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Report to the Treasurer of Injustice  
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The 21st century, otherwise unremarkable after the Great Climate Change Scare of its early decades was revealed to be a hoax, is remembered for its solution to an age-old problem.

Given the achievements of our ancestors and the benefits that flow from them that we enjoy every day, it is difficult for us to conceive the moral chaos that prevailed during most of the 20th-21st centuries – the “era of heteronomous willing” before true autonomy was socially engineered as the presumptive normative foundation of all social interaction both public and private. This was made possible by an insight formulated in the early decades of the last century: that consent, the cornerstone of our system of morality, *cannot be given or received*. Once this principle was established, it was impossible not to see that every action of every individual and institution in society was wrong and unjust.

We now know with certainty that each of us is continually being wronged, even though – given the limits of human cognition, especially our inability to foresee all the consequences of our actions – the content of these wrongs may not become evident until far in the future. It became clear, however, that if a reliable quantitative estimate could be made of each individual’s future victimization, it would be possible for everyone to draw on the value of these wrongs for the purpose of economic exchange. This led to the establishment of a Treasury of Injustice and a new metric for net worth based on the amount of undeserved harm in one’s possession, and the Victim Credit minted by the Treasury soon established itself as the currency of choice. In line with the well-established principles of the free market, this influx of capital resulted in a wave of economic expansion, which created more opportunities for interaction and thus also the ever-increasing accumulation of what economists came to call Future Expected Wrongness. Productivity was further enhanced by the decision to do away with the Harm Limitation Proviso and to calculate future harm to infinity. (The objection from the eventual heat-death of the universe was dismissed once it was understood that the moral universe, at least that dimension of it that concerns compensation, is eternal and infinite.)

Obstacles were encountered, and overcome. The mid-21st century saw the appearance of Consent Heroes. At first, these were individuals who chose to keep their interactions with others to an absolute minimum and by this means to remain at least as morally pure as humanly possible. The great monasteries and retreats that were established for this purpose, organized around the principle of lifetime solitary confinement, became legendary. The irrationality of this movement, however, was obvious to most, since the strength of the economy, hence the well-being of society, depended on the unlimited accumulation of future injustice, which mandated that interaction be maximized rather than minimized so as to create as many opportunities as possible to act wrongly. Misguided efforts were made to ban the monasteries, but eventually the solution that prevails today was hit upon. It was realized that

the existence of the monasteries was itself a source of future injustice, in the form of the harm done to society as a whole by their attempts, to some extent successful, to avoid harming others and thus, by lowering the sum of unjust acts, lowering productivity and wealth as we now measure them.

In time a more extreme form of Consent Heroism emerged: suicide. The stated intention was to avoid harming others by the undeniably elegant expedient of ending one's life. In reality these suicides (often carried out with great histrionics and widely shared on social media) were protests against the then-emerging moral and economic order being implemented by the Treasury's Victim Credit System, and were intended as a *reductio ad absurdum* argument against the very idea that our fundamental moral obligation is to refrain from actions not consented to by all the affected parties. It was immediately evident, however, that suicides contributed to Future Estimated Wrongness even more than monastics did (since the former's unjust acts dropped to absolute zero, something not even the most rigorous solitary confinement could achieve) and unjustly denied the Treasury much revenue, thus enabling it to issue Special Victim Credits based on the suicide rate (together with other measures of each individual suicide's likely harm production over the course of the life the suicide would otherwise have led, with the consequences calculated to infinity). Now, of course, we honor these Consent Heroes, and it is the hope of each "family" (on this, see the Report to the Registrar of Consent to Human Nature, in particular its Opt-Out and Sunset Provisions) that at least one of its "children" choose this way of contributing to freedom and prosperity.

The great conceptual breakthrough came with the realization that the principle of tacit consent, which had legitimated wrong-doing for so long owing to its apparent plausibility, was fatally flawed.

Granted, even express consent has its problems. A great many conditions must be met in order to unambiguously give consent. First, consent must be given explicitly – in principal verbally, but in practice nothing less than a sworn written declaration will do. Second, consent must be freely given. Third, the consenter must be mentally competent to consent, i.e. not delusional or otherwise cognitively impaired. Fourth, consent must be informed: the prospective consenter must be aware, and made aware, of all of the ways the action consented to may affect him or her. The one seeking consent must perform due diligence by actively verifying that all these conditions have indeed been met, ideally by both reviewing existing documentation attesting to the fitness of the party affected by the proposed action and by carrying out an independent investigation into the matter.

There is of course a practical problem here, namely that securing consent before acting is so time-consuming that action will rarely occur. The problem is magnified when one considers that all others potentially affected by the action must also give consent – a group that, it was quickly realized, includes everyone alive and all future generations. (The necessity of securing the consent of the dead continues to be hotly debated.) There is also the much-discussed imbroglio of infinite regress, since the act of verifying someone's fitness to give consent must itself be consented to, and so on *ad infinitum*.

Tacit consent is even more troubling than express consent. As we know, the principle of tacit consent was introduced by the notorious English white heterosexual male racist, sexist, and classist John Locke (1631-1704) precisely as a remedy for the evident fact that almost no one has expressly consented to be ruled by their government, which on Locke's account means that no government is legitimate. His solution was to hold that merely by living in a society, one is implicitly or "tacitly" consenting to its government. By this criterion, however, merely going along with what someone is doing to one is equivalent to having given one's permission to do it. "Consent" here means no more than "not strongly opposed" and perhaps not even that – an unacceptably fragile standard on which to rest the fundamental institutions of a society.

As we know, the concept of tacit consent came to be understood differently: the idea is that one gives tacit consent to X's act A by failing to express the desire that X refrain from A, *in a context in which one would ordinarily be expected to express that desire*. In other words, for one to express consent tacitly, the context must be such that a person's failure to make the absence of a desire explicit can rightly be taken as the expression of that desire. Two conditions are required: (1) the person must be competent to express the desire that X refrain from A, and (2) the person would be expected to express the desire that X refrain from A (under the circumstances). Thus a woman who, after a total stranger at a party takes her hand in his, fails to withdraw it, and assuming there is a general expectation that women withdraw their hands from those of men with whom they are not familiar (or, at a minimum, do not fancy), may be regarded as having consented to the man's advance.<sup>1</sup>

However, tacit consent imposes unacceptable burdens. What counts as an indication of tacit consent depends on the context, which can vary depending on the conventions of the culture. A woman who leaves her hand in a man's may be tacitly consenting to the advance, but only where there is an expectation that she would withdraw her hand if she were not. If the expectation were different, e.g. if holding hands with unknown men became normal, her inaction would mean nothing at all. The determination of consent thus requires a thorough vetting of the context, a process that in principle should be extended indefinitely because its outcome will never be settled once and for all – assuming, of course, that it is carried out by sufficiently sincere and committed casuists.

For a time, it was hoped that a standard checklist would provide an efficient means to confirm the contextual conditions required for tacit consent in any given case, in the form of a series of questions put to the proposed consenter concerning his or her freedom from coercion, mental competence, possession of relevant information, and so forth. Of course, this defeated the purpose of tacit consent by transforming it into express consent, and also ran afoul of the Irony Limitation Act of 2023. Quite apart from this, the use of simple checklists proved inadequate for a sufficiently robust determination of fitness to consent. Indeed, no adequate method of determining fitness exists.

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<sup>1</sup> With this definition and illustration I follow Haworth (2012: 124-125), who follows Sartre (1969: 55ff) and Simmons (1979: 79-80).

Moreover, consent given tacitly can only be withdrawn explicitly. In the illustration given above, the woman would be required to actively and unambiguously withdraw her hand. This unfairly puts the burden on the potential victim of non-consensual activity. We must not attribute consent unless and until we have exhaustively examined the circumstances under which the failure to withdraw consent takes place, and determined beyond all shadow of a doubt that inaction is not due to incompetence, coercion, distraction, confusion, effects of past trauma, lack of privilege, imbalance of power, hope for a future reward, or some other heteronomous factor. But it is impossible to make a determination of this kind.

Taking into account all these considerations, it became clear that it was impossible to give or receive consent whether expressly or tacitly, which meant that it was impossible for human beings to interact with one another in morally permissible ways. Morality demanded, therefore, that we criminalize everything by presuming that no one has consented to anything.

Individual agency is the basic value that drives our morality. As beings with second-order as well as first-order beliefs and desires, we ask ourselves whether our beliefs are true and whether our desires are the best. In this way we commit ourselves to choice-worthy goals and plan our lives so as to achieve them by freely cooperating with others so disposed. We transform the natural world into a world of our own. But ownership of a shared world requires that we consent to its arrangements, for otherwise it would be we who are owned by the world. As consent cannot be given, our forebears succeeded in achieving our moral goals in the only way possible: by acknowledging that it is impossible to achieve them, conferring the status of currency on the harm done to those victimized by this impossibility, and compensating them accordingly. Since the amount owed each individual for Future Expected Wrongness is calculated to infinity, each possesses an infinite amount of Victim Credit, that is, an amount equal to everyone else's. Once the economy was placed on the firm footing of universal guilt and infinite indebtedness, such that everyone was owed compensation by everyone else in an amount equal to that which they owed, society was able to achieve equality and freedom by recognizing, affirming, and institutionalizing their non-existence.

Respectfully delivered,

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