposing ideas. Stoics believe that wisdom is being able to differentiate between things which are within our control and those which are not; between what is important and what is irrelevant. The Greek Stoic philosopher Epictetus explains it best in his book The Discourses, “In life our first job is this, to divide and distinguish things into two categories: externals we cannot control, ... [and] the choices [we] make with regard to them [that we] do control” (The Discourses). By having the wisdom to understand and use discernment to categorize these incidents, one is able to be more conscious of both actions and emotions, allowing themselves to feel both in control and find some peace within themselves.

Wisdom In Depth

The pinnacle of human virtues, the super power that always wins out, Wisdom is greater than simple understanding of facts. True wisdom embodies a profound understanding of life, humanity, and the world around us. Socrates, Plato and Aristotle all dedicate themselves to the pursuit of Wisdom. Socrates famously posited that true wisdom comes from recognizing one’s own ignorance. This highlights the humility of wisdom compared to the boasting of knowledge. Plato, through his allegory of the cave, illustrated the journey from ignorance to enlightenment, hypothesizing that wisdom involves an ongoing process of questioning and growth. Lastly, Aristotle distinguished between practical wisdom and theoretical wisdom, shining a light on the idea that wisdom includes both ethical conduct and intellectual insight. Shakespear’s Polonius advises, “To thine own self be true,” encapsulating the idea that to be wise one must be authentic and self-aware (Hamlet). Similarly, in the story of The Ring of Gyges, which later inspired the J.R.R. Tolkien *The Lord of the Rings* Series, characters are given wisdom throughout their journey emphasizing the importance of courage, sacrifice, and the greater good.

In the Dialectical Behaviour Therapy or DBT, a phrase is often brought up. It is known as the Wise Mind. In this theory, every individual has both an Emotional Mind and a Rational Mind. When an individual acts impulsively or does something against their moral code, often they are living in their Emotional Mind. On the other hand, the Rational Mind only focuses on productivity. There is no happiness or joy in mind. To live in one’s Wise Mind, they must find the balance between their Emotional Mind and their Rational Mind. The intersection of these two is where true fulfillment lies. Psychologically, wisdom can be viewed as “the integration of cognitive, reflective, and affective dimensions” (Clayton, Biren). Cognitive wisdom involves the

ability to see things clearly and make sound judgments while reflective wisdom requires introspection and an appreciation of different perspectives. Renowned Swiss psychiatrist Carl Jung related Wisdom to the individuation process. The individuation process is where an individual's personal growth and enlightenment lead to a balanced personality. Whether the vice is alcohol, codependency, drugs, or self-harm, I encourage each individual to live with Wisdom and practice living in their Wise Mind as without Wisdom life is confusing. To live a fulfilling happy life, one can't simply be self-focused. It's why we learn. It's why we challenge ourselves. It's why we must never stop growing. As humans we are built to want to be part of and enjoy all of what life has to offer, but it takes Wisdom to keep an individual balanced.

So, how are these principles enacted in modern society as we live in today? While perhaps not explicitly mentioned by name, the four cardinal principles of Stoicism remain littered throughout our culture and society. One of the most well known and widely accepted attempts to summarize these principles is the Twelve Steps of Alcoholics Anonymous. Over 1.3 million individuals in America alone attend AA meetings all of which are guided by these twelve steps towards recovery. It is interesting to note that many organizations and individuals are unaware that every step falls into one of the four virtues of Stoicism. Below is a table explaining which steps were influenced by what principle and what each step is about.

Courage	Step 1	Step one surrounds Honesty. Honesty with oneself that the individual has a problem. Honesty that he or she cannot control their addiction alone despite them trying.
	Step 2	Steps 2 & 3 surround Faith and Surrender. The faith and trust needed to believe in a higher power, followed by the acceptance of surrendering your life to said higher power, takes courage in the face of a problem that the individual has no visual proof that there is an answer to.
	Step 3	
Justice	Step 4	Step 4 deals with Soul Searching. Using the Honesty from Step 1, and taking a good deep look into oneself to see where he or she went astray with their addiction. Furthermore, he or she must realign their efforts towards a more common outward goal rather than an inward goal.
	Step 5	Step 5 handles the Integrity to stick with the difficult decisions the individual has pledged while part of AA.
Temperance	Step 6	Steps 6 - 8 speak about Acceptance, Humility, and Willingness in the context of looking at his or her past actions and evaluating how that individual has allowed themselves to act recklessly and excessively.
	Step 7	
	Step 8	

	Step 9	Step 9 is about Forgiveness towards one's self for the overindulgent patterns that they have allowed themselves to fall into.
	Step 10	Step 10 regards Maintenance, to practice moderation and self-control.
Wisdom	Step 11	Step 11 is about Making Contact with an individual's higher power whether that be through prayer, meditation, or joining in on an AA meeting. By doing so they strengthen their ability to discern between right and wrong, good and bad, and ultimately become wiser in the context of Stoicism.
	Step 12	Step 12 deals with Service. Now that you have the power and knowledge to decipher between good and bad, one must live in service to others. He or she is expected to share their wisdom with others who follow behind them.

Paradoxically, to feel as if you have control, one must let go. Release is the foundation of modern implementation of Stoicism. However, methods such as the Twelve Steps are often looked down upon by those who do not have addictions. This does not mean that he or she does not feel in control or feel peaceful within themselves, but rather, it is simple ignorance of the theories behind AA, and therefore, Stoicism. By implementing the Cardinal Principles of Stoicism through the Twelve Steps, even the common man will experience the benefits. Examples could be in times of trouble in life, a Stoic would deal with it head on, using Stoicism's courageousness in the face of fear. This is putting into practice steps one through three and allowing themselves to truly see the problem for what it is. When a Stoic is lost within the depths of a decision, they would look within themselves to figure out what the right answer should be and have the Integrity to stick with it. When a Stoic feels fearful and wants to run and hide. When they want to grab a bottle to forget. When they want to drag a knife across their skin to feel like they still can hold onto what feels like a crumbling life. They practice temperance, and are living out AA's steps six through ten through self-control, acceptance, and forgiveness, which allows them to feel emotions without allowing the emotions to control him or her. Furthermore, recognize that one can live in Aristotle's Golden Mean and live in mediocrity, rather than excess or deficiency. Finally, when one has come far enough to see the dichotomy between life's choices, share their wisdom, and be able to receive wisdom from others, steps eleven through twelve will be complete.

Beep.

Beep.

Beep.

Beep.

My alarm clock rings through the house. It is my 31st day back from rehab. A full month. I lie in bed staring at the

popcorn ceiling above. Creating patterns not purposeful, yet still oddly beautiful.

Beep.

Beep.

Beep.

Beep.

My alarm clock rings again. I had left my window open overnight and I could hear the birds chirping. There was a slight breeze blowing through the room, carrying with it the smell of morning dew as it seeped its way into every nook and cranny of the house. I've stayed sober this long. But who knows how long that will last? Every day I wake up and want to forget some of the haunting truths of my life. I know the café down the street serves screwdrivers, and on some days I feel like a mechanic searching for his favorite Phillips.

Beep.

Beep.

Beep.

I turn the alarm off. I take a deep breath. The warm summer air fills my lungs. It's true. All my problems have not disappeared. Problems seldom do. Some I may never be able to control.

And I am scared. But I won't touch a bottle. For I am a Stoic. And I will not fear what I cannot control.

Works Cited

- Baumeister. The three ingredients that tend to affect self-regulation are. Accessed July 10, 2024.
<https://brainly.com/question/33726144>.
- Chabad. The 613 commandments (mitzvot) - chabad.org. Accessed July 1, 2024.
https://www.chabad.org/library/article_cdo/aid/756399/jewish/The-613-Commandments-Mitzvot.htm.
- Chabad. "Understanding the History behind Different Types of Mitzvot." Colel Chabad, May 1, 2024.
<https://coelchabad.org/the-meaning-of-mitzvot/>.
- Chakrapani, Chuck. "Developing The Virtue Of Courage." *Developing the Virtue of Courage - the Stoic Gym*, Aug. 2020,
thestoicgym.com/the-stoic-magazine/article/7#:~:text=Stoic%20courage%20is%20being%20fearless,the%20sake%20of%20being%20courageous.
- Clayton, Biren. "Research Guides: Persistent Links for Library Resources: JSTOR." JSTOR - Persistent Links for Library Resources - Research Guides at University of Oregon Libraries. Accessed July 12, 2024.
<https://researchguides.uoregon.edu/persistentlinks/jstor>.
- Daily Stoic. "Temperance Is the Most Important Virtue." *Daily Stoic*, 2 Mar. 2020,
dailystoic.com/temperance-is-the-most-important-virtue/.
- Daily Stoic. "The Highest Good: An Introduction to the 4 Stoic Virtues." *Daily Stoic*, 31 Aug. 2020,
dailystoic.com/4-stoic-virtues/#:~:text=Temperance%20is%20the%20knowledge%20that,or%20contempt%20C%20failure%20or%20triumph.
- Daily Stoic. "What Is Stoicism? A Definition & 9 Stoic Exercises To Get You Started." *Daily Stoic*, 20 Feb. 2024,
dailystoic.com/what-is-stoicism-a-definition-3-stoic-exercises-to-get-you-started/#what-is-stoicism.
- Epicetetus, and George Long. *The Discourses of Epictetus*. Brentano's, 1905. 10. Franklin, Benjamin, J. A. Leo Lemay, and Paul M. Zall. *The autobiography of Benjamin Franklin: A genetic text*. Knoxville: University of Tennessee Press, 1981. 11. Hodsdon, Edd. "8 Philosophers of Stoicism You Should Know." *TheCollector*, 13 Feb. 2024, www.thecollector.com/8-stoic-philosophers/.
- Holdfast Recovery. "The 12 Steps of Aa and Na." *Holdfast Recovery*, 13 Oct. 2020,
www.holdfastrecovery.com/blog/2020/october/12-steps-of-aa-and-na-explained-in-simple-terms/.
- Lake, Tim. "An In-Depth Understanding on the Four Virtues of Stoicism." *TheCollector*, 20 Dec. 2022,
www.thecollector.com/four-cardinal-virtues-stoicism/.
- Lesso, Rosie. "What Are the Origins of Stoicism?" *TheCollector*, 1 July 2022,
www.thecollector.com/what-are-the-origins-of-stoicism-history/.

Penn. “Authentic Happiness.” University of Pennsylvania. Accessed July 1, 2024.

<https://www.authentichappiness.sas.upenn.edu/newsletters/authentichappinesscoaching/courage>.

Robertson, Donald J. “How to Drink like a Roman Emperor.” *Medium*, Stoicism-Philosophy as a Way of Life, 21 Apr. 2021,

medium.com/stoicism-philosophy-as-a-way-of-life/how-to-drink-like-a-roman-emperor-d91a8b0fbaf8#:~:text=Stoicism%20as%20The%20Serenity%20Prayer%20on%20Steroids&text=Those%20who%20are%20familiar%20both,characteristic%20doctrines%20of%20Stoic%20philosophy.

Shakespeare, William. *Hamlet*. Auckland, N.Z: Floating Press, 2008. 18. Sheldon, John. “Episode 58: The 12 Step Philosophy of Alcoholics Anonymous: An Interpretation by Steve K.” *Episode 58: The 12 Step Philosophy of Alcoholics Anonymous: An Interpretation by Steve K. – Beyond Belief Sobriety*, 28 May 2017, beyondbeliefsobriety.com/books/episode-58-the-12-step-philosophy-of-alcoholics-anonymous-an-interpretation-by-steve-k/#:~:text=Inspired%20by%20Aristotle%27s%20%E2%80%9CVirtue%20Ethics,the%20God%20bit%20of%20AA.

Steinmetz, Katy. “Top 10 Things You Didn’t Know about Alcoholics Anonymous.” *Time*, Time Inc., 2 July 2010, content.time.com/time/specials/packages/article/0,28804,2001284_2001057_2001044,00.html#:~:text=Today%20AA%20claims%20an%20estimated,million%20of%20them%20U.S.%20residents.

[html#:~:text=Today%20AA%20claims%20an%20estimated,million%20of%20them%20U.S.%20residents](https://content.time.com/time/specials/packages/article/0,28804,2001284_2001057_2001044,00.html#:~:text=Today%20AA%20claims%20an%20estimated,million%20of%20them%20U.S.%20residents).

Weaver, Tobias. “The Stoic Virtue of Justice.” *Orion Philosophy*, 14 Nov. 2023,

orionphilosophy.com/the-stoic-virtue-of-justice/#:~:text=The%20Stoics%20taught%20that%20living,the%20detriment%20of%20the%20community.

Space Law Through Reinach's Philosophy

Massaro Ochoa

Abstract

With the recent advancements of human spaceflight exploration, such as the reusability of rockets bringing down launching cost, it is often discussed that humanity is entering "The New Space Era." Such innovations have allowed the possibility of humans to venture to other celestial bodies and offer the possibility of sustaining life there for longer periods of time. It is often discussed that the law fails to keep up with the advancement of science, but law nonetheless, should give guidance to science in this field. Regarding this topic, contradictory laws exist when it comes to the topic of space property rights. International space law, based on the Outer Space Treaty (OST), conflicts with new national laws, such as the U.S. Commercial Space Launch Competitiveness Act of 2015. This raises a series of questions of how to move forward in the topic of property in space like: Who gets to have jurisdiction in space when there exist two laws that contradict one another? Who gets to become the owner of a newly discovered asteroid? Would it be humanity? The state the individual is from? The astronomer that discovered it?

In this paper, I will attempt to give an answer to the question: Who gets to own property in space, and by what means can they claim it? More specifically, I answer this question using Adolf Reinach's phenomenological approach on the philosophy of law, and the general ontology that explains the synthetic *a priori* foundational truths that exist independently from law. How we move forward in humanity's expansion to space has immense importance to us from societal, economic, and political perspectives. It impacts us all at both the species and individual levels.

Who Gets to Claim Celestial Bodies in Space: From a Positivist View in Law

This paper argues using a Reinachian positivist framework on property. Reinachian positivism postulates that social acts, like those of promising or commanding for example, specifically in the context of law, are as real and tangible as houses; we *really do experience* these social acts, and hence, makes such social acts real and not simple

abstractions like that of numbers for example. It is important to note, that Reinach's phenomenological approach towards law is an applied method of Husserl's phenomenological method, in where phenomenology (the study of experience) and legal theory intersect in where Reinach specifically used Husserl's approach to examine and bring forth the underlying a priori structures present in our legal social acts as we experience them that we might miss/not be aware of. This view can help us evaluate arguments about who can claim a right to celestial bodies, such as asteroid mining, without violating existing treaties. One of those treaties, "The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies," commonly called the Outer Space Treaty (OST) which has been ratified by 115 countries thus far as of June 2024. However, the treaty was adopted by the United Kingdom in 1967, and opened for signature to the United States and Soviet Union on January 27, 1967.¹ It then came into effect following fall on October 10, 1967. This treaty "provides the legal framework for all modern international space law." (then you could add a sentence about how discussions about space jurisprudence must include the treat because of how significant it is)"²

In section 1, I will highlight the relevance of the issue and briefly explain the relevant treaties to contextualize the issue at hand. In Section 2, I will highlight the contemporary issues that the OST has faced in the past decade from new policies being enacted that contradict the OST in the emergence of a "New Space Era."³ In Section 3, this paper will briefly explain Reinach's *a priori* phenomenological positivistic view of the law, specifically on property. I will then make the argument as to how humanity can still make claims to celestial bodies and their resources without contradicting nor violating the OST. It will additionally present a counterargument to the thesis, followed by a rebuttal to this counterargument, ultimately defending the thesis using the Reinachian perspective on property.

Section 1

There has been a list of innovations in space technology across the last two decades that have caused commotion and excitement across the scientific and legal communities. For example, Ted Cruz introduced a bill, which passed in 2018, in which NASA funding was increased. He additionally stated that "The first trillionaire will

¹ "United Nations Office for Outer Space Affairs." The Outer Space Treaty, n.d. <https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/introouterspacetreaty.html>.

² McClintock, Bruce, Feistel, Katie, Ligor, Douglas C., and O'Connor, Kathryn "Responsible Space Behavior for the New Space Era: Preserving the Province of Humanity" www.rand.org, 2021, (5-6).

³ Namta Gourav, "Lets talk about NewSpace", *Satsearch Blog* 10 Nov 2021

be made in space.”⁴ Neil deGrasse Tyson, astrophysicist and science communicator, remarked that the first person to be a trillionaire will be the person that exploits the resources in space.⁵ This is similar to a claim made by Peter Diamandis in 2008. He is the co-founder of Planetary Resources, a private company focused on developing technology to mine asteroids and expand Earth’s natural resource base.⁶ SpaceX, which is developing the reusability of rockets, could bring down the launching cost of the United States Air Force to under a third of the cost.⁷ SpaceX’s President Gwynne Shotwell, gave an appraisal of the potential savings that reusing booster launchings could have, stating that the cost of refurbishing a first used stage could potentially allow a launch to be priced lower, creating a 30% savings in cost.⁸ NASA is developing plans to have humanity set foot on Mars between 2037-2050.⁹ Regardless of the excitement these statements and achievements cause, there have also been many who have faced scrutiny within the legal community. Who gets to take advantage of the resources mined from an asteroid? Would it be the private company? The State that funded the company? If the State takes advantage of the resources mined, how would that impact other states economically and politically? Should mining asteroids even be allowed given the detrimental effects it could have on the economy? There is a possibility of having the value of precious metals crash if large quantities hit the market and while the increased resources simultaneously risked inflation as well?¹⁰ A company with enough resources to mine an asteroid, alongside with the revenue being made from those mined resources, naturally possesses the possibility of creating a natural monopoly within the outer space mineral market. This is because there exist difficult barriers of entry such as capital and experience. This correlates to the 19th century oil industry. Due to the rarity of the products that the oil industry produced, John D. Rockefeller took advantage of

⁴ Bender, Bryan “Ted Cruz: ‘The first trillionaire will be made in space?’” www.politico.com, 01 Jun 2018, <https://www.politico.com/story/2018/06/01/ted-cruz-space-first-trillionaire-616314>

⁵ “Neil deGrasse Tyson: First Trillionaire will exploit space resources.” www.youtube.com, uploaded by Fox Business, 24 Sep 2018, <https://youtu.be/XQV7DbIvAT0>

⁶ Mins, Christopher “Are Ross Perot Jr. and Google’s Founders Launching a New Asteroid Mining Operation?”, 18 Apr 2012, <https://www.technologyreview.com/2012/04/18/186694/are-ross-perot-jr-and-googles-founders-launching-a-new-asteroid-mining-operation/>

⁷ Brown, Mike “SpaceX: Elon Musk Breaks Down the Cost of Reusable Rockets” www.inverse.com, 21 Aug 2020, <https://www.inverse.com/innovation/spacex-elon-musk-falcon-9-economics>

⁸ De Selding, Peter B. “SpaceX says reusable stage could cut prices 30 percent, plans November Falcon Heavy Debut” www.spacenews.com, 10 Mar 2016, <https://spacenews.com/spacex-says-reusable-stage-could-cut-prices-by-30-plans-first-falcon-heavy-in-november/>

⁹ Morello, Lauren “Humans on Mars as Soon as 2037 Should be NASA’s Goal: Panel” www.scientificamerican.com, 4 June 2014, <https://www.scientificamerican.com/article/humans-on-mars-as-soon-as-2037-should-be-nasas-goal-panel/>

¹⁰ Smith, Noah “Giant asteroid has gold worth \$700 quintillion. But it wont make us richer”, www.theprint.in, 9 Jul 2019, <https://theprint.in/opinion/giant-asteroid-has-gold-worth-700-quintillion-but-it-wont-make-us-richer/260482/>

the rarity of the oil as well as the revenue procured from the oil industry to set up a monopoly.¹¹ Should letting private companies mine asteroids in space be allowed given the various similarities to the oil industry and real possibilities of history repeating itself?

As scientific innovation progresses at incredible speeds, the law often tends to lag behind and keep up to such scientific advancements, ultimately leading to outdated regulations that fail to guide the ethical and responsible progression of scientific endeavors in the first place. When Theodore von Kármán started his aerospace rocket company Aerojet, he mentioned to his friend and lawyer Andrew G. Halley, “Now, Andy, we will make the rockets—you must make the corporation and obtain the money. Later, you will have to see that we behave well in outer space. ... After all, we are the scientists, but you are the lawyer, and you must tell us how to behave ourselves according to law and to safeguard our innocence.”¹² And 20 years later, Halley published his fundamental book, *Space Law and Government*.¹³

Regarding a brief history of The OST, it came to be through an extension of the Cold War. It was first proposed by the U.S in 1955 in efforts to “keep space open to all,” but with an ulterior motive of being able to continuously ‘fly over’ (in outer space) and spy on the USSR.¹⁴ This is because at the time, entering another country’s airspace was considered a violation of international law. The proposal of the OST was a direct response to the USSR launching the first satellite in orbit in 1957. However, during the 1960s, both countries attempted to find a resolution for being able to test weapons in space. Eventually, through the “Limited Test Ban Treaty,” all countries agreed to ban the testing of weapons of mass destruction in space from which one of the principles in the OST was derived from:

“States shall not place nuclear weapons or other weapons of mass destruction in orbit or on celestial bodies or

¹¹ Beattie, Andrew “A History of U.S. Monopolies” [www.investopedia.com](https://www.investopedia.com/insights/history-of-us-monopolies/), 07 Oct 2021, <https://www.investopedia.com/insights/history-of-us-monopolies/>

¹² Miller George P., Albert, Carl , Johnson, John b. “Forewords for *Space Law and Government*” *American Journal of Legal History*, *Southern California Law Review*, *Duke Law Journal*, and *Georgetown Law Journal*

¹³ Haley G. Andrew, “*Space Law and Government*” page xxi, Appleton Century Crofts

¹⁴ “U-2 Overflights and the Capture of Francis Gary Powers, 1960.” U.S. Department of State, n.d. <https://history.state.gov/milestones/1953-1960/u2-incident>.

station them in outer space in any other manner;”¹⁵

Given that the Limited Test Ban Treaty agreement had worked, the U.S tried to push for additional agreements between both countries insofar as they did not affect the U.S. in reconnaissance of the USSR. After years of intensified concerns over nuclear weapons and paranoia, both countries in 1966 submitted draft treaties regarding the usage of outer space. Ultimately, after six months of negotiations, The OST was drafted and signed in January 1967 by the USSR, U.S, and United Kingdom; the three predominant state figures during the 20th century. ¹⁶ In October 1967, The OST was officially adopted by the UN General Assembly, which became the foundation of our modern international space law.

As referenced earlier, the OST provides the legal framework of international space law, which adheres to the following principles:

“-The exploration and use of outer space shall be carried out for the benefit and in the interests of all countries and shall be the province of all mankind;

- Outer space shall be free for exploration and use by all States;

- Outer space is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means;

- States shall not place nuclear weapons or other weapons of mass destruction in orbit or on celestial bodies or station them in outer space in any other manner;

- The Moon and other celestial bodies shall be used exclusively for peaceful purposes; - Astronauts shall be regarded as the envoys of mankind;

- States shall be responsible for national space activities whether carried out by governmental or non-governmental entities;

- States shall be liable for damage caused by their space objects; and

- States shall avoid harmful contamination of space and celestial bodies.”¹⁷

¹⁵ United Nations Office for Outer Space Affairs” *The Outer Space Treaty*,

<https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/introouterspacetreaty.html>

¹⁶ McClintock, Bruce, Feistel, Katie, Ligor, Douglas C., and O'Connor, Kathryn “Responsible Space Behavior for the New Space Era: Preserving the Province of Humanity” www.rand.org, 2021, (5-6).

¹⁷ United Nations Office for Outer Space Affairs” *The Outer Space Treaty*,

This was and remains the foundation of modern international space law.

Section 2

The OST has faced numerous controversial issues across multiple countries that contradict its principles in the recent decades due to advancements in space flight technologies. For example, Planetary Resources, which was founded in 2012, is backed by high profile billionaires who have stated the company's intent to mine asteroids.¹⁸ Given the recent advancements in space technologies, such as the development of reusable rockets that significantly reduce launch cost, the feasibility for startups to enter the space industry has greatly increased in the last couple of years. This has greatly opened up new opportunities for businesses to operate in space, driven by enormous potential for profit within the space sector due to partnerships with government agencies. In response to these developments and for what can potentially come, the U.S sought to legalize the extraction of materials from celestial objects by private companies, most notably through the U.S Commercial Space Launch Competitiveness Act of 2015. Luxembourg followed in the U.S. steps by drafting its own legislation in 2017 legalizing space mining.¹⁹ It became a controversial legal topic because although The OST states:

“Space is the "province of mankind." It is a place that can be accessed by all nations and peoples and used for their mutual benefit. No nation can declare sovereignty on the Moon and other celestial bodies, and international cooperation in space pursuits is encouraged”²⁰

The U.S. Commercial Space Launch Competitiveness Act of 2015 contradicts this stating:

“A US citizen engaged in commercial recovery of an asteroid resource or a space resource shall be

<https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/introouterspacetreaty.html>

¹⁸ Boyle, Alan “One Year after Planetary Resources faded into history, space mining retains its appeal”, www.greekwire.com 4 Nov 2019,

<https://www.geekwire.com/2019/one-year-planetary-resources-faded-history-space-mining-retains-appeal/#:~:text=Planetary%20Resources%20came%20out%20of,the%20course%20of%20six%20years>.

¹⁹ Mallick, Senjuti, Rajagopalan, Rajeswari “*If Space is ‘the province of Mankind’, Who Owns its Resources?* An Examination of the Potential of Space Mining and Its Legal Implications” www.orfonline.org, 24 Jan 2019,

https://www.orfonline.org/research/if-space-is-the-province-of-mankind-who-owns-its-resources-47561/#_edn28

²⁰ Hertzfeld, Henry “Current and Future Issues in International Space Law” (327)

The US act provides their answer to the question of who gets to own celestial objects in space. This answer essentially being ‘first come, first serve.’

It is clear that whichever country has the technological advantage in space resource monetization will have an upper hand in their influence over the global economy. Another similar concern is the possibility of the asteroid mining market only being handled by a group of corporations that could form an oligopoly given the technological advancements and barrier of entries even though said barriers of market entry are decreasing (with the reusability of rockets, it is still expensive nonetheless). It involves striking similarities to the oil boom in the 20th century; the same way Rockefeller formed a monopoly through an alliance with railroads and refineries through predatory prices with said railroads to eliminate overall competition.²³

Section 3

So why is Reinach important specifically for what we might call in this paper has found an issue in, space law? And moreover, how can Reinach’s positivist framework on property help us give a possible solution to the issue at hand i.e. Who gets to own stuff in space? By stuff we mean, celestial bodies, parts of celestial bodies, the minerals extracted from them, etc. etc.? For context, Adolf Reinach was a 20th century philosopher who studied phenomenology (and also a pupil of Husserl, arguably the founder of phenomenology, the branch of philosophy that is concerned with the science of phenomena in structures of experience and consciousness (i.e. the study of experience/phenomena). In one of his works, “On the *A Priori* Foundations of the Civil Law,” he takes a phenomenological approach to explain the synthetic *a priori* foundational truths that exist independently from the law.

²¹ Sec. 51303 Asteroid resource and space resource rights – A United States citizen engaged in commercial recovery of an asteroid resource or a space resource under this chapter shall be entitled to any asteroid resource or space resource obtained, including to possess, own, transport, use, and sell the asteroid resource or space resource obtained in accordance with applicable law, including the international obligations of the United States.

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title51-section51303&num=0&edition=prelim#sourcecredit>

²² Mallick, Senjuti, Rajagopalan, Rajeswari “*If Space is ‘the province of Mankind’, Who Owns its Resources?* An Examination of the Potential of Space Mining and Its Legal Implications” www.orfonline.org, 24 Jan 2019, https://www.orfonline.org/research/if-space-is-the-province-of-mankind-who-owns-its-resources-47561/#_edn28

²³ History.com Editors “John D. Rockefeller?” www.HISTORY.com, 09 Oct 2019, <https://www.history.com/topics/early-20th-century-us/john-d-rockefeller>

Reinach's general view can be best understood as based on the following three pillars that Smith astutely points out:

- 1) "The world exists independently of our representations of the world.
- 2) The world contains not only individual substances but also essences upon which the universal laws are based on. These essences exist regardless of time and place.
- 3) We can experience or intuit these essences on the basis that we are able to describe the world and its laws."^{24 25}

In other words, the same way math, air, or the world exist independently from us, our understanding exists independently from *a priori* foundational truths, truths such as property, property rights, and promises, for example.²⁶ The purpose of this paper is to give an argument through Reinach's philosophy of property/ownership²⁷ on a possible solution for *who* can legitimately *own* property in space to resolve the evident contradiction brought forth between The OST principle of "nobody being able to own celestial bodies" and the U.S. Commercial Space Launch Competitiveness Act of 2015, which directly violates one of the OST principle by allowing private companies to mine on celestial bodies and own the forth profits from such.

The concept of property is developed by Reinach in the second chapter of "The A Priori Foundations of the

²⁴ Smith B (1990) Aristotle, menger, mises: an essay in the metaphysics of economics. *Hist Polit Econ Annu Suppl* 22:263–288

²⁵ Massin Oliver "The Metaphysics of Ownership: A Reinachian Account" *Axiomathes* 27, 577–600 (2017).

<https://doi.org/10.1007/s10516-017-9351-5> p.21

²⁶ To say more on *a priori* fundamental truths, take for example the following: There are facts that exist in the world, regardless if we understand them; these facts exist independently of us understanding them, independent if posited by humans, and independent if time passes. For example, $2 + 2 = 4$. This is fact and remains a fact (arguably so) regardless of if I acknowledge it, if multiple people understand it, and remains a fact (presumably so) after my death. These facts, essences (*a priori* foundational truths), are as real as "numbers, trees, or houses, that this being is independent grasped by men, that it is particular independent of all positive law" as put by Reinach in page 4. In that same vein of thought, Reinach wants to think that there exist facts i.e. *a priori* foundational truths (*essences* as referred in phenomenology) that have existed and have been intrinsic to positive law throughout history, in which Reinach says "the positive law *finds* the legal concepts which enter into it [these *a priori* fundamental truths]; *in absolutely no way does it produce them*" (p.4) and "We only assert one thing, though on this we lay great stress: the basic concepts of right have a being [*a priori* fundamental truths] which is independent of the positive law, just as numbers have a being independent of mathematical science... And further: there are eternal laws governing these legal entities and structures, laws which are independent of our grasp of them, just as are the laws of mathematics" (p.5-6) because recall, Reinach wants to *treat* positive law as a *science*, and in doing so, Reinach argues that this yield these *essences* (*a priori* fundamental truths) that remain constant throughout the progress of positive law which helps us understand positive law in a more in-depth manner "The laws, too, which are grounded in their essence (*a priori* fundamental truths), play a much greater role within the positive law than one might suspect." (p.6-7). If the reader would like to understand more the concept of *a priori* fundamental truths (also known as *essences* in phenomenology) it is suggested to read the entirety of §1 of Reinach's "The A Priori Foundations of the Civil Law", pages 2-7 and additionally, how phenomenology characterizes essences and the process of *phenomenological reduction*, which is the method that Reinach employs in discovering these essences (*a priori* fundamental truths) in positive law through the starting basis in our reflection of our own experiences.

²⁷ Ownership and property are used interchangeability

Civil Law.” Only people can own things.²⁸ Reinach gives two ways in which an individual can become the owner of a thing. The first way is through the transfer of property “Both promising and transferring of social acts with immediate legal efficacy. But only transferring reaches its final goal with this efficacy.”²⁹ This allows for an individual to become the new owner of a previously owned thing. The second way answers the question to our problem at hand best put by Massin in his work, *The Metaphysics of Ownership: A Reinachian Account*; What if there was no previous owner (like that of celestial objects in space; what if there was no owner before we came along to settle say, in the moon, or mars? This is the exact issue we find ourselves in; how can someone own a celestial body and its resource, if it had no previous owner? According to Reinach, ownership of a previously unowned object is gained by creating something from it. For example, the sculptor becomes at the same time, the owner of the statue and of the marble used to make the sculpture when the sculpture is finished.³⁰ Reinach does caution us to not confuse the idea of owning property through the emergence of our labor, but rather, it is in the essence of creation and not in the essence of labor that the origin of property arises.³¹ Apart from this, Reinach does not give an explanation as to how someone can become the owner of something that exists, but does not yet have an owner.

Taking all this, given that there is no way someone can own a thing that existed, say in this case a celestial object, nor can we transfer the rights of owning celestial objects to each other, as none of us have the right to own an asteroid to begin with according to Reinach. How can we reconcile the contradictory violations of the OST not allowing us to own celestial bodies and the U.S. Commercial Space Launch Competitiveness Act of 2015 enabling us to own the resources of celestial bodies, which is an extension of the celestial object itself, as well as the Reinachian perspective? The answer is acting like the sculpture; if Bob were to land on an asteroid, and albeit that Bob does not own that asteroid, but the minerals that Bob mines in which he builds a spaceship with, this spaceship Bob does own and would be consistent across all three things: The OST statement of nobody being able to own a celestial body, the U.S. Commercial Space Launch Competitiveness Act of 2015 granting permission to mine asteroids, and Reinachs perspective on property.

²⁸ A thing is anything that may be used, anything that is useful in widest sense. Things include apple, houses, oxygen but also quantities of electricity or heat. A thing is thus not necessarily physical, but any entity which may be used due to the relationship between a person and a thing (Massin 2019)

²⁹ Reinach, Adolf (1983). “The A Priori Foundations of the Civil Law”. *Aletheia* 3:1-142. 67

³⁰ Massin, “The Metaphysics of Ownership”, 21

³¹ *Ibid.*

A counterargument to this could be that given that there is no way someone can own a thing that existed prior to, in this case, an celestial object, nor can we transfer the rights of owning celestial objects to each other as none of us have that right to begin with, how then, can we make the argument that the mining of minerals allows us to own and sell the minerals in their pure form and claim them as our property, if all we did was find minerals, but not create them.

Another response would be that, as stated earlier, social acts allow us to create property as pointed out by Massin. In one form, the social act of transferring property to one another allows us to own property that existed prior to us owning it through social acts. The proposition here is that social acts can create property, more specifically, through specific enactments that are defined by Massin. Enactments are social acts through which norms are prescribed or “edicted” commonly through legal norms.³² Moreover, enactments that are concerned with natural phenomena according to Massin, as they don’t only create something that ought to be, but by the very being of the formation in accordance Reinach “in the performing of the enactment and in positing one of these entities or structures as something which ought to be, the existence of what is thus posited comes about through the enactment itself”³³ which allows things (in this case property) to come into existence bearing an owner. To further elaborate this point, Reinach writes that if two parties appeal to an arbitrator to settle a dispute, then the arbitrator prescribes that one party has debt to the other, but that he also gets the property of a certain thing. In such a case, “What is posited by the enactment is not merely something which ought to be and is waiting to be realized, rather it becomes real at the moment of the positing and through the positing: property and claim exist.”³⁴ Enactment becomes another way in which property that nobody owns can come into existence with ownership; by a social act of enactment through parties in which a dispute is settled through and by an arbitrator.^{35 36} Essentially, parties agreeing to give or settle on things. This would resolve the issue of how someone can own pure minerals that they mined from a celestial object that they did not create nor own. It is through a settlement between both parties and by the arbitrator that someone can own minerals in their pure form if both parties decide to do so. Alternatively, if a selected arbitrator rules that Bob can legally mine minerals from celestial objects and retain them in their pure form for commercial use, this would mean that the minerals are considered Bob’s property. This ruling by said arbitrator would still align with the OST principle

³² Ibid. 23

³³ Reinach, “The A Priori Foundations of the Civil Law”, 110

³⁴ Ibid.

³⁵ Massin, “The Metaphysics of Ownership”, 23

³⁶ Reinach, “The A Priori Foundations of the Civil Law”, 112

stating that no one can own entire celestial bodies. Bob would then not own the asteroid in question (or celestial body as a whole), but rather only the minerals, which would be supported by the U.S Commercial Space Launch Competitiveness Act of 2015, which indeed allows for the profit to come from mining celestial bodies. Because, again, for Reinach, *a priori* truths override laws. This is also consistent with Reinachs view because the minerals that had no previous owner have gone through the process of a settlement by two parties through a selected arbitrator.

Conclusion

In conclusion, given the recent contradictory claims between two prominent policies that are the basis of our worlds space law, the Outer Space Treaty, and the U.S. Commercial Space Launch Competitiveness Act of 2015 (alongside with similar policies that allow the advantage of commercialization of celestial resources), Reinach gives us various ways to resolve the legality issue through his *a priori* phenomenological philosophy to positive law, in which the main issues are property and ownership. Although Reinach does not gives a plethora of ways to solve issues on property and ownership, the few ways that he does do resolve important issues that can have lasting effects on society, especially in the coming of a New Space Era in which regulation, treaties, and laws that can guide science and human innovation correctly is imperative moving forward.

Works Cited

Asteroid resource and space resource rights (2015).

Beattie, Andrew. "A History of U.S. Monopolies." Investopedia. Investopedia, September 13, 2022.

<https://www.investopedia.com/insights/history-of-us-monopolies/>.

Bemder, Bryan. "Ted Cruz: 'the First Trillionaire Will Be Made in Space'." POLITICO, June 1, 2018.

<https://www.politico.com/story/2018/06/01/ted-cruz-space-first-trillionaire-616314>.

Boyle, Alan. "One Year after Planetary Resources Faded into History, Space Mining Retains Its Appeal." GeekWire,

November 5, 2019. <https://www.geekwire.com/2019/one-year>

[planetary-resources-faded-history-space-mining-retains-appeal/](https://www.geekwire.com/2019/one-year-planetary-resources-faded-history-space-mining-retains-appeal/).

Brown, Mike. "SpaceX: Elon Musk Breaks down the Costs of Reusable Rockets." Inverse. Inverse, August 21,

2020. <https://www.inverse.com/innovation/spacex-elon-musk-falcon-9-economics>.

Hertzfeld, Henry. "Current and Future Issues in International Space Law - NSUWorks." Nova Southeastern

University. *Journal of International & Comparative Law*. Accessed October 1, 2022.

<https://nsuworks.nova.edu/cgi/viewcontent.cgi?article=1640&context=ilsajournal>.

History.com Editors, History.com Editors. "John D. Rockefeller." History.com. A&E Television Networks, April 9,

2010. <https://www.history.com/topics/early-20th-century-us/john-d-rockefeller>.

Mallick, Senjuti, and Rajeswari Pillai Rajagopalan. "If Space Is 'the Province of Mankind', Who Owns Its

Resources?" Observer Research Foundation, January 20, 2021.

<https://www.orfonline.org/research/if-space-is-the-province-of-mankind-who-owns-its>

[resources-47561/#_edn28](https://www.orfonline.org/research/if-space-is-the-province-of-mankind-who-owns-its-resources-47561/#_edn28).

Massin, Olivier. "The Metaphysics of Ownership: A Reinachian Account." *Axiomathes* 27, no. 5 (August 16, 2017):

McClintock, Bruce, Katie Feistel, Douglas C. Ligor, and Kathryn O'Connor. "Responsible Space Behavior for the New Space Era." RAND Corporation, April 26, 2021.

<https://www.rand.org/pubs/perspectives/PEA887-2.html>.

Mims, Christopher. "Are Ross Perot Jr. and Google's Founders Launching a New Asteroid Mining Operation?" MIT Technology Review. MIT Technology Review, April 2, 2020.

<https://www.technologyreview.com/2012/04/18/186694/are-ross-perot-jr-and-googles-founders-launching-a-new-asteroid-mining-operation/>.

Morello, Lauren. "Humans on Mars as Soon as 2037 Should Be NASA's Goal: Panel." Scientific American. Scientific American, June 4, 2014.

<https://www.scientificamerican.com/article/humans-on-mars-as-soon-as-2037-should-be-nasas-goal-panel/>.

Namta, Gourav. "Let's Talk about NewSpace." satsearch blog, June 28, 2021.

<https://blog.satsearch.co/2019-02-26-lets-talk-about-newspace>.

Neil DeGrasse Tyson: First Trillionaire Will Exploit Space Resources. YouTube. YouTube, 2018.

<https://www.youtube.com/watch?v=XQV7DbIvAT0>.

Reinach, Adolf. "The Apriori Foundations of the Civil Law" *Aletheia* 3:1-142.

<https://philarchive.org/rec/REITAP-9>

Robert.wickramatunga. "United Nations Office for Outer Space Affairs." *The Outer Space Treaty*. Accessed October 1, 2022.

<https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/introouterspacetreaty.html>.

Selding, Peter B. de. "SpaceX Says Reusable Stage Could Cut Prices 30 Percent, Plans November Falcon Heavy Debut." *SpaceNews*, March 11, 2016.

<https://spacenews.com/spacex-says-reusable-stage-could-cut-prices-by-30-plans-first-falcon-heavy-in-november/>.

Smith, Barry. "Aristotle, Menger, Mises: An Essay in the Metaphysics of Economics." History of Political Economy. Accessed October 2, 2022.

<https://philarchive.org/archive/SMIAMM>.

Smith, Noah. "Giant Asteroid Has Gold Worth \$700 Quintillion. but It Won't Make Us Richer." ThePrint, July 9, 2019. <https://theprint.in/opinion/giant-asteroid-has-gold-worth-700-quintillion-but-it-wont-make-us-richer/260482/>.

Sexual Desires: I am No Sinner, for I am Simply Human and Free

Kaleigh Marshall

Abstract

There has been a well-known, continuous narrative projected by Christian philosophers condemning sexual desire and promoting deliberate personal suppression of said desire. This view has been backed in multiple ways, primarily by arguments based on either beliefs or ancient philosophers' logic. It is hard to argue with the former, as it is important not to attempt to discredit the whole reason those of faith suppress their sexual desires, as a person's own belief is of their own to have and should be respected as such. If the Bible leads someone in life, there is nothing to discredit their view of the 'Word of God' However, in this paper, I will solely be focusing on the latter, bringing attention to the inconsistency between current psychological knowledge and one form of argument regarding sexual desires hindering rationality and, therefore, having the ability to take away one's freedom. To do that, I will be discussing studies in neuroscience that show that reason/rationality requires emotions and how, if there were to be a focus on extreme cases, there is no evidence to back the specific scrutiny that sexual desires experience. Specifically, I will show how the combination of Antonio Damasio's *Descartes' Error* and the concept of Amygdala Hijacking provides evidence contradicting parts of Aquinas, Descartes, and Plato/Socrates's views. Thus, I will argue that in today's psychologically attuned world, the dichotomy between sexual desire and rationality is obsolete and suppression of such desires is perversely counterproductive.

For centuries, Christian Philosophers consistently preached that the act of sex or the pursuit of one's sexual desires should only be engaged in for the sole purpose of procreation. For example, Aurelius Augustine interpreted lust as evil and shameful, painting it as "dangerous in mastering us" (Augustine 426AD). St. Thomas Aquinas's view on sex was that even if it were engaged in when married, if one is to have the singular intent of giving and receiving pleasure, it was a sin. He attributes sexual engagement intended for procreation as the only intended end for what he

calls a 'rational man.' Aquinas is also careful to create a distinction between other pleasures of knowing and sexual pleasures, explaining that sexual pleasure is also the pleasure of knowing, too, but in such a small form that it does not provide an excuse for a 'rational man' (Milhaven 1977). By including this additional detail, Aquinas intended to leave no room for "excuses" when it came to any reasons one might have to engage in sex without the intent of procreating. While Aquinas does address rationality as a character trait of one who suppresses sexual desires, this idea is further elaborated on in the workings of Plato's "Phaedrus" and Descartes's 'Passions.' It is important to note that while Plato was not a Christian himself, many Christian Philosophers, such as Aquinas and Augustine, have been influenced by his work numerous times and have cited his ideas for centuries.

The dichotomy between rationality and sexual desire can be specifically represented by Plato's Phaedrus's analogy of the Chariot. This analogy comes from Plato's recollection of a conversation Socrates, Plato's mentor, had with Phaedrus. Plato believes that the soul is composed of three parts- carnal desires (food, drink, and sex), mindful desires (rationality), and societal desires (which deal with honor and glory). In the analogy of the Chariot, these three parts of the soul correlate to one of the three parts of the Winged Chariot Team: the Charioteer (rational), the Light Horse (societal), and the Dark Horse (carnal) (Hall 2018). The Light Horse is considered the obedient horse that does not need the whip. He leads by adhering to commands and reason. The Dark Horse, however, can be identified as the complete opposite of the Light Horse. It embodies a stallion, unable to be broken. Driven by irrationality and instinct, the Dark Horse takes advantage of weak moments, causing chaos and corrupting the Light Horse. Plato's depiction of the Dark Horse embodies the urge of the soul that would be consistent with the urge to pursue lust, also known as sexual desire. This is where the Charioteer comes in. The Charioteer is the embodiment of rationality. Working to restrain both horses from driving the chariot. Plato points out that the Light and Dark Horses do not possess the rationalization that the Charioteer does. The Charioteer is a man who understands right and wrong, working towards weighing which course of action is best. The most distinct part of this analogy is that the Charioteer is restraining the Dark Horse. This idea correlates to the analogy that rationality is working towards restraining sexual desires. Plato then explains that the Charioteer doesn't always win against the Dark Horse but is constantly fighting to restrain it to maintain control. This creates a dichotomy between the two and, therefore, a dichotomy between rationality and sexual desires. The Charioteer and the Dark Horse cannot both be simultaneously winning, as they are always fighting against

each other to win. This dichotomy takes away the Charioteer's ability to steer the chariot as he focuses on restraining the Dark Horse. Only when he has control over the Dark Horse, having it completely restrained, does the chariot regain its freedom to continue on its path. This chaos takes away the freedom from the chariot, leaving it stationary or moving in the wrong direction until the Dark Horse is restrained. The idea of freedom being taken away by carnal desires is the basis of what most Christian philosophers argue.

These kinds of arguments can also be found in Descartes's *Passions of the Soul*. His approach when writing *Passions of the Soul* focused on classifications of 'sensations, appetites, and passions' while emphasizing efforts to regulate them. In his writing, Descartes describes passions as "those perceptions, sensations or emotions of the soul which we refer particularly to it, and which are caused, maintained and strengthened by some movement of the spirits" (Schmitter 2016). In this, he refers to passions as perceptions and emotions that are different from other bodily-based perceptions, such as sense perceptions that help us identify external objects. While he acknowledged the importance of passions/emotions when it comes to the human experience guiding our bodies through the world, he argues that they are the source of much confusion and errors that arise from attributing sensations we feel to that of reality, disregarding our own personal experience. This argument is based on the idea that it is not our carelessness but rather our ability to fall victim to the intrinsic confusions of sensations, appetites, and passions. These confusions alter our perception, therefore creating false perceptions. In other words, Descartes attributes sensations, appetites, and passions as "modifications of a being that is both bodily and mental" (Schmitter 2016). Descartes intended to identify a certain union between the two that can be understood when he went on to say, "What is a passion in the soul is usually an action in the body," thus describing the effects of sensations, appetites, and passions on our perception of reality that lead us to action (Schmitter 2016). There is no scarcity of evidence in his work that Descartes's intent was to create a seemingly straight line between appetites leading to actions and rationality being impaired by sensations, appetites, and passions.

Before I continue, it is important to acknowledge the distinction between 'emotions' and 'desires.' In Plato's account, emotions are reactive to reality, while desires alter our reality. Descartes argued that desires come from the soul, not external influences, while external influences solely cause emotions. Inherently, they have very similar claims but different complexities in their work. However, in the previously mentioned work, Descartes attributes the

confusions that occur and the alteration of our perception of reality to ‘appetites’ and ‘emotions’, meaning both cause the confusion to occur. Finally, in current-day psychology, most agree with Plato’s account but also argue that they are closely related phenomena that affect our brains in almost identical ways. While this distinction is important, desires and emotions influence our perception of the world and drive us daily. Therefore, I will use the two words interchangeably because the effects of both are of the same nature. My focus is on our reactions and our body’s reactions to both occurring, not particularly why they are occurring or what is causing them. Sexual desire is carnal desire driven by a part of our soul and is consistently influenced by our emotions. Our emotions do not inherently cause our desire for sex towards someone, but how we deal with it or act toward it is affected by the emotions we experience surrounding pursuits or reasons for lack thereof. Therefore, please proceed with the knowledge that these arguments are either reflecting on sexual desire itself or the emotions that affect it.

These accounts of sexual desires impinging on our rationality all have one thing in common: they view sexual desire as a strong, uncontrollable entity disrupting rationality, creating a state of mind, thus making it impossible to lead a productive life. Take Plato’s Chariot, for instance; the Dark Horse represents sexual desires as a stallion, creating chaos and disruption in the Charioteer’s intended course. Then, Descartes’s broad interpretation of emotions and passions is that they cause confusion and errors in our rationality, leading to our misinterpretation of a situation. This causes us to act or even react in a way we would not if our rationality were not impaired. If our rationality, or our ability to assess certain situations and act accordingly, is impaired by emotions, it brings into question whether we truly have freedom in these impaired states. If we are not able to properly assess a situation when we have emotions, passions, or desires corrupting our views, do we have the freedom to act as we would without these ‘misunderstandings’? The problem with this train of thought isn’t the question. It’s the notion that emotions, passions, or desires impede our rationality.

Take into account Antonio Damasio’s *Descartes’ Error*. While Descartes’s interpretation of the dichotomy between rationality and emotion is compelling, Damasio argues that it doesn’t hold up when incorporating current psychological findings. In his book, Damasio uses the case study of a patient he calls Elliot. Elliot was one of his patients who had a tumor develop in his frontal lobe. The tumor ultimately damaged the frontal lobe tissue in his brain. While Elliot was not just functional but excelled in everything dealing with intelligence, it seemed that his whole life

had fallen apart since the damage to his frontal lobe. He couldn't hold a job, couldn't make a marriage work, and wasn't even able to make plans in advance. Elliot was exhibiting characteristics you would expect of a lazy person, which ruined his life. However, Damasio was unwilling to accept that this was the case. Eventually, Damasio noticed that despite all of the positive characteristics Elliot had when pertaining to intelligence, he never gave any emotional cues when telling his stories of how his life came to be as disappointing as it was. He was showing a clear detachment from the emotional parts of his life. Recognizing this, Damasio was then able to conclude that Elliot was unable to complete certain tasks because he did not feel the pleasure of completion. Elliot had intelligence but no emotions to drive him to carry out anything, causing him not to finish things that would positively affect his life. Damasio described this as "to know but not to feel" (Baer 2016). This lack of drive caused Elliot to be unable to experience the freedom our aspirations give us. Due to his inability to even care about things he could do to improve his life, he became trapped in a reality that he had no desire to change.

The idea that our freedom is taken away if we were to act on a desire cannot hold up in this circumstance. It was because Elliot had no desire to achieve anything that he then had no freedom to progress in his life. Therefore, Damasio's finding showed that when your ability to have emotions and desires is taken away, your freedom follows. This gives a case for the idea that emotions and desires do not impede your rationality but rather work in unison with rationality to grant you freedom in your life.

However, if we were to attribute the hindrance of our rationality not to the idea that sexual desire is in and of itself a desire but a stronger, more overwhelming desire than others, then it would have a different effect on the mind than, say, base pleasures like desires of completing a task. Rather, sexual desires would have the same effect as an emotion that overcomes you, like intense fear or grief. If this was initially the meaning behind this belief, what is there to say there isn't a reason to suppress those desires?

This distinction opens another path that deals more with the body's response to said intense emotion. Let's think about Plato's Chariot for a second. If we attribute the hindrance of rationality to the idea that intense emotions create chaos that takes away rationality's control or power, there must be an understood rule that intense emotions and rationality cannot simultaneously possess power. This means that regular everyday emotions cannot be compared to the kind of effects that sexual desires have because the hindrance is reliant upon the degree to which the emotion is felt.

This difference can be easily understood by comparing, say, a friend coming around the corner to scare you to a serial killer chasing you. Therefore, we would have to deem sexual desires as an intense emotional experience that seems to overtake rational thinking. This kind of experience falls under the definition of what psychologists call ‘Amygdala Hijacking’. Amygdala Hijacking is a concept first recognized in 1995 by Daniel Goleman in his book *Emotional Intelligence: Why It Can Matter More Than IQ* (Guy-Evans 2023). Steering away from the fact that the phrase ‘Emotional intelligence’ would throw Descartes into an immediate downward spiral, Goleman’s book focuses on how mastering one’s emotions is one of the main components of making good decisions, having sound thoughts, and creating individual success. To explain this further, Goleman examined the Amygdala’s power over the brain when in an intense emotional state. Due to the Amygdala being the brain’s main emotional regulator, it has control over our response to emotions in general. However, when intense emotions occur, the Amygdala triggers a powerful emotional hyperarousal response. This hyperarousal creates the sensation of overtaking your thoughts and actions due to a blockage by the amygdala of the original signals created by the emotions from being able to reach the other parts of the brain in time to react. Here is where impulsive and irrational behavior comes into play: the blockage by the Amygdala hijacking that is preventing the cortical centers of the brain from processing the information makes the outcome completely reliant on the amygdala’s initial emotional response. Thus acting impulsively. Like many others, this psychological response can be triggered by many different things, causing situations in which danger is not the reason the amygdala hijacking is occurring. This process is handy when dealing with intense fear but not when the cause is other strong emotions. It then hinders our rationality when making decisions in non-dangerous situations.

The fact that ancient philosophers and current-day psychologists both recognized this concept grants a slight validity to an underdeveloped view held by Christian Philosophers only in the idea that intense emotions can hinder your rationality. That being said, it is not the case that Amygdala Hijacking only occurs for sexual desires. In fact, it occurs with many different intense desires and emotions. Sexual arousal happens to be one among many. Therefore, Descartes and Socrates were, in fact, correct in their beliefs surrounding bodily responses to intense emotions. However, this idea cannot be limited to sexual desires as the psychological evidence shows it occurs for a multitude of intense desires and emotions. That being said, this argument better suits the position that we should work towards being aware of when external forces ignite this process of Amygdala Hijacking within us. For example, in political news

outlets such as Fox News or CNN, producers work to raise the fear and anger of their viewers to build their hatred for the opposing political party. It distracts the viewers with these strong emotions, making them unable to assess the information they are being fed. This is a prime example of weaponizing strong emotions that hinder our rationality, creating a following and a dichotomy between the citizens of America. Moving forward, we should not be promoting the suppression of intense emotions due to fear of sinning but rather should be explaining human psychology to a point where an individual has a personal understanding that makes them aware when those around them are attempting to weaponize this psychological phenomenon. This kind of education would create a more secure free will due to the power others have to psychologically influence you being less effective if not next to impossible.

In addition, there is evidence that Amygdala hijacking becomes more likely when a form of suppression of emotions is involved (Guy-Evans 2023). These suppressed emotions, no matter which kind, surface when triggered. There is scarce predictability regarding triggers as they are normally subconscious and, therefore, hard to pinpoint. If one is to suppress desires, they subconsciously increase their likelihood of Amygdala hijacking. This brings St. Thomas Aquinas's view into question as it gives reason to believe the suppression of sexual desires can actually increase the likelihood of one losing control of one's rational mind.

If Christian philosophers were to strain the point that rationality is only hindered by intense emotions or desires, then their argument would be more plausible. To focus on sexual desires not only weakens their argument but also discredits the reality that other emotions, such as intense fear or anger, are a better fit for said argument. There is still no sound reasoning to give credibility to a specific attack on sexual desires, as it is the case that Amygdala Hijacking can hinder rationality for all intense emotions, not just sexual ones. We must not have tunnel vision when it comes to these arguments because it gives reason to suspect that the creation of these arguments did not intend to keep us rational or grant us freedom but rather suppress characteristics we possess that make us innately human. Our humanity is a part of what gives us the ability to live as we do. To suppress a part of it would bring into question if we are actively taking away our freedom on account that it suppresses our humanity and makes us more susceptible to Amygdala Hijacking. Understandably, these thoughts were considered sound in their day and age, as philosophers back then did not know human psychology as we do now. However, to continue to give credibility to this idea that sexual desire suppression is the only path for a 'rational man' is to simultaneously dismiss current scientific evidence proving

otherwise and to blindly follow this misguided conception rooted in outdated logic. Do not misunderstand me, for I am not discrediting our most beloved philosophers. I am simply pointing out important science they missed in their day and age, as it was not the underdevelopment of their minds but the underdevelopment of their societal knowledge.

Works Cited

- Augustine. n.d. "Augustine: Marriage and Concupiscence — Christian Scriptures." Glorian.
<https://glorian.org/learn/scriptures/christian/augustine-marriage-and-concupiscence>.
- Augustine, and Marcus Dods. 426AD. *The City of God*. Lexington, Ky: Amazon Createspace], [], C.
- Baer, Drake. 2016. "How Only Being Able to Use Logic to Make Decisions Destroyed a Man's Life." *The Cut*. June 14, 2016. <https://www.thecut.com/2016/06/how-only-using-logic-destroyed-a-man.html>.
- Guy-Evans, Olivia. 2023. "Amygdala Hijack: How It Works, Signs, & How to Cope." *SimplyPsychology*. September 18, 2023. <https://simplypsychology.org/amygdala-hijack.html>.
- Hall, Joshua M. 2018. "Plato's Phaedrus after Descartes' Passions: Reviving Reason's Political Force." *Lo Sguardo*, January.
https://www.academia.edu/45142119/Plato_s_Phaedrus_after_Descartes_Passions_Reviving_Reason_s_Political_Force.
- McIlvain, Linnie. 2020. "The Chariot: Plato's Concept of the Lover's Soul in Phaedrus." *TheCollector*. December 26, 2020. <https://www.thecollector.com/plato-greek-philosophy-the-chariot-phaedrus/>.
- Milhaven, John Giles. 1977. "Thomas Aquinas on Sexual Pleasure." *The Journal of Religious Ethics* 5 (2): 157–81.
<http://www.jstor.org/stable/40017725>.
- Pettibone, Mark. 2019. "Erotic Philosophy as Ritual in Plato's Symposium and Phaedrus." *Theorem Serum*. April 9, 2019. <https://theoremserum.com/2019/04/08/erotic-philosophy-as-ritual-in-platos-symposium-and-phaedrus/>.
- Schmitter, Amy. 2006. "17th and 18th Century Theories of Emotions > Descartes on the Emotions (Stanford Encyclopedia of Philosophy)." *Stanford.edu*. 2006.
<https://plato.stanford.edu/entries/emotions-17th18th/LD2Descartes.html>.
- "What's the Difference between an Emotion and a Desire? | Psychology Today." n.d. *Www.psychologytoday.com*.
<https://www.psychologytoday.com/us/blog/hide-and-seek/201603/whats-the-difference-between-emotion-and-desire>.

A Helping Hand

Michael Birdwell

Abstract

G.E. Moore's proof of the external world is one of the simplest and most ingenious arguments in modern philosophy. Moore argued that the only thing necessary to know that there is an external world is to know one thing about it, such that it has hands in it. The sheer weight of direct awareness is sufficient to overcome all doubt about said world. However, the argument has numerous detractors. Chief among these was his student and friend, Ludwig Wittgenstein. Wittgenstein argued that appealing to appearances of an external world outside of a clear conceptual framework is meaningless and incapable of conferring genuine knowledge of the external world. In this paper, I describe Wittgenstein's critique of Moore from the beginning of *On Certainty* and then respond to Wittgenstein on Moore's behalf. I defend the claim that Moore's position that he has hands is not nonsensical, but meaningful and sufficient to justify a belief in an external world.

There are numerous pressing matters in epistemology today. Whether or not the outside world is an illusion is not necessarily one of them. However, if simple and obvious facts cannot strongly be accounted for, then the whole field is doomed to irrelevance. Therefore, banal as it may be, having a good answer to the question of whether we know anything at all is necessary for any detailed endeavor into what we know. Thankfully, in the early 20th century, G.E. Moore came up with a 'handy' trick to resolve this issue. Moore famously argued that he can prove that there is an external world simply by appealing to the fact that he has hands, for, if there was no external world, then he would have no hands. This short and sweet purported proof is everything we could ever want out of an argument, but is it too good to be true?

In unpublished journal writings, later reworked into *On Certainty* in 1969, a student and friend of Moore's, Ludwig Wittgenstein, cast doubt on the justification of Moore's proof. Wittgenstein argued that knowledge is tightly connected to context and that our knowledge of our hands can only be sensible in a broader language game and is

otherwise 'nonsense'. In this paper, I will extract and explain Wittgenstein's argument at the start of *On Certainty*. Next, I will challenge Wittgenstein's argument on two fronts, acknowledging that only one objection is ultimately successful, that even if Moore's argument was committed to the sentence ultimately being contextually meaningless, this would not show that he did not know that he had hands and that Moore was not arguing from a meaningless premise when he asserts that he knows that "here is a hand". Thus, Wittgenstein's counterargument to Moore faces serious challenges, and Moore's argument can escape the critique.

First, I will isolate and analyze Wittgenstein's argument at the very start of *On Certainty*. Wittgenstein's opening statements directly call out Moore and evince the primary thrust of his argument against Moore. I will explain some of the most important passages on this account and then synthesize them into a coherent and precise counterargument to Moore's anti-skeptical position.

1. If you do know that here is one hand, we'll grant you all the rest. When one says that such and such a proposition can't be proved, of course, that does not mean that it can't be derived from other propositions; any proposition can be derived from other ones. But they may be no more certain than it is itself. [...] (Wittgenstein 79, 1)

Wittgenstein began the paper with a challenge. If Moore does know that "here is a hand", a reference to his famous declaration that he does, then Wittgenstein will grant that this is sufficient to know that there is an external world. For, Wittgenstein did not mean to claim that it could both be the case that there are hands and that there is not an external world beyond our minds. Wittgenstein also made it clear that his objection is not merely that the proposition that 'here is a hand' cannot be proven, but that it can be no more certain than the hidden propositions which are presupposed to detail it. What Wittgenstein means by this is made clearer in fragment 10.

10. "I know that a sick man is lying here? Nonsense! I am sitting at his bedside, I am looking attentively into his face.-So I don't know, then, that there is a sick man lying here? Neither the question nor the assertion makes sense. Any more than the assertion "I am here", which I might yet use at any moment, if suitable occasion presented itself.-Then is "2 x 2 = 4" nonsense in the same way, and not a proposition of arithmetic, apart from particular occasions? "2 x 2 = 4" is a true proposition of arithmetic-not "on particular occasions" nor "always" but the spoken or written sentence "2 x 2 = 4" in Chinese might have a different meaning or be out and out nonsense, and from this is seen that it is only in use that the proposition has its sense. And "I know that

there's a sick man lying here", used in an unsuitable situation, seems not to be nonsense but rather seems matter-of-course, only because one can fairly easily imagine a situation to fit it, and one thinks that the words "I know that. ..." are always in place where there is no doubt, and hence even where the expression of doubt would be unintelligible." (ibid. 10).

Wittgenstein opens this fragment with a confusing dialogue between himself and a supposed interlocutor. The interlocutor describes that he is observing a sick man, sitting with him, looking at him, so, surely, he knows that there is a sick man in front of him. Wittgenstein would be expected to state, 'indeed', but instead calls it 'nonsense'. Why? Wittgenstein points out that the interlocutor is not looking at a sick man. The interlocutor is engaging in a fictional dialogue. We, the readers, are filling in the story because we 'can fairly easily imagine a situation to fit it', but there is nothing beyond words being written. Hence, the words are meaningless nonsense. This develops out of Wittgenstein's theory of language games. The concept of a language game goes beyond the scope of this paper, but I must briefly explain it for Wittgenstein's position to be fairly displayed. A language game involves, at minimum, rules for using a language, and that these rules be followed. When many language games intermingle, 'family resemblances' occur whereby similar language games overlap, without any one unified defining characteristic. Taking this into consideration, the meaning of language then develops from how the words are utilized within language games, not by other words. Thus, for Wittgenstein, meaning is use.

The application of language games is clearer in how Wittgenstein 'uses' them to question the intelligibility of an even more obvious truth than that we have hands. Sandwiched within the first example, Wittgenstein made an example out of a supposedly unimpeachable law of reason, $2 \times 2 = 4$. Wittgenstein argued that the sentence " $2 \times 2 = 4$ " does not mean anything outside of a proper field of interpretation. He offers the example of the Chinese language, where the numbers are not understood. Thus, Wittgenstein's argument crucially depends on more than just the referent of words, but the meaning of sentences within a language. Thus, Moore's argument is expected to prove that the English sentence "here is a hand" is what is known. This requires that it be known that the English sentence "here is a hand" is causally connected to an external hand and that it is understood that Moore's English sentence is about Moore's English hand.

Finally, Wittgenstein added a certainty condition to knowledge claims. Attempting to justify his strict criteria, Wittgenstein finished the fragment with an assertion that 'I know that...' statements are always references to

statements that are neither doubted nor doubtable. This provides the suitable condition which Wittgenstein had been demanding from knowledge. The position that knowledge is only that which is undoubtable is not unwarranted. It is common in ordinary language to describe knowledge in a way that is at least compatible with this definition. Therefore, according to Wittgenstein, a knowledge claim will be meaningless unless it is a claim which cannot be doubted. Wittgenstein himself developed an account of such knowledge claims, but that account is beyond the scope of this essay.

Taken as a whole, Wittgenstein's core thesis may be summarized as follows. Moore is correct that knowledge of even a single hand is sufficient to justify full-blown robust knowledge of the external world, however hands cannot be taken for granted. In fact, appealing to hands is nonsense! The only time when appealing to hands is not nonsense is when it is stated in a suitable situation. Therefore, Moore cannot appeal to the hands to justify that the very situation where he is speaking of his hands is suitable. Without an adequate reason to believe that "here is a hand" is a coherent English reference to hands, it has no value. As Wittgenstein's examples aim to show, "here is a hand" on its own is no better than "there is a sick man lying here", it is easy to imagine a situation where it is meaningful, but this is not one.

I will place Wittgenstein's argument into a valid syllogistic form so that it is easier to evaluate.

1. The sentence "there is a hand" is only ever known when stated in a meaningful way
2. The sentence "there is a hand" is not stated in a meaningful way when it is stated to establish an external world
3. Therefore, the sentence "there is a hand" is not known when it is stated to establish an external world

In the remainder of this essay, I will offer objections to both premises. I will begin by questioning whether the claim that "there is a hand" can be known even when it is stated in a meaningless context, contra premise one. I will support this with the work of John Searle. After finding such an approach wanting, I will consider the possibility of denying premise two and arguing that Moore's usage of the sentence "there is a hand" is not stated in a meaningless way even within Wittgenstein's system. Instead, it is a perfectly meaningful and normal application of the word 'know' in English.

First, I will shift my focus to the facticity of premise one. It is *prima facie* implausible that the truth of statements depends on their context in a sentence. This sentiment is shared by John Searle, who accused

Wittgenstein of making an “assertion fallacy”, which is

“confusing the conditions for the performance of the speech act of assertion with the analysis of the meaning of particular words occurring in certain assertions” (Searle 69, 141). Searle argued against conflating rules for assertion, i.e. making declarations of fact, with the meanings of specific words. Thus, Searle posited that it is wrong to move from the fact that an assertion is out of place to the assertion being false. Consider if the statement that “here is a hand” was added to the end of the first paragraph of this essay. While it would have been out of place, it would not follow that it was false. It may be meaningless to state that “here is a hand”, but it is a true statement. For, while out of place, there are in fact hands. Thus, the mere fact that a statement can be made outside of context does not entail that a statement automatically becomes false outside of context. And, if the sentence is true, then skepticism can be avoided.

Wittgenstein would surely grant that not every meaningless sentence is necessarily untrue, but he would still be within his rights to claim that while sometimes a meaningless statement is true, the one uttering the statement does not know that it is true. This is a rather devastating reply. For, it reveals that the fallacy presupposes that there can be knowledge absent awareness of knowledge. While this is a perfectly defensible and plausible philosophical position to which I am inclined, known as externalism, it is deeply controversial. Consequently, if this move were necessary to save Moore’s argument, then Moore’s argument would not be bogged down by controversial assumptions and lose the simplicity and clarity which make it appealing in the first place. As a result, even if the objection to premise one is correct, it would still only be a pyrrhic victory for Moore.

Having shown that rejecting the first premise will inevitably run into a dead end, I will instead consider premise two and show that Moore is making the claim that he has knowledge in the very sense that Wittgenstein contests, and that Moore’s argument satisfies the criteria as well as anything. First, I will establish that Moore’s argument appeals to a definition of knowledge that is congruent with Wittgenstein’s. Second, I will argue that Moore’s appeal to his hands is not analogous to Wittgenstein’s counterexamples. Together, these will prove that Moore’s rebuttal of skepticism is stated in a meaningful way.

Moore clearly declared that his knowledge of his hands was certain and unworthy of doubt. Defending his argument, he wrote that

“I knew that there was one hand in the place indicated by combining a certain gesture with my first

utterance of 'here' and that there was another in the different place indicated by combining a certain gesture with my second utterance of 'here'. How absurd it would be to suggest that I did not know it, but only believed it, and that perhaps it was not the case! You might as well suggest that I do not know that I am now standing up and talking—that perhaps after all I'm not, and that it's not quite certain that I am!"
(Moore 62, 144-145)

Moore protests that our knowledge of ordinary experience cannot be reduced to mere reasonable belief. Instead, it is taken for granted that the mere ability to doubt a proposition is no justification for doubting it. Moore claims that our awareness of hands in front of us is as clear as can be. Any attempt to question or doubt our having hands would be foolish. The premises are as uncontroversial as any premise can be. Thus, reasons Moore, we have the best possible proof that there is an external world that we can have. Certainly, Moore is consistent here with Wittgenstein's criteria that a claim to knowledge involves being undoubted and undoubtable.

Moving on to the second point, Moore's argument is not being made outside of its language game, so Wittgenstein's parodies fall short. The sentence "here is a hand" is not a vacuous sentence that is tangentially connected to a truth claim; it is a truth claim. Wittgenstein attempted to limit the sentence to confused and irregular uses of the sentence, thus making it meaningless. Just as the sick man sentence and the 2+2 sentence were out of place and nonsense, Wittgenstein argued that the sentence cannot stand on its own. It must ultimately exist in a greater sea of sentences, or a language game. In one sense, Wittgenstein was correct here. However, in another he was wrong. The right sense is that Moore was arguing from concepts that are already understood by both Moore and the skeptic. The wrong sense is the sense that the sentence as made by Moore was inherently devoid of other content and an island sentence. Keith DeRose argued forcefully that Moore's argument is still anchored in the ordinary sense of knowing, writing

"Moore correctly insists that, ..., his own "philosophical" claims do serve a purpose- that of combating philosophical skepticism-though not the ordinary purpose for which claims to know are put... , it's still perfectly possible that he's using "I know" in its ordinary sense, though he's not utilizing it for its ordinary purpose"
(DeRose 98, 241).

Moore never meant to imply that his sentence was a loose jumble of words postured at an object of his experience which English speakers may recognize as "here is a hand". Instead, this was a directed sentence with a

specific dialectical goal of rebuking a skeptic. Unlike “ $2+2=4$ ”, the sentence is not outside of its normal environment, the sentence is in one of the only environments where it makes sense to utter it². The phrase is being properly utilized within the language, as it is achieving its clear and only goal of answering a skeptic. There is not a conflict of meaning occurring. While the sentence may not be entirely normal, it is still being used to mean the same thing it means in any other case it is used. Compared to a funky situation where “the sky is blue” does not mean “the color of the sky is blue” but rather “the sky is feeling melancholy”, the sentence “here is a hand” is remarkably stable in its content.

Wittgenstein even seems to concede a point like this later in *On Certainty*, when he states “467. *I am sitting with a philosopher in the garden; he says again and again "I know that that's a tree", pointing to a tree that is near us. Someone else arrives and hears this, and I tell him: "This fellow isn't insane. We are only doing philosophy."*” (Wittgenstein 79, 467) If, however, Wittgenstein were to challenge that any sentence’s ordinary usage is one of philosophical spats with skeptics, then Moore would still be able to rejoin that this was merely a particular instantiation of the more general use of knowledge which is commonplace in philosophy because it still complies with the umbrella category of undoubtable beliefs and has not been misapplied nonsensically. It would be Wittgenstein himself who has misunderstood how the term is being applied and understood. Overall, Wittgenstein overestimated the strength of the language game that is involved in “here is a hand” as opposed to the sick man sentence or the $2+2=4$ sentence. The sentence is understood by the speaker and is understood in its normal context. It is also being utilized for a modest conclusion, one which is presupposed by most sentences, that there is something other than our minds. For these reasons, Wittgenstein’s counterexamples do not challenge the meaningfulness of Moore’s sentence.

In conclusion, Wittgenstein’s rebuttal of Moore failed because it could not prove that Moore’s usage of the sentence “here is a hand” was meaningless. Wittgenstein could not prove this because Moore’s usage of the sentence was clear, pointed, and legitimately invoked certainty. Therefore, the second premise of Wittgenstein’s argument fell flat. Furthermore, it can be argued that even if Moore’s usage of the sentence was meaningless, that would not render it false. While this latter objection fails to fully rebut Wittgenstein’s argument, it provides at least some reason to doubt the veracity of premise one. For these reasons, Wittgenstein’s conclusion that Moore was unable to establish an external world is unwarranted. Therefore, Moore’s argument remains an acceptable and plausible response to skeptical challenges. This provides at least three tangible benefits to epistemology. The first is a free ticket to explore more pressing epistemic matters, at least from Wittgenstein, for, having given him hands, he must now “grant (us) all

the rest". The second is an advancement in the understanding of the interplay between Wittgenstein and Moore specifically in that it points to the conclusion that Mooreans must show that the sentence "here is a hand" is intelligible. Finally, the third is that it provides further justification for common sense epistemology, a popular school of thought.

Works Cited

- Derose, Keith. "Moore and Wittgenstein on Certainty". *Philosophy and Phenomenological Research* 58, no. 1 (1998): 238-241. doi:10.2307/2653646.
- Moore, G.E.. *Philosophical Papers*. 1st ed. (New York: Collier Books, 1962), 144-148.
- Searle, John. *Speech Acts: An Essay in the Philosophy of Language*. (Cambridge: Cambridge University Press, 1969), 141
- Wittgenstein, Ludwig. *On Certainty*, eds. G.E.M. Anscombe and G.H. von Wright (New York: Harper & Row, 1969) 1, 10, 467.
- Wittgenstein, Ludwig. *Philosophical Investigations: The German Text, with a Revised English Translation* ed. G.E.M Anscombe (Oxford: Blackwell, 1953), § 23.

Aletheia

