—4—

**WHAT IS DONE, IS DONE**

NORMATIVE AND APPLIED THEORIES

An interruption.

Rethinking the first three chapters of this book, I have come to suspect that, not unlike Iris Murdoch and Emmanuel Levinas, the way I imagine ‘ethics’ floats on an idea that any ethical substantive position or ethical theory is always shaped through our existential condition and our embodied encounter with others. To Murdoch, existence is the disposition for our *responses* to the ways in which we perceive *reality*, and yet, although these responses are always part of who we *are*, they are not always part of what we *do*, and so, we set ourselves *ethical tasks* when we desire to act ethically. In *The Sovereignty of Good*, Murdoch offers an instance of an individual whose *inner attentiveness* to the possible realities of another sets her on such an ethical task.

A mother, whom I shall call M, feels hostility to her daughter-in-law, whom I shall call D. M finds D quite a good-hearted girl, but while not exactly common yet certainly unpolished and lacking in dignity and refinement. D is inclined to be pert and familiar, insufficiently ceremonious, brusque, sometimes positively rude, always tiresomely juvenile. M does not like D’s accent or the way D dresses. M feels that her son has married beneath him …

Thus much for M’s first thoughts about D. Time passes, and it could be that M settles down with a hardened sense of grievance and a fixed picture of D, imprisoned, if I may use a question-begging word, by the cliché: my poor son has married a silly vulgar girl.

However, the M of the example is an intelligent and well-intentioned person, capable of self-criticism, capable of giving careful and just attention to an object which confronts her. M tells herself: ‘I am old-fashioned and conventional. I may be prejudiced and narrow-minded. I may be snobbish. I am certainly jealous. Let me look again.’ Here I assume that M observes D until gradually her vision of D alters … D is discovered to be not vulgar but refreshingly simple, not undignified but spontaneous, not noisy but gay, not tiresomely juvenile but delightfully youthful, and so on.

**Murdoch, Iris. 2001. *The Sovereignty of Good*. London: Routledge. Print.**

Borrowing expressly from philosopher-activist Simone Weil as well as phenomenologist-ethicist Simone de Beauvoir, in this passage Murdoch suggests that giving “careful and just attention” to ‘others who confront us’ emanates from inner workings that aspire to fabricate our apprehensions into an existential cloth from which we perceive realities in their uniqueness. As scholar Bridget Clarke argues, “to attend to something [for Murdoch] is to approach it with a just and loving eye, and therewith to perceive it in its unbounded particularity and complexity, and so, as it truly is.” Or as I argue, to attend to the other ‘justly and lovingly’, Murdoch would instruct, is not merely to accurately collect details about the other and then arrive at an approximation of its being, but also to apprehend the other as ‘distinctly singular’ and ‘distinctly foreign’ from oneself–which at once forgoes any assimilation of the other into oneself, incidentally. The recognition of the other as ‘one who embodies human otherness and dignity’ becomes the condition for and coherent way of *imagining* and accessing moral reality.

**Clarke, Bridget. 2014. “Iris Murdoch and the Prospects for Critical Moral Perception” in *Iris Murdoch, Philosopher*. Oxford: Oxford UP. Print.**

Although Murdoch acknowledges a metaphysical component in her philosophy of ethical reality, which admits of “some kind of transcendent structure beyond the individual that retains ethical authority over the moral agent,” she does not defend it as true or as capturing reality,” but rather as “an all-encompassing *view* of a transcendent reality” that we are permitted to access and that becomes the condition for staging ethical tasks. For Murdoch, this transcendent lens for ‘our seeing moral reality’ also clarifies that this ‘sovereign good’ is distant and unattainable, and so, we are only, but fully, capable of discussing the “main *obstacles to perceiving* [this transcendent good],” such as various normative ethical theories, social constructs, and fantasies, all of which distract from the responsibilities of the ethical task-maker. Tracking these obstacles through the framework Murdoch provides is half the scope of this chapter.

[https://plato.stanford.edu/entries/murdoch/](https://plato.stanford.edu/entries/murdoch/#MoraAgenInneActi)

Now, for Levinas, existence is inextricably interwoven with ‘ethics’ to such an extent that the latter is conceived as a ‘first philosophy’. Writing to oppose the metaphysical and theological theories that endorse the studies of reality and ultimate being as philosophically primary, Levinas presumes that ethics is perceivable through the “description and interpretation of the [existential] event of encountering *another* person [or being].” As Michael Moran reminds us “Levinas is working at a pre-theoretical and embodied level,” within which “he *describes* the encounter with the other, argues that [the encounter] imposes a limit on object constitution, and *interpretively* traces ‘ethics’ to the habitat for intersubjective meaning. Pushing back against Heidegger and the ‘question of being’, Levinas is interested in the complete exteriority of the ‘other’ whose very otherness establishes a transcendent relationship that halts its objectification and opens out into the infinite.

This sounds utterly abstract, but Levinas is trying to move away from ethical theory construction here by aligning ‘transcendence’, an academic term, with ‘exteriority’, or that which physically lies *outside and apart from* my physical being. At the moment of my encounter, then, with an external and embodied person, I am *interrupted*, literally by the ‘face of this other’, and I am paused from my activities to take account of myself and to discover my *responsibility* to this other being. This interruption of my consciousness by the other characterizes my inner life in the sense that I am now primed to *respond* intersubjectively while peering into an infinite otherness that just might assist me in my ethical task-making projects.

<https://plato.stanford.edu/entries/levinas/>

Borrowing from and then arguing against Husserl, furthermore, Levinas looks carefully into the abstraction called the ‘pre-reflective’ state wherein, Husserl claims, I bracket all my theories, beliefs, and biases when perceiving the other, so that I can determine the ‘essence’ of the realities that I apprehend. In Levinas, the ‘pre-reflective’ transcendent disposition is indeed ‘pre-theoretical’, but it neither conveys essences nor does it capture existential realities. If it did these things, then I would would be complicit in ‘making the *same* that which is absolutely and radically different’, and in ‘*totalizing* the other’ which, although impossible to accomplish, is the approach I would take to incorporate the infinite other into my lived experience, my categories, my theories, and even my being. To Husserl, the pre-reflective state puts me in a ‘being *with* the other’ position, but to Levinas, the pre-theoretical disposition contextualizes me as ‘being *for* the other’ through which I incur *difference* and not sameness, and by which I *receive* from the other more than I have the capacity to grasp. As Levinas says,

To approach the other in conversation is to welcome his expression, in which at each instant he overflows the idea a thought would carry away from it. It is therefore to receive from the Other beyond the capacity of the I, which means exactly: to have the idea of infinity.

<https://plato.stanford.edu/entries/levinas>

Moreover, for Diane Davis, this “being-for-the-other names a pre-originary *obligation to respond* to the other [and] it is in this response that both the self and the other emerge as existents” whose ethical projects are each challenged by the markedly different and infinitely other being. This obligation, Levinas might also say, is an ‘authority’ that is experienced like the effect of the other upon me, so that I am subsequently motivated to enact ethical task-making. I am not, therefore, “pulling everything other into the same, the known, the comprehended,” nor am I looking to any normative theories as authoritative templates from which I act ethically.

And so, unlike Husserl, I am not “joining the philosophical tradition in its fundamental disrespect for all things other,” but instead, by dispositioning myself *between* these theories in responsible Levinasian fashion, I will be tracking them in *response* to their confronting me, and not as normative theories that are applicable to real and lived experiences.

<https://enculturation.net/after-community>

I have to laugh.

Here is what Murdcoch in the 1950s and Levinas in the 1960s would have observed had they viewed the 2013 film *Robot and Frank*,

* **Robot** is gaining its cognitive abilities
* **Frank** is losing his cognitive abilities
* **Robot** is open to Frank as an infinite and real ‘other’
* **Frank** is closed to Robot as an ‘other’ and immediately totalizes Robot
* **Robot** responds to Frank because it is Robot’s obligation to do so
* **Frank** instructs Robot to learn thievery which is not Frank’s true obligation
* **Frank** is old and has very limited existential time remaining
* **Robot** has virtually unlimited or infinite existential time remaining
* **Frank’s** body is deteriorating rapidly
* **Robot** is made of long-lasting ‘bodily’ materials
* **Frank** has death to look forward to
* **Robot** has Frank to look forward to but can move on to the next ‘other’

If only Frank were Robot. It really is too funny, in a tragically sad sort of way. Oh well, what is done, is done.

BENTHAM'S UTILITARIANISM (1A)

At the start of *An Introduction to the Principles of Morals and Legislation* Jeremy Bentham writes,

Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection, will serve but to demonstrate and confirm it. In words [we] may pretend to abjure their empire: but in reality we will remain subject to it all the while. The *principle of utility* recognises this subjection, and assumes it for the foundation of that system, the object of which is to rear the fabric of felicity by the hands of reason and of law.

Bentham, Jeremy. 1996. *An Introduction to the Principles of Morals and Legislation*. Oxford: Clarendon Press. Print.

I mention this foremost aspect of Bentham’s writing to establish the psychological or behavioral foundation for his more famous work on utility. In *Principles*, Bentham articulates a move away from Hume’s focus on individual character traits–which involves the psychological makeup that a person has, a quality of mind, a sentiment that drives the individual to action–and toward the inner experiences of pain or pleasure that prompts the individual to ethical activity. Bentham is quick to assign *pain* the single attribute of *unhappiness* and then *pleasure* the single property of *happiness*, such that pain is always (to be) avoided and pleasure is always (to be) sought. Again, for Hume,

We reach a moral judgment by feeling approval or disapproval upon contemplating someone's trait in a disinterested way from the common point of view. So moral approval is a favorable sentiment in the observer elicited by the observed person’s disposition to have certain motivating sentiments. Thus moral approval is a sentiment that is directed toward sentiments, or the dispositions to have them.

Hume, David. 2003. *Treatise of Human Nature*. NY: Dover Publications. Print.

But again, for Bentham,

Actions are approved when they are such as to promote *happiness*, or *pleasure,* and disapproved of when they have a tendency to cause *unhappiness*, or *pain*.

Bentham, Jeremy. 1996. *An Introduction to the Principles of Morals and Legislation*. Oxford: Clarendon Press. Print.

This recasting of the supposed governing principles of the individual, from Hume’s ‘sentiment to sentiments’ design to Bentham’s ‘pain or pleasure’ mapping, generates yet another principle for Bentham, but this idea, *utility*, has everything to do with obtaining “agreement on the best policy for legislatures to utilize” in order to determine the right course of legal action. From an ethical position, Bentham argues, the legislatures would do well to use the *utility principle* which holds that any act is ‘right’ if and only if the *consequences* of that act outweigh all other possible acts in terms of the greatest amount of happiness that is bestowed on the greatest number of people.

A serious logical problem may arise here, however, since it has been argued that Bentham clings tightly to Hobbes’ notion of psychological egoism, which sustains the ethic that we always choose for ourselves the act we perceive to be in our own best interest, and that we simply cannot be motivated by any other act, principle, or ethical position to do otherwise. If Bentham, then, is an egoist while also claiming to be a utilitarian, the obvious contradiction involves acting out of self-interest *and* acting out of a concern for others simultaneously. However, the logical snarl is undone when:

1. Psychological egoism is understood and promulgated by Hobbes and Bentham to refer to the will or desire of an individual regarding ethical choices, and not to the ethical act that is produced solely for the benefit of that individual
2. Psychological egoism pertains to the governing principles of pain and pleasure that are foundational to each individual, and the principle of utility pertains to the legislative policy that weighs the right course of action based on good outcomes

Still, Bentham’s utilitarianism, commonly known as ‘act utilitarianism’” suffers from the staunch reliance on the measurement of completely unknown outcomes as the test for the ethical approval of an act. It is interesting, perhaps, that Bentham hopes the individual desire to enact good events will somehow aid in the calculation of predicting those events, but all hope is lost when Bentham is seen to theorize pain, pleasure, and utility to the extent that they become authoritative in their ethical substantive positions.

What follows is an excerpt from an interview between *New York Times* journalist Dennis Overbye and *Oppenheimer* writer-director Christopher Nolan in which the idea of psychological egoism is overlaid with philosophical utility. There is also a brief reference to business ethics.

**Dennis Overbye:**

**It is hard for me to not think that Oppenheimer could be accused of taking himself too seriously. All these comments, “the physicists have known sin” and “**[**I am become death**](https://www.atomicarchive.com/media/videos/oppenheimer.html)**.” Do you think he was trying to have it both ways, like, we want to build this fantastic gadget, but then we want to be stopped from using it. It’s kind of like a serial killer saying catch me before I kill again.**

Christopher Nolan:

Or like a ***tech-company scientist*** saying, regulate me, please.

I think there is a very high degree of self-consciousness, self-awareness, particularly the way he ***presents himself to the world***. And I think he had an incredible strategic mind. He could be accused of naïveté in a lot of ways, but it’s the sort of naïveté, the mistakes he made were the sort of mistakes that only the most brilliant strategic people could make, because they think they’re smarter than everybody else. They don’t necessarily read the room exactly as they should.

I think his ***ambition***exceeded his intellect, even though he was one of the most brilliant people. He wasn’t the best mathematician. He wasn’t the top quantum physicist. He was in the top, but he wasn’t the actual top. He hadn’t won a Nobel Prize like a lot of his contemporaries. But his ambition was to be the best, the most famous. I think that quality of ambition coupled with his understanding of scientists, he knew all of them. He was a very charming person.

[**https://www.smithsonianmag.com/history/the-real-history-behind-christopher-nolans-oppenheimer-180982529/**](https://www.smithsonianmag.com/history/the-real-history-behind-christopher-nolans-oppenheimer-180982529/)

It is not a stretch, I think, to say that Overbye and Nolan are intimately familiar with and equally horrified by the outcomes of the choices that were made in 1945, as well as the ambitions of one very smart and charming scientist. The mention of the ‘tech-company’ scientist, though, within the context of such human destruction, is just striking to me. Leaping from the so-called ‘utility position’ that Truman and Oppenheimer took in ‘45 to the scientist who might also make choices based on ‘utility’ and an ambitious quality of mind, Nolan benchmarks the worry that utilitarian principles and methods cannot guarantee mostly positive outcomes for most people, and that the reverse consequence might actually come about.

MILL’S UTILITARIANISM (1B)

On the view of Bentham, utilitarianism is differentiated from other ethical systems by stressing that what counts as happiness or good is impartially and universally distributable to all people, and that when an individual maximizes the good it is done in the same way and for the same reason that any other ethical agent would do so. That is, the good I impart is an impartial and universal good, and the ‘act’ of distributing that good makes me no different than any other agent who acts ethically. To Mill, this brand of utility is flawed insofar as it does not account for the qualitative aspect of happiness, pleasure, or the good, and also as it fails to recognize that all human pleasures, whatever quality they may possess, are markedly different than the pleasures experienced by other sentient creatures.

Hence, Mill claims that some pleasures are intrinsically and qualitatively different from others, and that some pleasures–ones that are more sophisticated or complex–are actually ‘better in kind’ than other more simple-minded pleasures. For Mill, ‘intellectual pleasures’ are of more value than, say, ‘sensual pleasures,’ and therefore, these higher pleasures should be imparted far more often than lower ones. Also, Mill is heartily inclined to extol the values of being human, and argues that human qualities, such as intellect, and human privileges, such as liberty, requires us to regard ourselves as uniquely above other non-human beings.

Speaking of liberty, Mill places both internal and external ‘sanctions’ on our freedoms in order that we might develop ourselves as we must without preventing others to do the same. The sanctions we impose internally, Mill states, which might include ‘guilt’ or ‘remorse’, serve to be sure we legislate our wills, desires, and ambitions in keeping with higher-order pleasures. In the same way, external sanctions are imposed on us, such as the principle that ‘we do no harm to the other’, so that outside legislators are able to calculate and then regulate our activities. Although stridently sympathetic to the concept of individual liberty, Mill does grant that each person must monitor his own pleasure-seeking activities, and does allow for external legislative forces to limit those activities to the ‘extent that’, or ‘pro tanto’, any harm to others outweighs the harm done by regulating liberty. In *On Liberty*, Mill writes,

Human nature is not a machine to be built after a model, and set to do exactly the work prescribed for it, but a tree, which requires to grow and develop itself on all sides, according to the tendency of the inward forces which make it a living thing.

Mill, John S. 2002. *On Liberty*. NY: Dover Publications. Print.

But, suppose the individual is a tech-company scientist who is simply unable to curb her ambitions, especially intellectual ones, since neither guilt nor remorse can usefully factor into any decision she is about to but has not yet made. It is then quite conceivable that this individual, whose technological knowledge is sizable, could opt for realizing her ambitions, the consequence of which inflicts serious harm on a large number of people. This is now a concern for Bernard Arogyaswamy who writes,

Complicating the assessment of the societal ramifications of technology in the long run is that the AI/5G race between the big tech firms in the United States and China is one in which neither side is likely to pause lest the other gain an immediate advantage. The fact that China’s big tech firms (Baidu, Alibaba, and Tencent are the most prominent) are viewed as arms of the state, adds a tinge of nationalism to the urgency with which AI is being developed. The impact on the world of the AI/5G revolution could well be as ***significant as the start of the nuclear age***. In addition to regulation, the use of an ethical calculus, and safeguarding users’ and other stakeholders’ interests, corporate and national leaders need to negotiate and set boundaries for how AI will be used (Scharre [2019](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7095243/#CR86)), rather than engaging in a race to gain the most financially, militarily, and politically.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7095243/>

Here again, Arogyaswamy makes the startling connection between the consequences that could very well come about due to certain technological innovations and the repercussions that did indeed transpire in the ‘40s. Like Nolan, the anxiety Arogyaswamy experiences is palpable, but the apparent cause of their shared concern, that ambitious tech-scientists and tech-companies will remain unchecked which will then obtain catastrophic results, is dreadful. There does not seem to be much confidence, finally, in either ‘act utility’ or ‘sanction utility’ as an ethical or legislative standard that can be applied to individuals or companies for guaranteeing their commitment to the promotion of the most good to the greatest number of people.

The philosopher Henry Sidgwick, writing in the late 1800s, thought this as well. In his best work, *The Methods of Ethics*, Sidgwick aims at garnering “reasoned convictions as to what ought to be done,” but notices that this study might reveal allegiances to several ethical positions as rationales for choosing what must be done, and might also divulge the fallibility of their final conclusions. On the first point, Sidgwick sees that while an allegiance to the utility principle is reasonable when deciding which course of action is itself most agreeable to the largest number of people, an adherence to the rational egoist principle is also reasonable when considering that the individual is happiest when his will, desires, and ambitions are realized. To the second point, the very foundation of truth, Sidgwick says, is that all minds concur with its veracity, and therefore, the denial by one mind of the principled conclusion of another mind impairs any *confidence* in its validity and usefulness. Taken together, these two reasonable points enable Sidgwick to argue that although utilitarianism, of any variety, is helpful in many cases, it is not the ‘be-all-end-all’ theory its close followers claim it to be, and it is certainly not infallible, intrinsically speaking.

<https://plato.stanford.edu/entries/sidgwick/#MetEth>

Because Sidgwick focuses so much on ‘reason’ in *Methods*, notably on its practical uses for utilitarian purposes, there is some resemblance between this work and Kant’s deontological philosophy in *The Groundwork of the Metaphysics of Morals* in which ‘reason’ functions as the *grounded* condition for all ethical acts. For Sidgwick, however, it is *mostly* through what he terms ‘practical reason’ and its dictates or imperatives that we undergo a “certain impulse to do the acts recognized as right,” since his notion of practical reason lies in the “duality of competing methods” of ethics, or *rational egoism* and *utility*. In Sedgwick’s thinking, even the substantive attribute he recognizes as ‘reason’ or ‘rationality’ is subject to methodological ambiguity.

The following prompt will be used by students to construct ¼ of a **fourth essay** project.

1. **Formulate a question Murdoch might ask regarding ‘act utilitarianism’.**

KANT’S DEONTOLOGY

5+7 = 12.

This is a picture of a *synthetic a priori* equation. It is *a priori* since it is necessarily true and knowable as true independently of any experience of it. It is *synthetic* because it is factually true and knowable as experienced fact.

‘Reasoning beings are objective ends’.

This is a snapshot of a *synthetic a priori* proposition. It is *a priori* since it is necessarily true that an objective end is an end in itself whose value and knowability is never determined by experience of it, and since reasoning beings are, by the rule of tautology, necessarily reasoning beings, whether or not they are experienced as such. It is *synthetic* because it is factually true in the empirical realm and also knowable as experienced fact.

‘Objective ends respect other objective ends’.

This is a sketch of a *synthetic a priori* judgment. It is *a priori* since it is necessarily true that objective ends are reasoning beings whose wills are motivated–by the unique *affect* called *respect*–to always follow the moral law necessarily and only with regard to other objective ends. At this *a priori* level, ‘respect as affect’ does not imply ‘feeling’ in an experiential sense. Rather, it means that ‘respect affects the reasoning being’ at the pre-empirical level, or *a priori*, such that ‘respect’ *interrupts* the reasoning being to now *attend* to the universal moral law. It is *synthetic* because its factual truth–whether or not the reasoning being has in *fact obeyed* the moral law–can be known empirically as well.

For Kant, *synthetic a priori* concepts are central to his ethical theory in that they are both universally true in themselves and knowable through our reason, *and* their facticity is either true or false after our experience of them. As Kant argues in *The Critique of Pure Reason*, our initial and pure understanding of all ‘objects in general’ is due to our having the capacity to ‘reason the *categories*’, that is, to apprehend the ‘characteristic of the appearance’ of all objects *generally*, before any object has been experienced. Through our reasoning into the categories, then, we are able to project onto any object in the empirical world what ‘objectness’ universally and truly is for that object and all other objects. Reasoning the categories, however, does not provide us with any insight into the characteristics of any particular object, since particulars are neither universal nor directed at objects as objective ends. In *The Metaphysics of Moral*, Kant writes,

A human being regarded as a person, that is, as the subject of morally practical reason, is exalted above all price…as an end in himself he possesses a *dignity* by which he exacts *respect* for himself from all other beings in the world.

Kant, Immanuel. 1996. *The Metaphysics of Morals*. Cambridge: Cambridge UP. Print.

So, Kant is, at this point, prepared to posit his two-pronged categorical imperative, which encapsulates his *synthetic a priori* ethical theory.

* Act only on that maxim [subjective rule of conduct] by which you can at the same time will that it should become a universal law.
* Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end.

To the degree that the categorical imperative functions as the condition of possibility for objects in general, the *reasoning being*, when acting in obedience to these ethical mandates, is able to set

universal ends such that *other* reasoning beings benefit from this rational judgment. In the article

“Respect” ethicist Robin Dillon writes,

As the categorical imperative indicates, in virtue of the humanity in them that persons are, and so ought to be treated as, ends in themselves. Commentators generally identify humanity (that which makes us distinctly human beings and sets us apart from all other animal species) with two closely related aspects of rationality: the capacity *to* *set ends* and the capacity *to be autonomous,* both of which are capacities to be a moral agent. The capacity to set ends, which is the power of rational choice, is the capacity to value things through rational judgment: to determine, under the influence of reason independently of antecedent instincts or desires, that something is valuable or important, that it is worth seeking or valuing. It is also, thereby, the capacity to value ends in themselves, and so it includes the capacity for respect. The capacity to be autonomous is the capacity to be self-legislating and self-governing, that is, (a) the capacity to legislate moral laws that are valid for all rational beings through one’s rational willing by recognizing, using reason alone, what counts as a moral obligation, and (b) the capacity then to freely resolve to act in accordance with moral laws because they are self-imposed by one’s own reason and not because one is compelled to act by any forces external to one’s reason and will, including one’s own desires and inclinations.

<https://plato.stanford.edu/entries/respect/>

This exceptional articulation of Kant’s deontology, a term that derives from the Greek words for ‘duty’ (*deon*) and ‘words about’ (*logos*), implies that deontological theorists “judge the morality of choices by criteria different from the states of affairs those choices bring about.” As Larry Alexander and Michael More note in their essay, “Deontological Ethics,” all three proponents of deontology–the agent-centered, the patient-centered, and the contract-centered–concur that Kant is accurate in his thinking here. They write,

The agent-centered deontologist can cite Kant’s locating the moral quality of acts in the principles or maxims on which the agent acts and not primarily in those acts’ effects on others. For Kant, the only thing unqualifiedly good is a good will. The patient-centered deontologist can, of course, cite Kant’s injunction against using others as mere means to one’s end. And the contractualist can cite, as Kant’s contractualist element, Kant’s insistence that the maxims on which one acts be capable of being willed as a universal law—willed by all rational agents.

<https://plato.stanford.edu/entries/ethics-deontological>

From the fresh viewpoint of Özel Sayı, who advances in the essay “Looking at Cinema through the Perspective of Kant’s ethics,”

The fundamental idea of Kant’s ethics is related to the strict distinction between the *categorical* precept of moral law and the *hypothetical* precept of purely indirect purposes, with complete clarity and purity. On the contrary, will and action are not free when they are determined by an individual given object of desire, by a particular material stimulus. The freedom of will and moral act consists in the idea of the totality of the determinations of the purpose and with the claim that they are unified. Therefore, “good” for Kant is only the good will that comes from contemplating duty.

<https://www.ceeol.com/search/viewpdf?id=1133503>

Indeed, the distinction Kant makes between ‘categorical’ and ‘hypothetical’ precepts–or duty to universal principles and acquiescence to particular fancies, respectively–manifests his complex understanding of our ‘will’, and of our ‘action’. If my will is bound to the moral categories, says Kant, then it is free to reasonably apprehend others as they exist in their uniqueness. But, if my will is hijacked by individual or particular objects of desire, then it is circumscribed to use others as a means to my desired ends. To Kant, I am free and I am free to act ethically only when I am duty-bound to the categorical imperatives. Conversely, when I am captivated by any hypothetical desire, I am relegated to act such that I determine the existence of others on my terms and for my purposes alone.

Perhaps the most glaring example of what Kant is after is figured in a brief passage from *The Unicorn*, a novel by Murdoch written in 1963. The character in question, Effingham Cooper, is an annoyingly ‘self-absorbed’ philosophy student and successful public servant who wanders into a field and is mired in a quick-sand-like bog. As he is confronted by ‘death’, an absolute and existentially real ‘other’, Effingham Cooper begins to ‘see’ for the very first time.

Since he was mortal he was nothing and since he was nothing at all that was not himself was filled to the brim with being and it was this that the light streamed. This then was love, to look and look until one exists no more, this was the love that was the same as death. He looked, and knew with a clarity which was one with the increasing light, that with the death of the self the world becomes automatically the object of a perfect love. He clung on to the words ‘quite automatically’ and murmured them to himself as a charm.

Murdoch, Iris. 1987. *The Unicorn*. London: Penguin Books. Print.

The same idea, I argue, is depicted in the The 1952 film, *Ikiru*, written and directed by the famed Akira Kurosawa, which chronicles the aging bureaucrat, Kanji Watanabe, through his “personal struggle to justify his life after being diagnosed with terminal gastric cancer.” Having worked in the “monotonous bureaucratic position for 30 years,” and nearing retirement, Kanji Watanabe is now faced with the dreadful reality and otherness of his own death. Initially, he looks to evade this reality by *fantasizing* a life with the pleasures of “gambling parlors, dance halls, and red-light districts,” and after speaking with a complete stranger who agrees to guide him to “a really good time,” Watanabe enters a bar and asks the piano player to perform, “Gondola no Uta” or “The Gondola Song.” The piano player honors the request, and Watanabe sings,

*inochi mijikashi life is brief*

*koi seyo otome fall in love, maidens*

*nami ni tadayou before the boat drifts away*

*fune no yo ni on the waves*

*kimi ga yawate wo before the hand resting on your shoulder*

*waga kata ni becomes frail*

*koko niwa hitome mo for there is no reach here*

*nai mono wo for the sight of others*

Here, Kurosawa juxtaposes the numbing, constant, and rigid bureaucratic inaction that defines the whole of Watanabe’s life with the spirited and entertaining life of the city that is now offered to him as though it were an ‘actual alternative life’ that is there for the taking. So far in the film, Watanabe has behaved miserably, and in one case, has denied a group of parents their petition to replace a ‘cesspool' with a ‘playground for children’. His despondent conduct spills out to others and at times when such comportment seems totally unnecessary.

But, the bar scene does appear to have provided Watanabe a vision of life that is in some proximity to ‘life itself’, if only that the experience takes him out of himself and his work. And yet, at the close of the evening, Watanabe recognizes that this lifestyle is not real for him in any sense, and returns home to prepare for his work the next day. In the morning, Watanabe is confronted by Toyo, a young worker who requires his signature for completing her resignation papers. Curious to know her reason for leaving the office and her clearly apparent enjoyment of life, Watanabe asks her to join him in conversation. The reason for leaving and for her love of life is the same–she has accepted an offer to “work at making toys,” a job that will undoubtedly bring her happiness and will make her feel as though she were “playing with all the children of Japan.”

The first image in *Ikiru*, which translated means ‘to exist’, ‘to live’, ‘to make a living,’ ‘to function’, and ‘to be enlivened’, is an actual x-ray of Watanabe’s cancerous stomach, which of course he manages to ignore for some time. Even after ‘seeing’ his own impending death, which might have caused him to ‘see’ the fullness of *life itself*, and thereby, to become more attentive to *life itself* within all others–a Kantian categorical imperative–Watanabe, the dying worker, remains unimaginative, disrespectful, and unresponsive to others in his workplace. Not until Watanabe meets Toyo does his perception of ‘life itself’ become less opaque, and even then he approaches her as ‘a means to an end’, as an object for his purpose to find some meaning in life–a Kantian hypothetical imperative.

Toyo *will make* toys. Watanabe can put an end to making life wretched by agreeing to *build a playground*. Kant would see this as Watanabe’s enlightenment, or “his emergence from his self-incurred immaturity,” his courage to use his reason to apprehend categorical imperatives such as the *good* embedded in making toys or playgrounds.

The second iconic image in *Ikiru*, is a photo of Watanabe on the altar at his own funeral. Those in attendance tell stories about him, favorable ones, lively ones, as though his life was lived in the fullness of ‘ikuru’. And, in the final flashback of Watanabe’s existence,

and last time we see the protagonist, he is seen swinging alone on one of the swings of the newly-completed playground. Snow is falling all around him as he gently sways forward and backward, quietly singing a song from his youth. Kurosawa told Takashi Shimura to sing the song “as if you are a stranger in a world where nobody believes you exist."

Now, the toys are being made, and the playground has been built, and so, with the death of two selves “the world has automatically become the object of a perfect love.”

<https://www.recorderonline.com/news/cinema-styles-death-gives-life-meaning-in-ikiru/>

[https://eng3122.wordpress.com/group-4-main/philosophical-approaches/pathos-of-the-privileged](https://eng3122.wordpress.com/group-4-main/philosophical-approaches/pathos-of-the-privileged/)

The following prompt will be used by students to construct ¼ of a fourth essayproject.

1. **Formulate a question Levinas might ask regarding ‘respect’.**

JUSTICE THEORY

A tweak of Rawls.

In *A Just Society*, Michael Boylan offers what he calls “first order principles,” which include (a) the personal worldview imperative, (b) the shared community worldview imperative, (c) the argument for the moral status of basic goods, and (d) the table of embeddedness. With this ordering, Boylan imposes a more positive spin on John Rawl’s idea of ‘justice as fairness’, which stresses the ethical sanction of *inequalities* when considering the distribution of social and economic goods. To Rawls, the guiding principles of ‘justice as fairness’ involve,

**First Principle**: Each person has the same indefeasible claim to a fully adequate scheme of equal *basic liberties*, which scheme is compatible with the same scheme of liberties for all;

**Second Principle**: Social and economic *inequalities* are to satisfy two conditions:

1. They are to be attached to offices and positions open to all under conditions of *fair equality of opportunity*;
2. They are to be to the greatest benefit of the least-advantaged members of society (the *difference principle*)

Rawls, John. 2001. *Justice as Fairness* Boston: Harvard UP. Print.

For the most part, Boylan is in agreement with Rawls on the first ‘liberty principle’, and the first component of the second ‘inequality principle’, but disagrees with the second component, or the ‘difference principle’, such that Rawls’ negative focus on distributing goods *unequally* when the recipients are disadvantaged would serve justice better if the more positive focus of setting ‘basic needs/goods’ for all members of society were achieved. To Boylan,

1. All people must develop a single comprehensive and internally coherent

worldview that is good and that we strive to act out in our daily lives.

(Personal Worldview Imperative)

2. All people are actual members of communities and these are essential factors

that must be acknowledged. Each agent must contribute to a common body of

knowledge that supports the creation of a shared community worldview.

(Shared Worldview Imperative)

3. All people by nature desire to be good, and the right to act in good faith.

(Moral Status of Basic Goods)

4. All people have a right to basic goods, primarily level one goods.

Level One: Most Embedded–absolutely necessary for human action

Level Two: Deeply Embedded–necessary for effective human action

# Boylan, Michael. 2004. *A Just Society*. Lanham: Rowman & Littlfield. Print.

The logical path Boylan takes to get from the third principle to the fourth is essentially,

Since people desire to be good, and becoming good requires action, then all people

desire to act; and if all people desire to act, then all people must have basic goods

to sustain their activity; therefore, all people must have, or have the right to basic

goods.

<https://iep.utm.edu/ge-capab/#SH4g>

Although much of this logical syllogism is based on several assumptions that are not readily accepted , the claim that all people have the right to sustenance is quite difficult to reject. In any case, Boylan alters Rawls’ a slight bit, and on a point that even Rawls would be hard-pressed to ignore.

The main objection to Rawls, however, comes from Robert Nozick, whose thought seems to disabuse justice theorists of the idea that the ‘distribution of goods’ as they portray it, is even a reality. In an entry for the *Internet Encyclopedia of Philosophy*, Edward Feser writes,

Talk about ‘distributive justice’ is inherently misleading, Nozick argues, in that it seems to imply that there is some central authority who “distributes” to individuals shares of wealth and income that pre-exist the distribution, as if they had appeared like “manna from heaven.” Of course this is not really the way such shares come into existence, or come to be “distributed,” at all; in fact they come to be, and come to be held by the individuals who hold them, only through the scattered efforts and transactions of these innumerable individuals themselves, and these individuals’ efforts and transactions give them a moral claim over these shares. Talk about the “distribution of wealth” covers this up, and unjustifiably biases most discussions of distributive justice in a socialist or egalitarian liberal direction.

<https://iep.utm.edu/nozick/#SH2c>

From this, Nozick further argues that since neither philosophers nor government authorities have an inherent power to oversee any economic transaction whatsoever, they most certainly are not in a position to regulate the distribution of goods based on economic inequalities. These business transactions, Nozick says, always arise from ‘voluntary exchange’ practices anyway, and as such, are never unjust. To impose an ‘inequality’ standard onto the transaction of goods actually ruins the chance for justice to emerge by severely limiting the individual liberties of the actors.

What Boylan seems to assert, then, is a theory of justice that situates individual agents in societies in such a way that these agents maintain their liberties while also guaranteeing the basic rights of all other individuals. In this way, Boylan stands somewhere in the middle of Rawls–the extreme egalitarian–and Nozick–the extreme libertarian. I do want to note here, though, that this is a ‘compromising middleness’ that Boylan theorizes, and not an ‘insubstantial *dis*position’ that constantly works within a ‘betweenness’ based on ‘dissensus’ that I propose.

The following prompt will be used by students to construct ¼ of a fourth essay project.

1. **Formulate a question Murdoch might ask regarding ‘giving’.**

VIRTUE THEORY

A tweak of Aristotle.

In 1958, philosopher Elizabeth Anscombe wrote a pamphlet for her colleagues at Oxford University to protest their decision to award U.S. President Harry Truman an honorary degree.

In 1939, on the outbreak of war, the President of the United States (F.D.R.) asked for assurances from the belligerent nations that civil populations would not be attacked.

In 1945, when the Japanese enemy was known by him to have made two attempts toward a negotiated peace, the President of the United States (H.T.) gave the order for dropping an atom bomb on a Japanese city; three days later a second bomb, of a different type, was dropped on another city. No ultimatum was delivered before the second bomb was dropped. Set side by side, these events provide enough of a contrast for inquiry.

<http://www.ifac.univ-nantes.fr/IMG/pdf/Anscombe-truman.pdf>

Among several arguments that appear in this writing, perhaps the most vital for Anscombe is the hard claim that “choosing to kill the innocent as a means to [one’s] ends is always murder.” The citizens of Hiroshima and Nagasaki, Anscombe notes, were nearly all noncombatants, and so the mandate to surrender unconditionally *could not have been meant* for ‘innocent’ civilians–which would have been utterly senseless or even “stupid” as Anscombe puts it–but *was meant for* the participants in the Japanese war effort against the U.S. and other countries. Also, the request in 1939 by F.D.R. that belligerents not “attack civilian populations” should have clarified the U.S. position on this matter for the remainder of the war, and yet, in 1945 H.T. *orders* the disposal of two devastating bombs precisely on non-combatant civilians.

The two bombings, therefore, of *innocent* people for which the bombs *could not have been meant* count as murder for Anscombe in two senses: (1) An action that is “merely caused” is that action which has as its “reason” simply an event that is understood to have been the source of the action. An example of this would involve the direct bombing of a *munitions factory*, the result of which is the destruction of the place where ‘military weapons are made’ *and* the killing of nearby innocent noncombatants. This act, says Anscombe, is not *intentional* but is the mere *cause* with regard to the killing of innocents, and it is not the mere *cause* but is *intentional* with regard to thedestruction of the factory. In the actual case of the two bombings in 1945, however, Anscombe argues that this “action is really an intention” given that the order was to bomb areas that harbored innocents almost exclusively, and is only an action with regard to any combatants or military participants that may have been killed as a mere cause. (2) The request in 1939 for all belligerents *not* to attack civilians throughout the war, presumably to avoid murdering innocents, made it logically impossible, Anscombe argues, for the bombings in 1945 to have *been meant for* innocent Japanese citizens. But of course, the bombing is an *intent* and not an *action*, Anscombe insists, and so any philosophical or ethical reason that may have been given for this intentional event is utter rubbish.

While Anscombe does not herself produce normative ethical systems, she does take some pleasure in dismembering all other formal theories by stating that philosophy should not try so hard to work out some ethic that will pertain to all people, in all places, and at all times, but to lean instead into a philosophy of psychology that seeks to make intelligible the causes of actions and the reasons for intentions. To Anscombe, normative ethical theories often legislate the ethics that they desire to promulgate but without “any such thing as a recognizable legislator,” and so it is an ‘absurd idea’ for ethical theorists to expect that their legislations are viable without superior “power in the legislator” let alone absent of any.

It is possible to consider ethics, though, if thinkers refrain from “defining the criteria by which an act is morally right,” and instead examine what constitutes human intention, excellence, and flourishing. In “Anscombe reading Aristotle,” ethicist Susana Cadilha writes on Anscombe’s notion of *virtue ethics*,

Aristotle was not concerned with defining the criteria by which an action is morally right. Instead, he was concerned with defining what constitutes excellence in a human being. He sought not to determine what good is, or what a right action is supposed to be, but simply to establish what a good life for us is – how we are to understand human flourishing. Virtue ethics aims to define what the just action is, not the right action, and in doing so, no rule of thumb will be helpful. One must rely on thick concepts like *just*, *cruel* and *generous* rather than *thin* ones like *good/bad* and *right/wrong*.

On this account, Anscombe inveighs against philosophers who misread Aristotle and thereby restrict the concept of *virtue* to some normative, categorical, and legislative template into which we tap for moral understanding and guidance. On the contrary, Aristotle sees *virtue* more as an *intention* toward *virtuosity*, Anscombe argues, the ordering of our human action that reasonably means to achieve our own excellence. This ‘order of intention’ toward excellence or flourishing requires knowledge of the ‘means-ends’ arrangement of doing things and not an understanding of what constitutes “the good” in an ethereal realm. Again, Cadilha writes,

Thus, Aristotelian ethics is not contaminated by the meaningless legislative use of *morally* *ought*. In virtue ethics, virtues take the place of (moral) law, and the requirements of virtue don’t have the force of law. Of course, virtue ethics also involves some conception of what should not be done, and Aristotle certainly thought that there were actions that no good person would consider under any circumstance. Aristotle would not object to the idea that there are things we should not do, but he would object to the idea of a special category of such principles marked as specifically moral (meaning: having the force of law, mandatory).

<https://revistes.uab.cat/enrahonar/article/view/v64-cadilha/1276-pdf-en>

I do think that Anscombe is very much on point in her reading of Aristotle, and her focus on the need for the philosophy of psychology is also intriguing. It is curious, however, that Anscombe is drawn to Aquinas for assistance in considering the virtues, until of course it is understood that for both philosophers, “the virtues are a certain kind of psychological disposition, or *habitus*, the perfections of those powers of the soul (*psyche*) that are under our voluntary control,” as Robert Pasnau notes in his article, “Thomas Aquinas” for *The Stanford Encyclopedia of Philosophy*. By practicing certain actions that intend toward virtue, we become virtuosity, and learn to avoid the habit of practicing those actions that intend away from virtue. For Aquinas, we simply cannot act morally without the virtues, since we require them

* for uniformity of action, avoiding unreliable vicissitudes;
* to be prompt in that action, rather than needing constantly to deliberate;
* to take pleasure in the action, as a kind of second nature.

<https://plato.stanford.edu/entries/aquinas/#VirtTheo>

I suppose that while ‘actively practicing the mind to intend toward excellence’ is common to all three philosophers, I am not sure Aristotle would have agreed to include a theological component within virtue ethics as Aquinas obviously and Anscombe apparently have done. Except to say, Aristotle does develop a notion of the soul–which is “the actuality of a body that has life,” which is neither internal nor immaterial, and whose parts are distinguishable by their operations–and does argue that its overall primary function is to intend toward virtue through reason.

The following prompt will be used by students to construct ¼ of a fourth essayproject.

1. **Formulate a question Levinas might ask regarding ‘intention’.**

A TWEAK OF NORMATIVE AND APPLIED THEORIES

If it is true that there are two limits about the just exercise of the law–no exercise of the law can be just unless it is *neither* pure improvisation *nor* pure conformity–then how can we see our way to apprehending the structure of laws and justice for future intentions, and what are we to do with normative and applied theories right now?

These two questions are less philosophical than political, some argue, since they do not ask about the origins of legal authority or the chances of justice given our systems or theories. Rather, they ask about the current “violence of legal authority” and “absence of justice” despite our elaborate and often entrenched ethical substantive positions.

I suggest, with Jacques Derrida, that these questions are mystically-based, are founded on future considerations that simply cannot be fully acknowledged in the present, and are open to the irreducible tensions discovered in rhetoric. In “Derrida and the Philosophy of Law and Justice,” Simon Glendinning notices that in the essay ‘Force of Law: The “Mystical Foundation of Authority,”’ Derrida makes

an effort to negotiate a new theoretical passage  *between* the two great traditions which have dominated theoretical philosophy of law [and justice] for centuries: Platonism (and its related idealist and intellectualist variations including Kant) and conventionalism (and its related empiricist and historicist variations including Mill).

In contrast to both, the reader of Derrida’s ‘Force of Law’ will find an emphasis on performativity (developing J.L. Austin’s ground-breaking rhetorical work on performative utterances), which challenges the privilege accorded to truth and theoretical cognition that one finds in classic Platonism, and equally, an emphasis on a certain unpresentable ‘there is’ of justice which challenges the reduction of justice to arbitrary rules and local customs that one finds in classic conventionalism.

S10978-016...9183-2.pdf

The italicized word ‘*between*’and the term ‘performativity’ referenced above are almost exactly the ideas I have in mind regarding the insubstantial *dis*position I hope students will assume when considering complex ethical substantive positions. The ‘future’ Derrida imagines is one that is ‘beyond’ any “anticipated future” or any “closure of knowledge” or any “systematic philosophy.” It is instead, *between* the ‘now’ and the ‘then’, and it is how we *perform* our intentions in the meantime that enable us to ask and respond to such questions now.

Using one of the following films, students should string together the four questions they have already formulated to provide an essay that sinks deeply into the complexities of the normative ethical theories I have discussed above.

* *Dear White People*. 2014. Justin Simien.
* *Support the Girls*. 2018. Andrew Bujalski.
* *Chasing Unicorns*.2019. Rain Rannu.
* *The Assistant*. 2019. Kitty Green.
* *Clemency*. 2019. Chinonye Chukwu.
* *Coded Bias*. 2020. Shalini Kantayya.

1. **Formulate a question Murdoch might ask regarding ‘act utilitarianism’.**
2. **Formulate a question Levinas might ask regarding ‘respect’.**
3. **Formulate a question Murdoch might ask regarding ‘giving’.**
4. **Formulate a question Levinas might ask regarding ‘intention’.**