



University of Saint Andrews
The Philosophy Society

A P O R I A

Vol. XI

José Abel Rangel Osorio (editor): *Aporia*, Vol. XI, Journal of the Philosophy Society, © 2013, May .

WEBSITE:

<https://sites.google.com/site/standrewsphilsoc/>

E-MAIL:

aporia@st-andrews.ac.uk

The title page photo shows the beautiful town of Saint Andrews.

ABOUT

Aporia is a long-running philosophy journal published by the University of St Andrews Philosophy Society. It serves as a reputable publishing platform for undergraduates, graduates, and postgraduates worldwide.

Aporia is edited in-house by José Abel Rangel Osorio (editor). It is overseen by the St Andrews Philosophy Society committee: Sean Butler (President); Philip Askew (Vice-President); Eloisa Lewis (Secretary); Jura Ivankovic (Treasurer); Scott Horne (External Speakers Co-ordinator); Marissa Wallin (Publicity Officer); Nicholas Slipek (Social Convenor); Aedan Burt (Debates Co-ordinator); and José Abel Rangel Osorio (editor).

Aporia is funded by the University of St Andrews Philosophy Society, which receives funds from the University of St Andrews Department of Philosophy, the Scots Philosophical Association, the University of St Andrews Union, and independent benefactors.

ACKNOWLEDGEMENTS

The editorial board is very grateful with all the philosophers who continue to have an interest in our journal, in particular, the departments and societies worldwide who distributed the journal's Call for Submissions. Special regards go to all the individuals who submitted papers, and the institutions and independent benefactors who fund the society. The editorial board is particularly grateful with Ole Sandbu, Julia Lysogorova, Julie Lee, Noah Ohringer, Holly Crawford, Naomi McIntyre, Mark Eaglefield, and the Philosophy Society Committee.

FROM THE EDITOR

Aporia was first published in February 2007. After five years, we have become the only student-run philosophy journal published in the United Kingdom that solicits international submissions. We are a forum for informed discussion on topics relevant to both philosophy professionals and the public alike. As always, article selection was guided by five desiderata: (1) urgency, (2) originality, (3) intelligence, (4) creativity, and (5) precision.

The purpose of *Aporia* is to exchange philosophical ideas, as well as to highlight the importance of philosophy. Hopefully, this issue encourages others to study this magnificent subject. It goes, in dedication, to the red gowns of Saint Andrews.

As my editorship draws to a close, I have to thank the *Philosophy Society*. From the very moment I came to St Andrews, the society has given me knowledge, and friendship. There really is nothing more an editor can ask for.

STATISTICS, IN BRIEF: 45 submissions were received from 12 institutions, covering 8 countries. As such, the acceptance rate was 11.2%. All submissions were read blindly, and refereed anonymously.

CONTENTS

- 1-8 Objectivity and Musical Meaning
Connor Haynes
Columbia University
- 9-25 The Abstract Artifactual Theory of Fictional Characters
Evan Taylor
McGill University
- 26-33 What is Marriage for?
Catriona Furlong
University of Saint Andrews
- 34-48 An Explanation of Disagreements Over what Counts as Adequate Justification
Ole Andreassen
University of Oxford
- 49-60 Revival of Republicanism: is Dichotomy of Positive/Negative Freedom Redundant?
Marija Antanaviciute
University of Saint Andrews

1

OBJECTIVITY AND MUSICAL MEANING

Connor Haynes,¹ *Columbia University*

In this essay I will use Roger Scruton's analysis of how we hear music to show that musical understanding can occur at two levels. I will then argue for a specific standard of musical meaning based on Scruton's criterion for objectivity and Frege's notions of understanding and meaning as presented in Scruton's work. On the basis of this standard of meaning, I will conclude meaning is legitimately found in music, but only at one of the possible levels of understanding.

In his book *Understanding Music*, Roger Scruton anatomises the process whereby humans hear music. He maintains that it is a three-step process: 'There is a vibration in the air; by virtue of this vibration we hear a sound, which is a 'secondary object', heard as a pure event; and in this sound we hear an organisation that is not reducible to any properties of the sound, nor to any properties of the vibration that caused it' (2009: 47).

This description intentionally discounts the physical object whose vibrations caused those in the air, and to which we typically attribute noise, such as a musical instrument. That Scruton should ignore the physical cause of sound is unsurprising, given that his theory of meaning depends upon the ascription of a 'virtual

¹ Connor Haynes is an undergraduate student at *Columbia University*. He is currently reading for philosophy and economics.

causality' that he believes can only be imparted to pure events.² A more inclusive and exhaustive description of the hearing process than Scruton provides will be helpful here.

First, a physical object vibrates. The vibration sends waves through the air. Our eardrums convert these vibrations into electronic signals in the brain. The brain interprets the electronic signals and projects into the consciousness of the agent the sensory experience of sound. It is at this point in the process that the noise is either interpreted as 'music' or not. Scruton claims that the quality of 'music' is something rational beings attribute to the noise. He supports this belief by claiming that the properties of music are not reducible to either the basic qualities of the noise or the airwaves that caused the noise. In other words, music could never be described strictly in terms of the properties of sound or airwaves.

A few points are valuable to note here. For Scruton, hearing music in sound is an active process requiring cognitive abilities that are only possessed by rational beings: 'Only a rational being [...] can experience sound in this way; hence, although *we* can hear music in the songs of birds [...] they themselves are deaf to it' (2009: 5). To illustrate, consider a C.D. player playing in the forest, where there is no one there to hear it. Does it make a sound? No. It creates airwaves but they are not converted into electronic impulses or psychological noise. Then, even less so does it make music. According to Scruton, even if animals were present to experience the noise, there would still be no music because they don't have the sort of consciousness that can organise sounds in the appropriate way.

The mental action of hearing music in sound occurs at an instinctual level. Similarly to hearing speech, we don't need to conceptualise what we hear in order to understand it. It happens automatically. But, also like speech, a higher level of understanding also exists. A grammarian may study the structure of a sentence, and a rhetorician may study the way language effects humans emotionally. A higher-level understanding of music, then, would include meta-knowledge of musical structures such as tones, rhythms, melodies, etc. This may include the abil-

2 For example, this refers to events that are divorced from their causes and physical space.

ity to recognise these structures, as well as the way they combine to affect a listener.

This begs the question: can we hear music without understanding it? I would argue that we could not. In agreement with Scruton, I hold that the very act of hearing music implies an instinctual understanding. Without this instinctual understanding a song would sound like mere noise to us, much the same way completely foreign languages sound like noise. Please note that in this paragraph I am using the term 'understanding' to refer to the cognitive act that would correspond to objective understanding. In other words, if what a listener thought they understood was in fact correct. With this sense of understanding, someone can 'understand' a work of music without that music having any actual meaning.

There seem to be two separate levels of musical understanding. The first one is instinctual like speech recognition, and occurs any time something is recognised as music. The other is intellectual and involves conceptual understanding of the music that is heard. By analogy, someone may understand the brilliance of a rhetorical speech because they understand the principles of rhetoric the speaker used. Another man in the audience was simply carried away by the speech. On the opposite side, a composition may invert all the principles of music very deliberately, a demonstration that shows a mastery and knowledge of all elements by their very reversal. The connoisseurs may appreciate this move, though not the lay audience. The serial music of Schoenberg may be an example of this.

All this suggests that music can have meaning on at least two basic levels. The second axis of musical meaning is the dichotomy between musical and extra-musical meaning. I assert that on a general level musical meaning can all be classified according to the following pairs of categories: instinctual/intellectual and musical/extra-musical.

A real world example from Berlioz' *Symphonie Fantastique* can help illustrate these four basic concepts and the way they are employed. In the closing section of this work a church hymn called *Dies Irae*, a very popular and well-known work at the time of the symphony's release, is 'burlesqued'. It is altered in a way to express sacrilege. This musical variation has extra-musical meaning because it relies on the cultural reference in the mind of the lis-

tener between the song and church services. This happens on an intellectual level and requires the conceptual recognition of the cultural meaning of the piece. What makes this example particularly interesting is that it *also* operates as musical (as opposed to non-musical) meaning on the instinctual level. A listener would instinctively relate what they hear to the original and hear musical relations, not just in the piece itself, but also between the altered piece and its original. It should be noted that extra-musical meaning can also be paired with instinctual understanding, and purely musical meaning can certainly be paired with intellectual understanding.

Keeping these notions in mind about the ways music can express meaning, I will now return to Scruton's theory of objectivity. Then, I will examine the implications of his theory for the types of musical meaning I introduced above.

Because Scruton's theory that sounds are a 'pure event' opens him up to objections about the objective nature of sound (also referred to as *audibilia*), he presents an argument for the objective nature of sound experience. The claim that sound has the potential to be objective is important for me in this paper, not because it is crucial for the theory of 'pure events', but because it is essential in order for there to be meaning in music at all, or so I will argue.

Scruton introduces the idea of objectivity by comparing sound experience to rainbows, which he calls 'real and objective'. He claims that rainbows existed before there were people to see them (implying that sound also existed before there were people to hear it). Namely, because, 'the truth about rainbows consists in the truth of a counter-factual, concerning what normal observers *would* see where their eyes turned in a certain direction' (2009: 24).

The crux of his statement is the term 'normal observer'. I can only imagine this meaning simply by what *most people* would see. In other words, the objective quality of an object of experience is determined by, well, consensus. This may seem strange, but in my opinion, using consensus as the criterion defining objective reality is our only option, not just for audibilia or rainbows, but also for any sense experience whatsoever. How could we ever determine what we considered objective but by uniformity of experience? Even if I saw something with my own eyes, if everyone

around me denied seeing it, I would start to question my vision, not theirs.

Now, consider the fact that our senses don't always agree. When they don't we have a hierarchy according to which we rank the reliability of their respective impressions. Tactile is the current popular objective standard; if we can see something but can't feel it we say it is not actually there. We say that we are hallucinating. In contrast, if we feel something in front of us that we cannot see, we do not say we are having tactile hallucinations. Instead we would likely assume something was wrong with our vision. We use tactile sense as the 'objective' standard because it has shown to be the most reliable, i.e., uniform. In essence, since it is a four-dimensionally framed sense, we take a four-dimensional framework to be the ultimate basis of the physical world.

The point is that all of experience is ultimately subjective and the word 'objective' is simply applied to the sense perceptions that are the most uniform, or have the strongest consensus. Now, the quality of 'objective' has fuzzy boundaries. There is no specific proportion of the population that would have to experience something in the same way for it to be considered objective, or at least Scruton doesn't provide one.

As for audibilia, however, Scruton asserts objectivity. This is an interesting claim for two reasons, and both are related to his notion of 'pure events'. Firstly, because he denies the centrality of the one characteristic linking sound to the four-dimensional physical space we find so secure: its locational aspect. Secondly, because he denies the primacy of sound's other link to four-dimensional space: its cause.

Regardless of Scruton's claims regarding the status of sounds as pure events, I think he is right that we all tend to have pretty uniform experiences as far as noise itself (audibilia). The music we attribute to the noise, however, is subject to quite a bit of disagreement.

I will now explore the implications of this disagreement for meaning in music. In *Wittgenstein On Music* Scruton references Frege's revelation about the notion of meaning: 'The meaning of a sentence is what we understand when we understand it' (2009: 34). Similarly, to other words like 'purpose' or 'value', 'meaning' is often employed as if it did not require an agent. The literal, 'what is an objects purpose/value/meaning?', logically requires

the addition of: *for whom?* Music, therefore, can only be meaningful in the mind of an agent capable of ascribing meaning. Overwhelming agreement on a meaning judgment may lead a group of people to speak as though meaning resided in the object itself. Strictly speaking, however, this is false. Meaning, then, is distinct from the object and resides in the mind.

But, in order to know whether someone accurately understands the music we would first have to know what the music means. Thus, we are left without a foundation for determining the objective meaning of any music. I assert that when no individual's understanding is objectively verifiable, the remaining criterion for a standard of meaning, and thus, of correct understanding is that of consensus. Scruton makes the crucial observation, 'The connection has to be made in the understanding, and this understanding is part of a complex social process'.

In other words, your interpretation is correct if it is shared with the most people. When applied to musical meaning, an acceptable reformation of Scruton's counter-factual basis for the objectivity of sound experience, would be: a musical piece means what most people understand, when they think they understand it.

Meaning absolutely does not exist *in* a piece of music. A piece of music has the potential to have meaning *for someone*. I am arguing that, though a piece might be found 'meaningful' by someone, they cannot be said to understand the music unless the meaning they understand is objective, i.e., shared by most other people.

Interestingly, this move parallels the way Scruton characterises sound experience. He recognises that sound occurs in the individual, but that we can attribute it to objective reality, at least, to the degree in which there is a consensus of experience. I am claiming that while Scruton's argument for the objectivity of sound experience (audibilia) is inevitable, his conception of objectivity, though imprecise, could be applied to musical meaning. This, in order to show that as a result of the extreme variability of responses and interpretations, in many cases, music simply doesn't have a meaning.

If I were to guess at the cause of the conflicting responses to music, I might speculate that because very few consequences follow disagreement or misunderstanding of meaning in music, it has never been necessary to develop a precise vocabulary of mu-

sical experience. This, in turn, would have augmented the likelihood of differing interpretations. As a language, the spoken word is much more precise than music, given that we constantly rely on it to make crucial decisions. If the lives of our family members often depended on information held by a person who could only communicate by the violin, a specific vocabulary of tones would presumably rapidly develop.

Something means whatever we understand when we understand it, and we only understand it when we interpret it in a way conformable to a standard of interpretation, dictated by a majority consensus. Thus, in many cases music cannot be said to have an objective meaning. Please note that I am absolutely not denying that we all feel certain things in response to music. Rather, what I am denying is that what any of us feels in the music is necessarily what the music can legitimately be said to mean.

It might be objected that a musical meaning can be objectively imbued in a work by the author. There are problems with this view, however, which parallel that of the intentional fallacy in literary analysis. Firstly, an incapable author may try with all his might to imbue a work with a specific meaning and fail to do so. Secondly, meaning may be taken as that which was in no way intended by the author. This shows that authorial intent is neither a necessary nor sufficient cause for the perception of meaning in a musical work.

It is true that if an author were to outright tell you what he intended a piece to mean, it may affect the way you interpret it. For instance, Beethoven describing the first four notes of the Fifth Symphony as, 'Fate knocking at the door', gives us an example. But, this would affect us in a similar way whether or not it was the author telling us this, or whether or not it was actually the author's intent to express it in the piece. The fact is, the consideration of authorial intent in the interpretation of a musical piece neither commonly occurs in popular practice nor is often a practicable option, particularly with many composers that are no longer present.

Another alternative for a standard of meaning would be consensus among experts. On a technical level there seems to be more agreement among experts about the meaning of certain works than in the public at large. Restricting to experts the population from which consensus can be drawn is an interesting move.

But, even among experts there is far too much disagreement for any particular understanding to qualify as objective, though at times certain interpretations do approach it. For instance, many people claim Beethoven's Fourth Movement in the Fifth Symphony is 'heroic'.

What then do the authors create and how do they attempt to communicate meaning? It would stand to reason that they rely on their own musical understanding (intellectual and instinctual). They attempt to communicate what *they* hear when they listen to a musical phrase, and assume it is applicable to their audience. When a composer creates, her work is informed either by the way these processes of instinctual and intellectual application to noise of music and meaning occur within herself, how she expects these processes to operate in others, or a combination of the two.

The composer recognises the principles whereby listeners apply music to sound and manipulates it for her own purposes. While in theory any air vibrations whatsoever could be interpreted to have the greatest musical profundity this is generally not the case, and as I will show later there is found to be much agreement in instinctual musical understanding. A composer, then, creates sound forms that she believes are likely to be clothed by a listener as music either in the same way she does, or at least in some generally similar way.

Unsurprisingly, the responses to various pieces change over time. Pieces have undoubtedly meant different things at different times. It is a legitimate question whether anyone today experiences classical pieces from the past the same way as when they were first produced, even though the noise dictated by the pieces has not changed. Their meaning changes, or more accurately, the meaning we place onto them changes. And, since this meaning is much of the import of a musical piece in the first place, pieces are surprisingly unstable entities. It is a hallmark of a lasting work that it talks to the less fleeting parts of the human spirit.

Given the high instability of interpretive responses to music I think Scruton's criterion for objectivity applied to meaning implies that a fair amount of music simply has no meaning. That is not to say that we don't all have experiences when we listen to it. It is just saying that we cannot properly be said to 'understand' it, or that it has meaning. Our listening experiences, instead, more

closely resemble a populace on LSD; each person having their own unique experience of music with no major consensus occurring, or necessary. This is not necessarily a bad thing.

The diversity of meaning results in no universally, and in many cases even generally, accepted standard of understanding for a given phrase, work, movement, or idea. Only in the disciplines of musicians themselves, does meaning become more generally agreed upon, as it is used more often and with more consequences than for the average listener. But, as Scruton notes, even basic terms like 'high' and 'low' are spatial metaphors and non-essential as far as possible ways of interpreting and thinking about music.

There is, however, a persuasive counter-example. Scruton discusses an analogy made by Wittgenstein between instinctual musical understanding and the recognition of meaning in facial expressions. People often see the same thing in a face even if they describe it in different terms or respond differently to it. So, though descriptions of music may differ, they may simply be descriptions of their different responses to the same type of instinctual, recognitional type of understanding. This shows how objective meaning can exist even when descriptions differ. As Wittgenstein and Scruton note, however, we would have to look elsewhere than verbal description for evidence of understanding. Wittgenstein presents us with just such an option: their behavior.

Behavioral responses can be considered an acceptable way of demonstrating understanding. If a person responds to an angry face by becoming defensive it is a strong case for them having recognised its meaning. If this were so with music, then, it would still have to be discovered in some observable way that the music was understood. This does in fact occur. There is often consensus in the physical ways people respond to music. They may all dance, grow solemn, sing along, etc., which all testifies to a uniformity of instinctual musical understanding. It is reasonable to assume there is meaning in music, if only at the instinctual level, because of the similarity of behavioral responses we observe. If this is so, then, an objective has been found and people can legitimately be said to correctly or incorrectly understand any given piece in at least one respect.

Scruton proposes a standard of objectivity for audibilia dependent upon consensus of experience. This implies that they are

all ultimately subjective but we can and should refer to them as objective to the degree with which they are uniform. I agree with this standard and even consider it applicable all the way down to our most reliable tactile sense perceptions.

I feel, however, that Scruton underestimates the implications of this view for musical meaning. It is true for the objective world; it is certainly true for meaning and language. I conclude that objective musical meaning does exist at the instinctual level because there is consensus of understanding that can be inferred from the similar responses people have; observable other than by verbal description, as per Wittgenstein, and behavior. In other words, meaning in music happens when we all feel the desire to dance to the beat.

BIBLIOGRAPHY

- [1] Scruton, Roger. 2009. *Understanding Music: Philosophy and Interpretation*. Continuum International Publishing Group. London: United Kingdom.

2 | THE ABSTRACT ARTIFACTUAL THEORY OF FICTIONAL CHARAC- TERS

Evan Taylor,¹ *McGill University*

INTRODUCTION

In this paper I undertake an extended criticism of several aspects of Thomasson's (1999) artifactual theory of fictional characters. Thomasson offers a metaphysical view in which fictional characters are 'abstract artifacts', that is, are abstract entities created by and depending for their existence on the acts of authors (1999: 7). Her stated goal in providing such a theory is to show that the study of fiction is not merely a 'sideshow' to the study of metaphysics, but is in fact centrally important to it (1999: xi). Instead of 'starting from a ready-made ontology and seeing how we can fit fictional characters into it' (1999: 5), Thomasson wants to 'begin by paying careful attention to our literary practices so that we can see what sorts of things would most closely correspond to them' (1999: 5).

I focus here on two important features of Thomasson's theory. The first is her account of how positing fictional characters as abstract artifacts corresponds to and makes sense of our beliefs and practices concerning literary fiction. The second is her argument that the artifactual theory best explains certain linguistic data: the

¹ Evan Taylor is an undergraduate student, reading for philosophy at *McGill University*. He will be graduating in 2013.

data relating to well-known problems associated with discourse about fiction, and apparent reference to fictional characters.²

My criticisms are, thus, divided into two main sections. In the first section, I raise a number of difficulties for Thomasson's account of the relationship between literary practices and artifactual fictional characters. Firstly, I argue that Thomasson fails to adequately explain how, on her view, fictional characters are created by authors. Secondly, I argue that Thomasson's account of the metaphysical dependencies that such characters have is incomplete, and that further considerations about these dependencies raise a number of difficult questions. Thirdly, I argue that the identity conditions Thomasson outlines for abstract 'literary works' are problematic, and may have unappealing consequences, especially with regard to how we normally think about the production and consumption of literary fictions. In the second section, I evaluate Thomasson's explanation of the linguistic data from fictional discourse (e.g. apparent reference to fictional characters, negative existentials, literary critical discourse, etc.). Thomasson is correct that much of the linguistic data are explained well on her view. However, I argue that, when it comes to the data that are not so easily accommodated by her theory, the explanation she offers is unsatisfactory.

None of the criticisms I offer is a knock-down objection, nor is it my intention to argue that Thomasson's theory is wholly false or unfixable. I aim only to highlight certain problems for the view which either are not apparent to or not addressed by Thomasson. Specifically, I aim to raise objections which are not broadly metaphysical in nature, but which are instead founded in our understanding of literary practices and fictional discourse. These objections must be dealt with in order for Thomasson's view to both make sense of our literary practices as well as explain fictional discourse.

² These are merely the two aspects I have chosen to focus on; I do not mean to imply that Thomasson's work revolves solely around these claims.

ARTIFACTUAL FICTIONAL CHARACTERS AND LITERARY PRACTICES

As Thomasson points out, when it comes to giving an account of fictional objects, her view has significant advantages over Meinongian theories of non-existent/abstract objects, such as those in Parsons (1980), Zalta (1983), and Rapaport (1978). Meinongian views employ what is known as a ‘comprehension principle’, which states that ‘there is at least one object correlated

with every set of properties’ (Thomasson, 1999: 14). The consequence this principle has for fiction is that authors do not, as we normally believe, *create* fictional characters, but instead pick out some non-existent object that was already there, and then make it fictional by writing about it (Thomasson, 1999: 16). This is a strange result, and Thomasson is correct to note that it does not satisfy the normal view that authors *do* genuinely engage in creative activity when they produce fiction (1999: 16). This consequence is avoided on Thomasson’s artifactual view, since she does not employ any kind of comprehension principle: her view is not that there is an infinite number of non-existent or abstract objects which make up a distinct ontological realm, but rather that fictional characters are similar to more ordinary artifacts, in that they are created, dependent entities (1999: 15–17). That her view is not at odds with our ordinary understanding of how fictional characters are produced is, thus, an advantage Thomasson has over the Meinongian.³ Nevertheless, I will argue that there are still several difficulties for Thomasson’s account when it comes to our literary practices.

HOW FICTIONAL CHARACTERS ARE CREATED

I have just noted that it is an advantage of the artifactual view that it does not conflict with our everyday idea that authors engage in creative activity when they write about fictional characters. However, this view has its own problem when it comes to

³ This is an advantage that Thomasson claims over *possibilist* theories of fiction, also.

the creative activity of authors: it has to explain *how* these artifacts come into existence through authors' actions. The theorist who is not in the business of postulating fictional objects has less of an explanatory burden when it comes to the creative acts of authors: whatever else she wants to say about literary creativity, she can maintain that authors do not *literally* create fictional characters, in the sense of creating new abstract entities. Alternatively, Thomasson does have to explain *how*, in a very literal sense, fictional characters are *created*; how they are brought into existence (often on the spot) on the basis of certain actions taken by authors.⁴ I argue that Thomasson's account of how authors create new abstract artifacts is unsatisfactory.

Thomasson acknowledges that it might seem strange to think that authors can bring fictional characters into existence merely by writing about them. She notes however, that 'it has long been noticed that a common feature of so-called conventional or effective illocutionary acts such as appointing, resigning, adjourning, and marrying is that they bring into existence the state of affairs under discussion' (1999: 12).⁵ She also points out that institutional entities can be brought into existence by being represented as existing, using Searle's example, 'this note is legal tender for all debts private and public' (1995: 74). Thomasson asserts that there is a parallel between these types of cases and how fictional characters are created (1999: 13). The idea is that just as an utterance of 'I promise to [...]' or 'I hereby resign from [...]', thereby brings about the state of affairs in which someone has promised or resigned (respectively), 'a fictional character is created by being represented in a work of literature' (1999: 13). As an example, Thomasson uses the first sentence of Jane Austen's *Emma*:

Emma Woodhouse, handsome, clever, and rich, with a comfortable home and happy disposition, seemed to unite some of the best blessings of existence, and had lived nearly twenty-one years in the world with very little to distress or vex her (1999: 12).

⁴ I say only 'often on the spot' because not all fictional characters are created in a single act; Thomasson is clear that it may be a long process involving different authors (1999: 7).

⁵ Thomasson cites Bach and Harnish (1979) here on effective illocutionary acts.

This explanation, that there is a parallel between the marriage, promise, resignation, etc., cases and the case of fictional characters, is inadequate. Thomasson offers a broad analogy between these two types of cases as her explanation, but a closer look reveals that they are really distinct. It is clear how one can make a promise simply by uttering, 'I promise', and it is clear how the declaration that a piece of paper is legal tender *makes* it legal tender, assuming the declaration is backed up by the relevant authority. In these cases, the content of the sentence uttered in the linguistic act directly corresponds to the state of affairs which results from the linguistic act. But is this what is going on with the case of fictional characters? I do not think it is. Take Thomasson's example of the first sentence of *Emma*: this sentence mentions the person Emma Woodhouse, and then says some things about her, but it is not clear that it thereby creates a state of affairs in the real world in which there is a new abstract artifact. The sentence does not express a content corresponding to the state of affairs it purportedly brings about. In order for there to be parallel with the effective illocutionary act cases, authors need to utter sentences like, 'I hereby create the fictional character Emma Woodhouse' or, 'there is a fictional character called Emma Woodhouse'. Assuming that authors can create such states of affairs through linguistic acts, it is these utterances, and not ones like the first sentence of *Emma*, that would bring such states of affairs about.

That the above sentences are needed in order for the analogy to be sound is of course problematic for Thomasson's account. Jane Austen cannot utter, 'there is a fictional character called Emma Woodhouse' as part of the literary fiction, because her creative act itself is not a part of the fiction, and because in *Emma*, Emma Woodhouse is a human, not a fictional character. Since Thomasson cannot explain the creative acts of authors in terms of these types of sentences, she cannot use the analogy with effective illocutionary acts, and a separate explanation of how abstract fictional characters are created is needed.

It might be objected that Thomasson also makes reference to her 'intentional object theory of intentionality' with regards to the production of fictional characters, and that those considerations can serve as an explanation of authors' creative abilities. In particular, Thomasson states that 'because according to the intentional object theory every intentional act has an object as well

as a content, if there is no pre-existent object that the thought is about, a mind-dependent object is generated by that act' (1999: 88). I do not think, however, that this point serves as any further explanation; it merely states again that on Thomasson's view, abstract objects are sometimes created. My objection is not that this is false, but that the mechanism Thomasson employs in order to explain *how* this generation occurs does not work. She asserts that 'whether in the case of ordinary performative speech acts, or creative acts of imagination, an intentional act may bring its object into existence' (1999: 90). My point is that Thomasson's attempt to explain the latter case in terms of the former (when the latter case concerns fictional characters) is unsuccessful.

THE DEPENDENCIES OF FICTIONAL CHARACTERS

Thomasson develops a theory of existential dependence which she uses to explicate the ontological status of both fictional characters as well as abstract 'literary works' (1999: 24). She explains that although fictional characters are dependent on the creative acts of authors to begin their existence, they can go on existing after their authors are dead. Thus, fictional characters have what Thomasson calls a, 'rigid historical dependence' on their authors, but not a, 'constant dependence' on them: a given fictional character is dependent on its specific author to come into existence, but is not dependent for every given moment of its existence on that, or any author (1999: 35, 36). Fictional characters, however, do have a 'generic constant dependence' on some literary work of which they are a part (1999: 36). It is a constant dependence because if no literary work containing the character exists, neither does the character, but it is generic because a given fictional character can appear in several different literary works, and it does not matter which of these several remains (1999: 36). Literary works, too, are rigidly historically dependent on the authors that created them, and they also exhibit two generic constant dependencies: firstly, they are dependent on there being at least one copy of the literary work, and secondly, they are dependent on there being a population capable of reading the work (1999:

36). These, again, are both generic dependencies because there is no unique copy or population on which they are dependent; there just needs to be at least one of each for the literary work to remain in existence.

Thomasson says that dependence on literary works and authors' creative acts exhausts the immediate dependencies of fictional characters (1999: 36). But, I think this account is incomplete. Consideration of the drafting process that literary works undergo as they are being written shows that fictional characters also exhibit some dependence on the *will* of their authors, after they have been created. I argue that this consideration creates a puzzle for Thomasson's account that is difficult to resolve.

Imagine that I write a piece of fiction, and at some point compose the sentence, 'Mary eventually met four strangers in the hotel lobby: Frank, Jessica, Susan, and Sarah'. I finish this piece of fiction and then leave it on my shelf for three years, after which I come back and revise it. Coming upon the sentence above, I decide four strangers are too many and I revise the sentence to '[...] three strangers in the hotel lobby: Frank, Jessica, and Susan'. Assuming with Thomasson that when I wrote the above sentence, I created four new fictional characters, it seems like now I have just destroyed one. Intuitively, it looks as if Sarah was rigidly constantly dependent on my wanting to keep her in the story: I could have taken her out at any given time, and when I eventually decided to revise the work, Sarah ceased to exist. It might be thought, alternatively, that it is not that Sarah was dependent on my will as the author, but that she was only constantly dependent on the literary work, as Thomasson's theory stipulates. On this view, when I revised the sentence to remove Sarah, I created a new literary work, destroying the old one on which Sarah was dependent. That seems implausible to me. Our regular understanding of the way authors produce literary works is that in the process, they make changes and additions to one and the same work; they do not produce and destroy hundreds of different ones. We want to say that I merely took Sarah out of the work that used to have her in it, not that, by revising that one sentence, I created a new literary work, and destroyed a different one.

If what I am saying is correct, then during the drafting process, fictional characters can also exhibit a rigid constant dependence on the will of their authors: each moment of Sarah's continued

existence depended on the fact that I did not revise my work. Here is the puzzling part: we also want to say that this dependence ends at some point. If I publish my work of fiction, we no longer want to say that I will be able to revise it, and thus, we no longer want to say that Sarah is constantly dependent on my will to keep her in the story. I can wish all I want that I had taken her out, but at this point it is no longer up to me. The puzzle is located in the definition of the constant existential dependence relation: ‘necessarily, whenever X exists, Y exists’ (Thomasson, 1999: 30). What this definition expresses is that *every moment* of Y’s existence depends on X’s existence. The definition of constant dependence does not allow for an object to exhibit it sometimes and not other times, since by exhibiting it only some of the time, it thereby fails to exhibit it at all. Saying that a fictional character can exhibit rigid constant dependence and then stop exhibiting it forces us to say that it never exhibited that kind of dependence at all. There is a real sense in which, if at any point in those three years, I had published the work before removing Sarah, she could have existed without me. Yet, in the original case in which I do remove Sarah, there is also a strong drive to say that her whole existence depended on my will. This is a puzzle that results from Thomasson’s theory.

I think two different attempts to resolve this puzzle can be made, but each way has consequences which conflict with our understanding of literary practices. The first way is to deny the puzzle outright, to insist that there is nothing really problematic with saying that during the drafting process, fictional characters exhibit rigid constant dependence on their authors’ wills, but that after publication, they cease to exhibit it.⁶ This response may be appealing, but it has an unintuitive consequence. What this line of response suggests is that fictional characters are not identical to themselves before and after publication. For any given fictional character, the result is that before publication, it is an object which exhibits rigid constant dependence on its author’s will, and after publication it is an object which does not. If this is

⁶ I assume for ease of explanation that the line at which we want to say this dependence would end is publication, since it is the clearest place to make the distinction. Other considerations may suggest this line should be drawn slightly before, or slightly after publication; but those considerations do not affect the point being made.

the case, then those are really two different objects and not one. This conflicts with a basic belief we have about fictions, namely that the characters contained in them are the same before and after the fiction is published. The other attempt at resolving the puzzle is to bite the bullet and accept that fictional characters do not, after all, exhibit a rigid constant dependence on their authors will, even during the drafting process. This response is also unsatisfactory, however: it fails to explain the intuitive scenario in which the fictional character Sarah was dependent on my will to keep her in my story, and it seems to deny the obvious ability of authors to revise their fictions and remove characters as they please. Thus, with either response, giving a fuller account of the dependencies of fictional characters leads to unintuitive results with regard to our regular understanding of literary practices.

IDENTITY CONDITIONS OF LITERARY WORKS

An important aspect of Thomasson's theory is that a literary work is not identical with any particular copy of it; it is this property of literary works that allows them to remain in existence independently of any one copy, and thus, allows them to keep the fictional characters within them existent as well. In addition to the generic constant dependencies outlined for literary works (that there be some copy of the work and some population capable of understanding the work), Thomasson states that 'literary works are not mere strings of symbols', and that 'one and the same composition can serve as the foundation for two different literary works in the context of different readerships' (1999: 65).

On Thomasson's view, in order for a readership to engage not just with the words on the page (the composition), but with the literary work itself, that readership needs to have a certain set of background assumptions (1999: 65, 66). This is because literary works have particular origins; they are essentially tied to a particular place in social, political and literary history (1999: 8). Thomasson illustrates this idea with the example of *Animal Farm*: 'the same sequence of words appearing in *Animal Farm* could have been written in 1905, but that literary work could

not have had the property of being a satire of a Stalinist state, a central property of Orwell's tale' (1999: 8).

This aspect of Thomasson's theory also has problematic consequences; I again offer a hypothetical example to illustrate them. Imagine that a future civilisation finds a book on an archeological dig which they correctly believe to be a piece of fiction. However, they lack the historical knowledge necessary to determine the political, social, and literary context in which this book is written. Nevertheless, they can read and understand the sequence of words contained in the book, and subsequent literary critical discourse develops out of their engagement with this archeological find. For clarity's sake, let us assume the book they find is *Animal Farm*, and for whatever reason, this civilisation knows nothing about twentieth century history or Stalinist regimes. We can also assume that there is no other population who still has kept *Animal Farm*, as we know it, in existence. When they read the book, are they engaging with *Animal Farm* as a literary work?

I argue that, based on Thomasson's identity conditions for literary works, we are forced to say that they are not, which has problematic consequences for the view. Thomasson maintains that 'being a satire seems essential to *Animal Farm* considered as a work of literature' (1999: 9). This fact alone excludes our future civilisation from engaging with *Animal Farm* properly. On top of that, the theory of dependence outlined for literary works suggest that *Animal Farm* no longer exists (since there is no population with the correct background assumptions to understand it), and if it does not exist then our future civilisation cannot engage with it. We cannot say that our future civilisation has revived *Animal Farm* either, for the same reason they are not reading it in the first place: they are ignorant of the historical circumstances in which *Animal Farm* was created.

It looks like we are forced to say that this future civilisation is not engaging with the literary work *Animal Farm*, but instead has a new literary work on their hands based on the same sequence of words. This conclusion has two troubling consequences. The first is that, if there is a new literary work, then it must have been created. Unlike the easy cases in which we can identify a literary work with particular creative acts of a single author, in this case we have several different people, and all they have done is read a book. Figuring out the dependencies this new literary work will

exhibit may be impossible. It may even be the case that there are multiple new literary works and not just one, assuming that a number of different people carry different enough background assumptions. It also conflicts with our understanding of literary practices to say that a literary work can be created by being read; if something is being read, then we want to say that a literary work already exists.

The second problematic consequence derives from the fact that it is the future civilization's ignorance of Stalinism that prevents them from engaging with or reviving the literary work *Animal Farm*. We said that they cannot be engaging with *Animal Farm* because they fail to realise that it is a satire, and thus, we were forced to say that they have somehow created a new literary work. Though somewhat more elaborate, this case is not drastically different from the more mundane scenario in which a person simply reads *Animal Farm* but fails to understand it properly. Let us say, perhaps, that Billy, nine years old, reads it and interprets it as a story about animals on a farm. This case is different in details, but not substance, from our future civilisation case. It looks like we have to say that Billy, also, has created a new literary work, since by definition he is not reading *Animal Farm*. This is highly unintuitive; we do not want to say that Billy has read something new, we want to say that he has read *Animal Farm*, but failed to understand it. The stark division that Thomasson makes between a sequence of words and the literary work produced by those words, though plausibly in many ways, is responsible for these unintuitive consequences.

ACCOUNTING FOR THE LINGUISTIC DATA

Thomasson maintains that one of the benefits of her theory is that it neatly accounts for certain linguistic data that other theories have difficulty with. She points out that a great deal of work has been done on analysing fictional discourse, most of it in an effort to explain how our ways of speaking seem to commit us to fictional characters, and to avoid postulating such characters (1999: 93). Thomasson thinks that this approach is mistaken, and that fictional discourse is better accounted for if we admit fictional

characters into our ontology. I agree that Thomasson's view handles much of the linguistic data from fictional discourse well, but argue that with respect to one piece of data her explanation is lacking.

The problems surrounding fictional discourse are well known; our talk about fiction seems to commit us to the existence of fictional characters, since we use names like, 'Holmes' and, 'Hamlet' which seem to refer to them. As Thomasson notes,

[...] philosophers of language dealing with fiction have often taken their task to be that of providing analyses of statements apparently about fictional objects that, despite the nonreference of fictional terms, yield truth-values that accord with our ordinary beliefs about which statements are true, and which false (1999: 94).

Thomasson acknowledges that non-postulating views, such as Russellian and Fregean analyses, are capable of adequately accounting for certain, but not all, of the data (1999: 95). The data they can account for are the simplest cases which seem to commit us to fictional characters: sentences like 'Hamlet is a prince'. The Fregean analysis, for example, treats this sentence as lacking truth-value, since it insists that the name 'Hamlet' does not refer to anything. This relieves us of the ontological commitment to fictional characters, but does not accommodate our judgement that the sentence is true. The most common way to make such an accommodation is to paraphrase the sentence as, 'according to the story, Hamlet is a prince' (Thomasson, 1999: 94, 95).

However, non-postulating views have a much more difficult time accounting for sentences which are not about the content of fictions, but are 'real-world' assertions of critical literary discourse. Sentences of this category are those like, 'Hamlet is a fictional character', and 'Hamlet was created by Shakespeare' (Thomasson, 1999: 95).

Thomasson's main criticism of non-postulating views is that in order to account for sentences like these, they have to develop more implausible ad hoc paraphrases which do not contribute to a general account of fictional discourse; all for the goal of avoiding postulating fictional characters (1999: 95, 99). Thomasson's

view, alternatively, handles the real-world assertions well. She analyses, for example, 'Hamlet was created by Shakespeare' as straightforwardly true: the name Hamlet refers to a fictional character which was indeed created by Shakespeare. No paraphrase is needed and the intuitively correct truth value is derived; this simple explanation of these types of sentences is certainly an advantage of Thomasson's account.⁷

Yet, as Thomasson acknowledges, her theory does encounter problems with certain data, most notably with negative existentials, as well as with the simple 'Hamlet is a prince' case. The first problem is that, on Thomasson's view, negative existential statements seem to come out false, even though we intuitively think there is a sense in which they are true. We usually think 'Hamlet does not exist' expresses a truth, since Hamlet is a fictional character from a play. Since Thomasson postulates the existence of fictional characters, however, that sentence looks false on her view. The second problem is with cases like 'Hamlet is a prince'. On Thomasson's view, 'Hamlet' refers to the fictional character created by Shakespeare; fictional characters are abstract artifacts, and an abstract artifact cannot have the property of being a prince. Thus, this sentence also comes out false, even though it is intuitively true.

Thomasson's resolution to these difficulties is to offer paraphrases of these two types of sentences. She acknowledges that fictional discourse comes with 'confusions and inconsistencies that need to be sorted out', and that every theory will have to make some trade-offs (1999: 111). She is careful to point out in criticising non-postulating views that it is not the paraphrase technique itself that she objects to, just the ad hoc overuses of it (1999: 96). Thus, Thomasson argues that the negative existential cases, like 'Hamlet does not exist', can be paraphrased to express truths. Thomasson suggests we interpret this sentence as saying 'there is no (real) person who is Hamlet' (1999: 112). Further, Thomasson thinks that all statements made in what she calls the 'fictional context' (the context in which what is being discussed is what is true in the fiction) can usefully be prefixed with: 'according to the story'. But, because we implicitly understand if

⁷ Thomasson also points out that her theory has advantages over Walton's (1990) 'pretense' view, as well as the other postulating, Meinongian views (1999: 96, 97, 100–105).

we are in the fictional context or not, actually doing so is usually unnecessary (1999: 105). Since the sentence ‘Hamlet is a prince’ is uttered in the fictional context, it can be prefixed in this way, and understood to express a truth (1999: 113).

I think Thomasson’s resolution of the negative existential case is more or less unproblematic. Thomasson is right to point out that her paraphrase is usually what people have in mind by uttering this sentence; they want to deny that there is such a *person* Hamlet in the real world, but have no intention of denying (unless influenced by philosophy) that there is a fictional character Hamlet (1999: 113). However, I think Thomasson’s resolution of the ‘Hamlet is a prince’ case is not as straightforward or satisfactory as she takes it to be. The ‘according to the story’ prefix does not alone resolve the problem.

Considerations found in Currie (1990) help to make the issue for Thomasson clear. Currie distinguishes between three different uses of fictional names and offers a different account for each one. His three-way distinction is between what he calls, ‘fictive’ uses, ‘metafictive’ uses and, ‘transfictive’ uses (1990: 180, 181). The metafictive use, and the transfictive use, more or less correspond to Thomasson’s fictional context and real context, respectively; in addition, Currie offers similar explanations to Thomasson’s.⁸ Currie’s ‘fictive’ use of fictional names is the use employed in the actual text of a given fiction. If I utter, for example, ‘Holmes smokes a pipe’, then that is a metafictive use, but if Conan Doyle utters it in writing the fiction, then it is a fictive use (1990: 146, 147).

I contend that the problem with Thomasson’s explanation of the ‘Hamlet is a prince’ datum is derived from her failure to make a distinction along the lines of Currie’s ‘fictive’ use. For Thomasson, the name ‘Hamlet’ refers to the fictional character, that is, the abstract artifact ‘Hamlet’, both inside and outside the content of the fiction (1999: 107). This fact is suggested by remarks Thomasson makes regarding naming ceremonies for fictional characters; she states that the first uses of the names of characters in their texts are naming baptisms of the fictional ob-

⁸ The explanations are similar in that for the metafictive use, Currie employs an ‘according to the story’ operator, and for the transfictive use, Currie makes use of what he calls ‘roles’, which are theoretical entities that have much in common with Thomasson’s abstract artifacts (Currie, 1990: 159, 172–174).

jects themselves (1999: 47).⁹ Thus, if the name ‘Hamlet’ refers to a fictional object whenever it is used, then the ‘according to the story’ paraphrase does not help to make ‘Hamlet is a prince’ true. So paraphrased, the sentence ‘Hamlet is a prince’ ends up expressing the proposition that according to the story, the fictional object Hamlet is a prince. This sentence is false, because the story says nothing about any fictional object Hamlet; according to the story, Hamlet refers to a man, not a fictional object. What Thomasson needs in order to resolve this difficulty is to make a distinction along the lines of Currie’s fictive and metafictional uses.¹⁰ When it comes to ‘Hamlet is a prince’, it is not an ‘according to the story’ paraphrase that Thomasson needs, it is an *ambiguity* between ‘Hamlet’ as it is used to refer in the story, and ‘Hamlet’ as it is used to refer when talking about the fictional character. ‘Hamlet is a prince’ needs to be interpreted as ‘Hamlet-in-the-story is a prince’, and ‘Hamlet was created by Shakespeare’ needs to be interpreted as ‘Hamlet-fictional-object was created by Shakespeare’. Without this ambiguity, we end up asserting, through the bare paraphrase alone, that the story *Hamlet* makes claims about certain abstract fictional objects, which it does not.

Is such an ambiguity plausible? It seems like on Thomasson’s view, it is required, in order to reliably distinguish between what is true in the story, and what is true of certain fictional objects in the real world. I only want to bring up one worry, and that has to do with naming ceremonies. As I mentioned above, Thomasson takes fictional objects to be baptised with their names within the story in which they appear. Yet, if we are going to need an ambiguity between, for example, ‘Hamlet-in-the-story’ and, ‘Hamlet-fictional-object’, we are going to need a naming ceremony for the referent of ‘Hamlet-in-the-story’. The most obvious candidate is the first use of the name in the fiction, but this, on Thomasson’s account, is already the naming ceremony for the fictional object (1999: 48). Whether the initial use of a name in a piece of fiction can serve both as a naming ceremony for an abstract artifact in our world, as well as a person in the fiction, is not entirely clear.

9 This interpretation of Thomasson’s understanding of the reference of fictional names is reinforced in Braun (2005: 610).

10 I am not suggesting that Thomasson needs to adopt any of the analyses that Currie offers, only that uses of the name within the story and uses of the name outside of it are distinguished between.

CONCLUSION

I have argued that Thomason's (1999) artifactual theory of fictional characters is problematic on several accounts. In the first section, I raised difficulties for the theory with regard to its accommodation of our understanding of ordinary literary practices. I argued that Thomason gives an inadequate explanation of how fictional characters are created, and that the theories of dependence for fictional characters and identity conditions for literary works have unintuitive consequences that need to be resolved. In the second section, I argued that, although Thomason's theory can explain much of the linguistic data from fictional discourse, her explanation of the 'Hamlet is a prince' case is unsatisfactory. My goal has been to point out these apparent difficulties and clarify the problems Thomason's account faces. In order for the artifactual theory of fictional characters to both make sense of our literary practices as well as fictional discourse, the issues I have raised in this paper must be addressed.

BIBLIOGRAPHY

- [1] Bach, Kent and Robert M. Harnish. 1979. *Linguistic Communication and Speech Acts*. MIT Press: Cambridge, Massachusetts, USA.
- [2] Braun, David. 2005. 'Empty Names, Fictional names, Mythical Names'. *Nous* 39 (1): 596—631
- [3] Currie, Gregory. 1990. *The Nature of Fiction*. Cambridge University Press: Cambridge, UK.
- [4] Parsons, Terence. 1980. *Nonexistent Objects*. Yale University Press: New Haven, USA.
- [5] Rapaport, William J. 1978. 'Meinongian Theories and a Russellian Paradox'. *Nous* 12 (1): 153—180
- [6] Searle, John. 1995. *The Construction of Social Reality*. The Free Press: New York, USA.

- [7] Thomasson, Amie L. 1999. *Fiction and Metaphysics*. Cambridge University Press: New York, USA.
- [8] Walton, Kendall. 1990. *Mimesis as Make-Believe*. Harvard University Press: Cambridge, Massachusetts, USA.
- [9] Zalta, Edward. 1983. *Abstract Objects*. Reidel Press: The Netherlands.

3

WHAT IS MARRIAGE FOR?

What is Marriage for? Should it be made available to: (a) same-sex couples, (b) multiple-party, (c) sibling, or other groupings? If so, why? If not, why not?

Catriona Furlong,¹ *University of Saint Andrews*

INTRODUCTION

Marriage is an institution that lies at the hearts of most societies, governs sexual and reproductive practice and organises family life. Perhaps the greatest common feature of marriage is the significance it holds for individuals, society and the state. These three parties each have interests in marriage; sometimes parallel, sometimes divergent. One challenge for a philosophical account of marriage is to bring together these three strands of meaning. In addition, studying marriage raises issues relating to the nature of the good and the role of the state in personal affairs (Brake, 2012; A). Considerations of extending marriage to new groups also bring with them concerns about equality. The complexity of any discussion of marriage not only results from the variety of perspectives and issues raised, but also from the fact that it is a deeply emotional practice that significantly impacts the lives of individuals, whether they do or don't marry. In light of this, an analysis of marriage must be mindful of the fact that some of its aspects might seem irrational. Section I will consider what marriage is for, which will inform discussion in section II about who marriage ought to be made available to. This will lead to the conclusion that marriage has different, but parallel purposes for individuals, society, and the state. Such purposes are good reasons to make marriage available to opposite-sex, same-sex, and sibling couples.

¹ Catriona Furlong is a philosophy student at the *University of Saint Andrews*. She is also reading for International Relations, and will be graduating in 2014.

WHAT IS MARRIAGE FOR?

(a) What is Marriage for?

A discussion of the purpose of marriage requires an understanding of what marriage is. Marriage is a social institution that is present in all known societies and relates to the construction of families (Gallagher, 2002: 774). When two people get married, they enter into a committed and voluntary relationship of mutual love and support. The term itself can refer to a legal contract, a cultural practice or religious ceremony, and some argue that there is so much variation in marital practice that it has no essential structure and is merely a ‘family resemblance concept’ (Brake, 2012: A). This account of marriage will discuss the purpose of marriage in the present day, and will be based on a Western perspective of marriage. I will not give attention to ‘metaphysical’ accounts of marriage, as these assume there is a single correct purpose of marriage, an assumption which I reject. Defining marriage presents a challenge because it mustn’t prohibit the inclusion of new cases or be circular. Attributing essential features to marriage can limit discussion, for instance by incorporating the necessity of an opposite-sex couple into the definition (Brake, 2012: A). Therefore, it seems that ‘a definition of marriage must depend on, rather than precede, ethical and political enquiry’, as suggested by Elizabeth Brake (2012: A). In addition, an account of marriage must reconcile internal and external views of the institution arising from the perspectives of the individual, society, and state. An implicit definition of marriage will emerge in discussion throughout the remainder of section I.

(b) For the Individual

For individuals who get married, marriage can have a variety of purposes. It can be both a means, for example to legal benefits, social recognition or a family, and it can be an end in itself. One purpose of marriage for individuals might be the legal benefits it provides, which can include custody rights, insurance benefits, inheritance and property rights, bereavement leave, and tax benefits (Mitchell, 1991: 540). Nowadays many couples feel that for them, marriage has reduced to these practicalities. For many American same-sex couples that cannot marry, for example, the legal benefits are a major advantage of access to the institution (Goldberg, 2012: 41). In addition, many same-sex couples seek marriage in order to gain social recognition of their relationship. Individuals may want to get married to make their relationship intelligible to others around them and to feel like they are part of a community of married people (Goldberg, 2012: 45). In the United Kingdom, same-sex couples are still seeking access to marriage despite being granted similar rights and benefits as married couples (British Humanist Association,

2012). This suggests that marriage is the lead to social acceptance and recognition of certain relationships.

For many individuals, marriage is a compact that promises mutual commitment in a shared life. Therefore, the purpose of marriage can simply be to affirm the nature of the relationship, often as a basis for a family or shared household. For some individuals, this compact also makes a sexual relationship morally legitimate. Married life and family life have always been inextricably linked. Even today, there are strong ties between marriage and the foundation of families (Haldane, 2009: 179). Many couples enter marriage with the intention of starting a family, and often wait until they are married to do so. This suggests that marriage is an important stage for individuals in the family-building process. Studies in Massachusetts, for example, found that ‘some participants’ motivation to marry rested, in part, on their belief that getting married would help to protect their relationships with existing or future children’ (Goldberg, 2012: 36). For some individuals, marriage may primarily be a declaration of commitment for creating a stable foundation for a family.

The purposes of marriage listed above portray marriage as a means to legal benefits, social recognition, and family life. It can, however, be argued that marriage is not merely a means but also an end in itself. It is believed that marriage is a special kind of relationship that constitutes human flourishing and is, thus, intrinsically good. Aristotle created an account of flourishing in his search for the highest good. He concluded that the highest end of human life is *eudaimonia*, which can be understood as human flourishing or a ‘good human life’. Aristotle thought that humans would flourish if they properly fulfilled the function of their human nature (Kraut, 2010). It can be argued that entering into the mutually supportive and caring relationship of marriage and forming a family is a distinctive aspect of human nature, and therefore, constitutes human flourishing. John Finnis, for example, holds that ‘the good of marriage is one of the basic human goods to which human choice and action are directed by the first principles of practical reason’ (1998: 97). Scruton too adopts a view that seems to place inherent value on marriage by presenting it as sacred (2006). For individuals, marriage may hold inherent value and be an important goal in their lives.

The particular source of the value of marriage, however, must be scrutinised. Does the intrinsic value of marriage lie in the ‘marriage relationship’ or in the ‘officiation’ of this relationship? Some might argue that the two cannot be separated. However, we can imagine a legal marriage that has none of the characteristics of a ‘marriage relationship’, we just have to look at some ‘Las Vegas’ marriages that last less than a few weeks, for example the marriage between Britney Spears and Ja-

son Alexander which lasted only two days (Marie Claire, 2011). Can we also imagine a perfect ‘marriage relationship’ consisting of mutual love and support in a shared life, without a legal marriage? It seems logically possible that individuals can have a life-long, loving, caring and supportive relationship that is the basis of a family without being legally married. It is intuitive to think that the ‘marriage relationship’ precedes and can be independent of the legal status. For evidence we need only to look to those who cannot legally marry. In a study conducted in the US, a number of children with LGB parents exhibited resistance to the notion that marriage is necessary for an enduring family relationship because they themselves had grown up with parents who ‘maintained long-term, committed relationships in the absence of civil marriage’ (Goldberg, 2012: 41). It is, therefore, reasonable to drive a wedge between the civil union and the marriage relationship itself. In this sense, we can understand marriage as both a certain kind of relationship (hereafter ‘deep marriage’), and as an official status (‘shallow marriage’). The key aspect of deep marriage is the kind of enduring love that leads people to want to share a life and commit to each other in a public ceremony witnessed by their close friends and family. Deep marriage seems, therefore, to be the source of the good in marriage. Shallow marriage, on the other hand, can be seen as instrumentally good in supporting deep marriage. The officiation of the relationship remains important as a means to legal benefits, social recognition and stable family life as described above. In addition, the act of officially committing may affirm and stabilise the deep marriage relationship.

(c) For Society

It has been argued that ‘society has a profound interest in marriage’ (Scruton, 2006). One purpose of marriage for society is organisational. It allows people to categorise relationships and serves the purpose of structuring society. When two people get married, their union is celebrated and their relationship is given a label that allows the rest of society to understand and approve of it. The importance of this becomes clear when society has a negative view of relationship structures such as polygamy, which they do not know how to make sense of (Turley, 2011). By getting married, a couple communicates the nature of their relationship: a committed, supportive relationship based on mutual love. The role of marriage for society is partly, thus, to categorise relationships. Closely tied with this is the importance of marriage for creating a beneficial social structure.

Many philosophers, both historical and contemporary, see marriage as a procreative union that constitutes the foundation of society (Brake, 2012: A). Aristotle, for example, defended the view that the marital family is the building block of the state and that the proper functioning of

the state depends on the working of the household (*Politics*, book I: part III). This point is still relevant today, as individual families held together by marriage compose most communities (Wright, 1994: 57). There is a strong link between marriage and the family: those who get married often do so with the intention of starting a family, and it has been argued that families benefit from marriage, as this can provide the stability, care and love they need (Haldane, 2009: 170). Most importantly, ‘deep marriage’ as described in part (a) is arguably the strongest foundation for a family. When we say that marriage is good for families, we don’t mean purely ‘shallow marriage’; bestowing a legal marriage status on two strangers doesn’t make them a good family. Deep marriage, an enduring mutual bond based on love, is conducive to creating strong families. The official status can help cement this bond, but I doubt it can create it. Furthermore, it can be argued that the proper functioning of society depends on the family. In fact, ‘in every human culture on the anthropological record, marriage is the norm, (whether monogamous or polygamous, permanent or temporary), and the family is the atom of social organisation’ (Wright, 1994: 57). This includes cultures that have developed in isolation for the last 100,000 years, like the indigenous culture of the Trobriand Islands (Wright, 1994: 44). Families are essential because they support the most vulnerable in society: the young, and the elderly (Haldane, 2009: 164). A society built from strong families is one in which children grow up in a stable, supportive and healthy environment and the elderly are protected and looked after by family members. It can, therefore, be argued that marriage is an important aspect of a healthy and well-structured society. Since marriage is conducive to creating strong families and these contribute to a well-structured and healthy society, marriage is important for society. An optimistic perspective that appreciates the value of marriage in families ought to be sympathetic with this argument. Looking back to the importance of marriage in categorising relationships, it becomes clear that social approval and celebration of marriage is linked with its importance for the family and society.

(d) For the State

The purpose of marriage for the state must explain why the government goes to the effort of providing legal benefits and presiding over the institution. State involvement in marriage at the present moment can be understood in two ways: encouragement and endorsement. The state can use legal benefits to encourage an institution which it views as beneficial in practice, and to recognise the moral value of a certain kind of relationship. This division parallels the means/end separation in segment (a).

For the state, the role of marriage may be to encourage an environment that is conducive to the creation and raising of well-looked after children, and to reward with benefits those who provide this environment (Mitchell, 1991: 545). That is neither to say that single parents cannot provide a good environment for children, nor that they shouldn't receive benefits; rather, that the government has a stake in supporting those relationships that are most likely to produce children that have been given a good start in life. Much research has corroborated the view that children who grow up with parents that are in a strong, stable marriage are better off (Haldane, 2009: 171); (Gallagher, 2002: 780); (Scruton, 2006). It may very well be that this is not because of the marriage status itself, but because the kinds of parents who want to get married are those kind whose relationship is stable and strong already (a deep marriage). However, it is within the state's interest to encourage people to form such relationships and to reward those who do. In addition, as discussed above, marriages can act as glue for families, and the state has an interest in having strong and supportive families. Whether the state is justified in acting on its interest in marriage will be discussed in the next section.

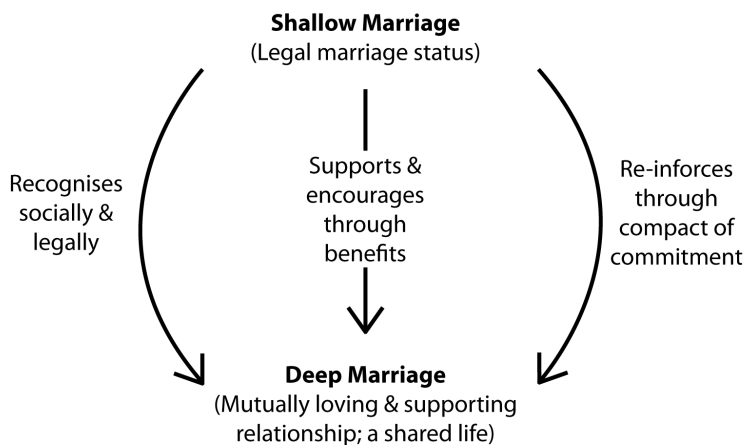
It has been argued that the state ought not make moral claims about the superiority of different ways of life. In the case of marriage, however, this sort of moral claim by the state has a very important purpose. When two people get a civil marriage, they are essentially communicating to the state the nature of their relationship. They are telling the state that they are in a consensual and committed romantic relationship based on mutual love. In response, the state is able to give the couple relevant treatment, for example by allowing hospital visitation and inheritance rights (Mitchell, 1991: 540). As discussed above, the 'marriage relationship' is a very valuable and significant aspect of many people's lives. A shared life with someone you love is intrinsically good and an end that many people strive towards. By allowing couples to marry, the state recognises the moral importance of the profound connection between the couple, and is able to tailor the law to recognise the significance of the relationship. In this sense, shallow marriage serves the purpose of recognising deep marriage. When people are legally married, they are seen as a unit that gains special rights and status, for example the right to make proxy medical decisions if the other spouse is unable to (Human Rights Campaign, 2012). Without legal marriage, the state could not differentiate between relationships to provide this sort of special treatment. Looking back to section (a) and the legal benefits of marriage for individuals, we can now appreciate the difference of the state perspective on the same issue. Looking at the different goods and purposes of marriage

from an individual, social, and state perspective, allows us to construct a richer and deeper account of the purpose of marriage.

WHO SHOULD BE ALLOWED TO MARRY?

(a) Is Marriage Justified at All?

In order to examine whom marriage should be made available to, it is necessary to ask whether marriage, as it exists today, is justified at all. As an institution used by the state to discriminate between people (married and unmarried), and provide significant benefits on the basis of that discrimination, the institution of marriage needs justification for its existence (Brake, 2012: A). As discussed above, the main purposes of marriage for society and the state are to cement family structures, encourage an environment conducive to the raising of healthy children, and recognise, both by society and in law, the significance of the 'marriage relationship' existing between people. Each of these purposes is founded upon the deep marriage relationship: it strengthens families, provides a good environment for raising children and is valuable in a way that deserves recognition. As shown below, shallow marriage (the legal status) ought to support, recognise and reinforce deep marriage.



Therefore, insofar as the state ought to support society, protect the interests of children and recognise significant human relationships before

the law, marriage is justified in so far as it is made available to those who may have a deep marriage. In the following sections (b, c, and d), I will elaborate on this point by considering whether opposite, same-sex, multiple party, and sibling couples can display the characteristics of deep marriage, and thus, whether marriage ought to be made available to them. I will focus on the first two, as these are the most common groups seeking marriage in our society.

(b) Opposite and Same-sex Couples

The only significant difference between opposite and same-sex couples is that same-sex couples can, at the present time, not have children without a third party, while only some opposite-sex couples cannot reproduce without a third party (Wardle, 2000: 797). It is without doubt that the interests of opposite as well as same-sex couples would be served by marriage (Wedgwood, 1999: 1). This is evidenced by the fact that many same and opposite-sex couples desire to get married. Both kinds of couples can be in life-long supportive and caring relationships that are based on profound love. In other words, both kinds of couples can have a deep marriage relationship. Opposite and same-sex couples can, thus, fulfill the purposes of marriage for society and the state. They can build strong families and raise healthy and well-adjusted children and have the kind of significant relationships recognised by the law. Although it is sometimes disputed, 'same-sex couples can provide the necessary shelter and care as well as create a satisfactory psychological environment' for children (Mitchell, 1991: 545). In addition, children of same-sex parents may be better off if their parents are permitted to marry because this may lessen the social stigma some of them may be subject to (Goldberg, 2012: 35). Furthermore, if the interests of the state lie in creating strong families with healthy children, and marriage is a means to this end, then, the state ought to extend marriage to more groups who can and do fulfill this interest. As put by Mitchell, 'ironically, the state's interest in promoting family stability is actually undermined by depriving same-sex couples of marital rights' (Mitchell, 1991: 545).

It is sometimes argued that same-sex couples shouldn't be able to get married because they cannot naturally conceive children; they need a third party (either through adoption, artificial insemination or surrogacy). However, many opposite-sex couples also choose to have children through these means. Based on the purposes described in section I, the way a child comes into a family is not relevant for marriage. A recent study by Susan Golombok at the Centre for Family Research at the University of Cambridge has found that families who had children through In Vitro Fertilisation, egg donation, donor insemination and surrogacy were just as well-functioning as 'ordinary' families, and

where there were differences, the unconventional families fared better (Guardian, 2012). Although family life is an important part of marriage, 'family structure is much less important for children's well-being than the quality of family relationships' (Golombok, 2012). Procreation can be an important aspect of marriage for individuals. However, what means they use to reproduce is irrelevant; important for the child is that the *same love* is the foundation of their parents' union. In addition, if marriage is a form of life that is inherently good and constitutes human flourishing, then the state not only has an interest in expanding access to it, but it may have a *duty* to do so. The state must allow equal access to those institutions which allow for the expression of the important aspects of human nature. Shallow marriage can be important for some people to strengthen deep marriage. Restricting marriage to same-sex couples is an unjustifiable 'denial of equality' (Wedgwood, 1999: 1). In this sense, it isn't only good for the state to allow same and opposite-sex couples to get married, it is *bad* if it doesn't.

(c) *Multi-party*

Relationships between multiple partners, or 'polygamous' relationships, are somewhat uncommon in the Western world, but '[remain] widespread in the world as a whole' (Chambers, 1997: 61). In the West, polygamy is most often associated with the practices of the Mormon Church (Chambers, 1997: 62). It has often been suggested that a polygamous family structure is harmful for women and children, even that polygamous wives experience higher rates of abuse and children in polygamous families are more likely to be neglected and abused (Bauman in Austen, 2011). However, these are contingent factors that can be dealt with on a case-by-case basis. Abusive relationships can exist between other kinds of couples and are not a reason to place a blanket ban on marriage. There is no doubt that some people who are in polygamous relationships certainly feel their relationships are harmonious and sincere (Chambers, 1997: 67). However, it is difficult to imagine how a relationship can logically exist between more than two people. We can conceive of a group of 5 people who each have a good relationship with each other member, but a *single* deep marriage relationship between 5 people is inconceivable as each one will have slightly differing feelings for each other person. A profound relationship that would justify a marriage between multiple people is, therefore, impossible. This is not a denial of equality, because such individuals do have access to marriage as an institution that recognises profound relationships.

(d) *Siblings*

Most people are disgusted if they imagine having a sexual relationship with their siblings. This is no accident; close proximity in childhood creates a natural aversion to siblings (Westermarck, BBC: 2007).

However, there have been a few unusual cases in which siblings who did not grow up together meet later in life and fall in love (ABC News: 2007). These couples have described themselves as having a normal, committed and loving relationship (BBC: 2007). The sincerity of their bond is not in doubt, and in many respects, these sorts of unusual relationships can create a similarly valuable family structure. The main difference between sibling and other couples is that they have a higher risk of giving birth to children with disabilities, although this is still debated (BBC: 2007). However, there are 'ordinary' couples that face a higher risk of having children with disabilities (for example those with genetic diseases) and these couples are permitted to marry. In addition, it is unfair to assume that disabilities render a life so worthless that those who may bring such children into the world ought to be strongly discouraged and even punished by the state (as in the case of a French man who was not allowed paternity of his child of an incestuous relationship (BBC: 2007)). Furthermore, sibling couples may choose not to reproduce, or do so via an alternative method. It is reasonable to assume that the strong stigma against sibling couples is due to the aversion we feel when we imagine a relationship with our siblings. By looking at the situation empathetically, we may be able to appreciate that sibling couples can and do in rare cases have relationships that are just as meaningful as those we experience in our own life. By extending marriage to siblings, the state would affirm the value of the love between two such people, and by ceasing to marginalise these groups, may be more able to inform them about the risks of natural procreation.

CONCLUSION

In conclusion, this account of marriage presents the institution as both a legal status and a kind of profound relationship. Marriage can, therefore, be seen as both a means and an end in itself. It cannot have a unitary purpose, as this would fail to recognise the multiple parties that have differing perspectives on the institution. However, the different roles of marriage are branches that all stem from the inherent value of the profound and lasting connection between two individuals. Thus, marriage ought to be made available to all those kinds of couples who can claim to have such a connection: opposite-sex, same-sex, and siblings.

BIBLIOGRAPHY

- [1] Aristotle. 2009. 'Politics'. N.p.: n.p., n.d. *Internet Classics Archive*. Available on the World Wide Web at: <<http://classics.mit.edu/Aristotle/politics.1.one.html>>. [Accessed 27th October 2012].
- [2] Austen, Ian. 2011. 'Canadian Court Rules That Polygamy Ban Is Constitutional'. *The New York Times*. Available on the World Wide Web at: <<http://www.nytimes.com/2011/11/24/world/americas/british-columbia-court-upholds-canadas-polygamy-ban.html?ref=polygamy>>. [Accessed 27th October 2012].
- [3] BBC News. 2007. 'Incest: An Age-old Taboo'. *BBC News*. Available on the World Wide Web at: <<http://news.bbc.co.uk/1/hi/6424337.stm>>. [Accessed 27th October 2012].
- [4] Brake, Elizabeth. 2012: A. 'Marriage and Domestic Partnership'. *Stanford Encyclopedia of Philosophy*. Stanford University. Available on the World Wide Web at: <<http://plato.stanford.edu/entries/marriage/>>. [Accessed 27th October 2012].
- [5] Brake, Elizabeth. 2012: B. 'Minimizing Marriage: Marriage, Morality, and the Law'. *Oxford Scholarship Online*. Oxford University Press. Available on the World Wide Web at: <<http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199774142.001.0001/acprof-9780199774142>>. [Accessed 29th September 2012].
- [6] British Humanist Association. 2012. 'Same Sex Marriage'. *British Humanist Association*. Available on the World Wide Web at: <<http://www.humanism.org.uk/campaigns/marriage-laws/same-sex-marriage>>. [Accessed 22nd October 2012].
- [7] Burbank, Maggie. 2007. 'Brother and Sister, and Lovers'. *ABC News Network*. Available on the World Wide Web at: <<http://abcnews.go.com/Primetime/story?id=2886819>>. [Accessed 27th October 2012].
- [8] Chambers, David L. 1997. 'Polygamy and Same-sex Marriage'. *Hofstra Law Review*. Vol. 26. Pg: 53—83. HeinOnline: William S. Hein Co. Available on the World Wide Web at: <<http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/hoflr26&div=10&id=&page=>>>. [Accessed 21st October 2012].
- [9] Claire, Marie. 2011. 'Hollywood's 15 Shortest Marriages Ever'. *Marie Claire Online*. Available on the World Wide Web at: <<http://www.marieclaire.com/celebrity-lifestyle/celebrities/hollywoods-shortest-marriages>>. [Accessed 29th October 2012].

- [10] Finnis, John. 1998. 'The Good of Marriage and the Morality of Sexual Relations: Some Philosophical and Historical Observations'. *American Journal of Jurisprudence*. Vol. 42. Pg: 97—134. Princeton University. Available on the World Wide Web at: <<http://www.princeton.edu/~anscombe/articles/finnismarriage.pdf>>. [Accessed 20th October 2012].
- [11] Gallagher, Maggie. 2002. 'What Is Marriage For? the Public Purposes of Marriage Law'. *Louisiana Law Review*. Vol. 62. Pg: 774—91. HeinOnline: William S. Hein Co. Available on the World Wide Web at: <<http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/louilr62&div=34&id=&page=>>>. [Accessed 14th October 2012].
- [12] Goldberg, Abbie E., and Katherine A. Kivalanka. 2012. 'Marriage (In)equality: The Perspectives of Adolescents and Emerging Adults With Lesbian, Gay, and Bisexual Parents'. *Journal of Marriage and Family*. Vol. 74.1. Pg: 34—52. Wiley Online Library. Wiley. Available on the World Wide Web at: <<http://onlinelibrary.wiley.com/doi/10.1111/j.1741-3737.2011.00876.x/full>>. [Accessed 17th October 2012].
- [13] Golombok, Susan. 2012. 'Three-parent Families Can Be as Good as Two'. *The Observer*. Available on the World Wide Web at: <<http://www.guardian.co.uk/science/2012/oct/07/three-parent-families-susan-golombok>>. [Accessed 25th October 2012].
- [14] Haldane, John. 2009. 'Families and Why They Matter'. *Practical Philosophy Ethics, Society and Culture*. Imprint Academic Press. Exeter, United Kingdom. Pg: 164—85.
- [15] Human Rights Campaign. 2012. 'Protecting Your Visitation and Decision-making Rights'. *Human Rights Campaign*. Available on the World Wide Web at: <<http://www.hrc.org/resources/entry/protecting-your-visitation-decision-making-rights>>. [Accessed 29th October 2012].
- [16] Kraut, Richard. 2010. 'Aristotle's Ethics'. *Stanford Encyclopedia of Philosophy*. Stanford University. Available on the World Wide Web at: <<http://plato.stanford.edu/entries/aristotle-ethics/>>. [Accessed 27th October 2012].
- [17] Scruton, Roger. 2006. 'Sacrilige and Sacrament'. *The Meaning of Marriage: Family, State, Market, and Morals*. Catholic Education Online. Pg: 3—28. Available on the World Wide Web at: <<http://catholiceducation.org/articles/marriage/mf0081.htm>>. [Accessed 19th October 2012].

- [18] Turley, Jonathan. 2011. 'One Big, Happy Polygamous Family'. *The New York Times*. Available on the World Wide Web at: <<http://www.nytimes.com/2011/07/21/opinion/21turley.html?ref=polygamy>>. [Accessed 29th October 2012].
- [19] Wardle, Lynn D. 2000. 'Multiply and Replenish: Considering Same-sex Marriage in Light of State Interests in Marital Procreation'. *Harvard Journal of Law and Public Policy*. Vol. 24. Pg: 772—87. HeinOnline: William S. Hein and Co. Available on the World Wide Web at: <<http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/hjlp24&div=46&id=&page=>>>. [Accessed 17th October 2012].
- [20] Wedgwood, Ralph. 1999. 'The Fundamental Argument for Same-sex Marriage'. *Journal of Political Philosophy*. Vol. 7.3. Pg: 225—42. Available on the World Wide Web at: <<http://onlinelibrary.wiley.com/doi/10.1111/1467-9760.00075/abstract>>. [Accessed: 14th October 2012].
- [21] Wilson, Adrienne K. 1991. 'Same-sex Marriage: A Review'. *William Mitchell Law Review*. Pg: 539—61. HeinOnline: William S. Hein and Co. Available on the World Wide Web at: <<http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/wmitch17&div=39&id=&page=>>>. [Accessed: 17th October 2012].
- [22] Wright, Robert. 1995. *The Moral Animal: Evolutionary Psychology and Everyday Life*. Vintage Press. New York, USA.

4 | AN EXPLANATION OF DIS- AGREEMENTS

An Explanation of Disagreements Over what Counts as Adequate Justification

Ole Andreassen,¹ *University of Oxford*

I

In public and private life, we often disagree about what counts as adequate justification. These disagreements can have massive consequences, as when climate change deniers hold that the Intergovernmental Panel on Climate Change does not confer adequate justification regarding the existence of climate change. The disagreements can also be trivial, as when I hold that the opinions of my girlfriend's grandmother does not confer adequate justification regarding what is the best cure for a cold. Such disagreements can occur in most areas of our justificatory practices, and often devolve into shouting matches with no rational argument or epistemic virtue whatsoever. They might easily seem irrational. Can a theory of justification explain such disagreements?

It is desirable for a theory of justification to be more or less aligned with actual justificatory practices. In this paper I show how a theory of justification can integrate disagreements regarding what counts as adequate justification, and do so in a way which treats these disagreements as more than mere irrational shouting matches. My argument is inspired by Ludwig Wittgenstein's *On Certainty* (hereafter 'OC').² In OC, Wittgenstein claims that we can disagree about what counts as adequate justification. This led A. C. Grayling (2001: 309) to accuse *On Certainty*

1 Ole Andreassen is a Norwegian student reading for a BA in PPE at Lincoln College, *University of Oxford*.

2 References to *On Certainty* will take the form 'OC: X', where x is the relevant section number(s).

of espousing relativist scepticism regarding justification: the view that what we count as justified is just one of many possible mutually incompatible sets of what is counted as justified, and that there is nothing more to justification than being 'justified relative to a system'.

Relativist scepticism regarding justification can be seen as troublesome, for the following reason: Justification is truth-conducive, and *prima facie*, a justified belief is more likely to be true than an unjustified belief. If being justified is *nothing more than* being justified relative to a system, we might fear that justification is not in fact truth-conducive, or that this truth-conduciveness is not guaranteed. After all, might not the belief be justified relative to a poor system, which does not correlate justification and truth? If we can only explain disagreement over what counts as adequate justification by opening for this fear, then we will lose more than we gain, and it is better to treat the disagreements as inexplicable. I will argue that we need not fear this.

In order to do so I will, in section II, outline a theory of justification inspired by OC. In section III, I set forth a crucial distinction between what I term, 'subjective justification' and, 'objective justification'. Roughly speaking, I am subjectively justified if, had all my beliefs regarding the matter at hand been true, I would have been justified. I am objectively justified iff I am subjectively justified, and all (or a sufficient number) of my beliefs regarding the matter at hand *are in fact true*. In section IV, I show how the theory of justification of section II can use the distinction between subjective and objective justification to integrate disagreements regarding what counts as justification without severing the link between justification and truth.

II

The theory of justification which follows tries to align itself as much as possible with our actual justificatory practices. Justification is to a large extent a social activity; we try to convince others to accept our positions, by showing how these positions are justified. We do so by giving reasons and evidence in favour of our position. Consider the following:

[...] Someone with bad sight asks me: 'do you believe that the thing we can see there is a tree?' I reply, 'I know it is; I can see it clearly and am familiar with it'. Or, A: 'Isn't N.N. at home?' B: 'I believe he is'. A: 'Was he at home yesterday?' B: 'Yesterday he was, I know he was; I spoke to him'. A: 'Do you know or only believe that this part of the house is built on later than the rest?' B: 'I know it is; I got it from so, and

so'. In these cases, then, one says, 'I know', and mentions how one knows, or at least one can do so (OC: 483—4).

In order to make a proper knowledge-claim, one must be able to mention how one knows. I take it for granted that one can only make a proper knowledge-claim that *X* if one's belief that *X* is justified. OC: 483—4 seems perfectly straightforward and yet, it conflicts everyday with many widely-held theories of justification. If one must be able to mention how one knows if one is justified, one's justification must be mentally accessible, and many, e.g. Goldman (1967), deny this. A full treatment of this debate would be far beyond the scope of this paper, and I will merely take it for granted that justification is *mentally accessible* and *evidentialist*.

Our everyday justificatory practices are also *linear*: If I say that I know that Anne has a boyfriend, you might ask me how I know this, and I might reply that Becky told me. Now, it is supremely reasonable to hold that a belief can only confer justification if it is itself justified. If Becky had only told me that Anne is going to the cinema with a young man, I (putatively) would not be justified in believing that Becky has told that Anne has a boyfriend, and hence I would not be justified in believing that Anne has a boyfriend. The linearity of justification, coupled with the claim that a belief can only confer justification if it is itself justified, leads to a familiar problem in epistemology: *the infinite justificatory regress*. I want to justify belief (1) by reference to belief (2), but, I can only do so if belief (2) is justified. I must justify belief (2) by reference to belief (3), but I can only do so if belief (3) is justified. I must justify belief (3) by reference to belief (4) [...] and so on. If we grant the linearity of justification, there are two ways of facing the infinite regress: either (A) let it run on forever, or (B) defuse it by holding that some beliefs can be justified even though they are not justified by reference to any other beliefs.

The infinite justificatory regress never arises in everyday discussions. We give reasons and justify ourselves up to a point, but sooner or later we stop. If our conversation partner refuses to accept *this* as a justification, we simply give up, and exclaim that our conversation partner does not understand what counts as adequate justification. Wittgenstein held that this is a crucial feature of our everyday justificatory practice; all linear justificatory chains stop at some beliefs which are held with absolute certainty (OC: 137). Examples of such beliefs are, 'all human beings have parents', 'this is a chair', 'all humans have lived their lives very close to the surface of the Earth'.³ Wittgenstein gives the following

³ The examples are mine, but are inspired by Moore (1959).

example: Consider a school teacher trying to teach a child that Athens is the capital of Greece. The pupil might ask how the teacher knows this:

The teacher will feel that this is not really a legitimate question at all. And it would be just the same if the pupil cast doubt on the uniformity of nature, that is to say on the justification of inductive arguments. The teacher would feel that this was only holding them up, that this way the pupil would only get stuck and make no progress. And, he would be right. It would be as if someone were looking for some object in a room; he opens a drawer and doesn't see it there; then he closes it again, waits, and opens it once more to see if perhaps it isn't there now, and keeps on like that. He has not learned to look for things. In the same way, this pupil has not learned how to ask questions (OC: 315).

This quote contains two crucial points. Firstly, that justificatory chains end, and they end in a variety of common-place and theoretical beliefs. In a memorable phrase, these beliefs are like the hinges on which our investigations and epistemic practices turn (OC: 343). If we doubt these 'hinges', we will not get anywhere, and will be stuck in a manner similar to the person opening and closing his drawer. Secondly, that we are *taught*, explicitly or implicitly, where the justificatory chains end; this knowledge is not innate, nor do we reach it through pure rational introspection. Joachim Schulte (2005: 69) stresses the close connection between the community we live in and what beliefs we hold as 'hinges'. He holds that the 'hinges' are part of the inheritance of 'the more or less theoretical means we have devised for coping with the world we live in'. It is crucial to note that this does not mean that the 'hinges' are necessarily true. In section IV, I discuss an example where they are not.

I will refer to the 'hinges' as Moorean Propositions, or MPs for short, as they were first drawn attention to by Moore (1959). The theory of justification I will embrace is one where a belief *B* is justified iff a linear, evidentialist, justificatory chain goes from *B* and terminates in a Moorean Proposition.⁴

III

Having outlined the theory of justification in the last section, I can now move on to the distinction between subjective justification and objective

⁴ I will not discuss if Moorean Propositions themselves can be justified, how they can be justified or whether they are justified. For discussions of this, see McGinn (1989) and Pritchard (2011).

justification. A speaker is subjectively justified in his belief that *P* iff were all the speaker's beliefs regarding *P* true and known to be true, the speaker would be certain that he is justified in his belief that *P*, and his certainty would be reasonable. A speaker is objectively justified in his belief that *P* iff a sufficient conjunction of the beliefs used to justify the belief that *P* are *in fact* true and really do confer justification. You can believe that you are justified in believing that *P* due to a belief that *Q*; if your assessment of the situation has been thorough, it follows that your belief that *P* is subjectively justified. However, *Q*, might be false, and it might then be the case that you are not objectively justified in your belief that *P*.

Objective justification entails subjective justification. Subjective justification does not entail objective justification. The distinction between objective and subjective justification is highlighted in the following example:

Tragedy: Isaac convincingly threatens Julie, a police officer, with a gun replica, such that Julie is justified in believing that she is being threatened with a real gun. Believing no other course of action open to her, Julie shoots Isaac.

It is clear that Julie was subjectively justified in believing that she was being threatened with a gun, and, I assume, subjectively justified in believing that no other course of action was open to her. It is also clear that Julie was not objectively justified in believing that she was being threatened with a real gun and that shooting Isaac was the only course of action open to her; if Julie had no false beliefs, and knew that Isaac only had a gun replica, she would not have shot him.⁵

IV

The aim of this paper is to show how a theory of justification can integrate disagreements regarding what counts as adequate justification, in a way which treats these disagreements as more than inexplicable irrationality on the behalf of one of the participants. Wittgenstein gives an example of one such disagreement:

⁵ The distinction between subjective and objective justification is brought out very strongly by examples such as *Tragedy*. Nevertheless, the distinction makes a claim which has sometimes been denied, namely that a belief can be justified even if its truth is not one hundred percent certain. Since this claim does not square with our everyday justificatory practices, I reject it (see OC: 12, 13). See also the end of section IV.

Supposing we met people who did not regard [scientific experiments] as a telling reason. Now how do we imagine this? Instead of the physicist, they consult an oracle. (And for that, we consider them primitive). Is it wrong for them to consult an oracle and be guided by it? If we call this 'wrong', aren't we using our language-game as a base from which to *combat* theirs? And are we right, or wrong, to combat it? Of course there are all sorts of slogans which will be used to support our proceedings. Where two principles really do meet, which cannot be reconciled with one another, then, each man declares the other a fool and heretic. I said I would, 'combat' the other man, but wouldn't I give him reasons? Certainly; but how far do they go? At the end of reasons comes persuasion. (Think what happens when missionaries convert natives). (OC: 609—612).

The passage claims that when disagreement about what counts as adequate justification happens, our arguments about whether or not a given belief is justified do not involve reason. This aligns with my initial presentation of the issue. Rather, they involve coercive persuasion; combatting the other, converting him to our side. *Prima facie*, we might think that you can never be (subjectively) justified in holding a belief if you were initially coerced into holding it. Section II above, gives us reason to doubt this *prima facie* intuition; our justificatory practices are intimately connected to what we have been *taught*, and some things we have been taught not through reasons, but through persuasion. An example would be a child learning the multiplication table; his teacher tells him that something is the case, e.g. $6 * 7 = 42$, and once the child has learnt the multiplication table, he sees that it is indeed the case. However, different people learn different things. As Wittgenstein points out in the above quote, this means that different things will count as adequate (subjective) justification to different people.

Call the people in Wittgenstein's example the Delphists. We and the Delphists share some views of what are adequate grounds for justification; we would both accept: 'this is my hand', 'I am sitting on a chair', etc., as Moorean Propositions, i.e., adequate end-points for justificatory chains. However, the Delphists also hold that oracular prophecy are adequate end-points for justificatory chains, and deny that laboratory experiments are adequate end-points for justificatory chains.

We, of course, deny the justificatory power of oracular power, and extoll the justificatory virtue of properly carried-out laboratory experiments. The set of our Moorean Propositions, while overlapping, does not coincide. Call the Moorean Propositions unique to the Delphist Delphist Propositions, DP. And, call the Moorean Propositions unique to

us Scientific Propositions, SP. Continue to refer to the Moorean Propositions we have in common as MPs. If I have a discussion with a Delphist about a proposition *P*, and both the Delphist and I have only MPs at the end of the justifications we give, then, 'our principles can be reconciled with one another', and we need only appeal to reasons and justifications in our discussion. Our discussion will be rational and might exemplify epistemic virtues. But, if we disagree about a proposition *Q*, and at the end of my justificatory chain is an SP, or at the end of the Delphist's justificatory chain is a DP, or both, then matters cannot be resolved as straightforwardly.

When we try to engage in an argument about *Q*, the Delphist justifies himself using means I do not count as valid justification (and vice versa). This is why we can only, 'declare the other a fool and heretic' (OC: 611). Yet, Wittgenstein also insists that 'we say: these people do not know a lot that we know. And, let them be never so sure of their belief; they are wrong and we know it. If we compare our system of knowledge with theirs then theirs is evidently the poorer one by far' (OC: 286). The quote is ambiguous; is the Delphists' the poorer system of knowledge *from our perspective*, or is it *objectively poorer*? I will read Wittgenstein as saying 'objectively poorer'. Let us consider what sorts of combats we and the Delphists might engage in to establish whether the DPs should yield before the SPs or vice versa. We might engage in trials of predictive power. A set of challenges are set, some of which are specified by the Delphists, some of which are specified by us. If we predict the correct outcome more often than the Delphists, we might slowly convert them to our view, and make them abandon their Delphist Propositions.

Failure in such predictive trials would erode the support the DPs have in the Delphist's belief systems. The failure would *not* make the Delphist's rationally abandon the DPs due to a further belief that predictive trials should validate all types of adequate justification.⁶ Rather, it would place the Delphists under mental stress due to the repeated, and for them inexplicable, predictive failure of the DPs. It is important to note that such predictive trials would only work if we, and the Delphists, shared many Moorean Propositions, and had a roughly similar way of life. If this were not the case, we might not be able to agree on what would count as success or failure in the trial. But, we and the Delphists alike are human, and being human we are biologically and psychologi-

6 If this had been the case, we and the Delphists would agree regarding what should count as adequate justification; our apparent divergence would be due to us knowing empirical facts regarding predictive success and failure which the Delphists did not know about until they saw the results of the predictive trials. This is not what I mean, nor is it what Wittgenstein meant, by 'conversion'.

cally very similar, and so we are likely to have roughly similar ways of life.

The case of the Delphists illustrates how, on the theory of justification presented, there can be a multiplicity of what counts as subjective justification. Due to this multiplicity, our normal justificatory practices might come short in discussions with those with different practices, e.g. the Delphists. Relativism about subjective justification leads to the need for ‘combats’ of the sort described above, for we cannot rationally discuss the ‘hinges’ on which our justificatory practices turn. However, we can here simply beg the case against scepticism and hold that these ‘combats’ will have a single victor.⁷ If this is the case, then we can accept the multiplicity of subjective justification and still reject relativism about objective justification, and hence we can also reject relativism about truth. Grayling’s worries were misplaced.

However, in integrating disagreements about what counts as adequate justification, the theory of justification entails relativism about subjective justification. Should this trouble us? After all, the Delphists held the Delphist Propositions to be justified, even though they were false. So, might not the Scientific Propositions and the rest of our Moorean Propositions also turn out to be false? By allowing people to be subjectively justified in holding false beliefs, are we cheapening the very concept of justification?

Wittgenstein considers such an argument in OC: 599. He concludes that ‘the argument is worthless’. A belief that *P* might be subjectively justified, and we might be warranted in making a knowledge-claim that *P*, even though *P* is false. A refusal to do so would be to equate subjective justification with absolute certainty. In actual practice we do not do so (OC: 12, 13). We distinguish between objective and subjective justification, and this distinction collapses if subjective justification presupposes absolute certainty. If we accept our actual justificatory practices as roughly correct, which Wittgenstein holds that we should, it follows that we should not be worried by the fact that one might be subjectively justified without being objectively justified. Hence, I have shown that disagreements about what counts as adequate justification are not inexplicable, and that they should not make us worry; that what we count as adequate justification is in fact, inadequate.

⁷ Some might hold that a theory of justification, if correct, should intrinsically disprove scepticism. I here reject this requirement: the theory of justification presented does not disprove scepticism. It must rely on anti-sceptical arguments to do so. I do not hold this to be a weakness of the theory, but others might.

BIBLIOGRAPHY

- [1] Goldman, Alvin. 1967. 'A Causal Theory of Knowing'. *The Journal of Philosophy*. Vol. 64. Pg: 357—372.
- [2] Grayling, A. C. 2001. 'Wittgenstein on Scepticism and Certainty'. *Wittgenstein: A Critical Reader*. Blackwell Co. Oxford, United Kingdom. Pg: 305—322.
- [3] Moore, George Edward. 1959. 'A Defence of Common Sense'. *Philosophical Papers*. George Allen and Unwin Press. London, United Kingdom. Pg: 32—59.
- [4] McGinn, Marie. 1989. *Sense and Certainty*. Basil Blackwell Press. Oxford, United Kingdom. Chp: 6—8.
- [5] Pritchard, Duncan. 2011. 'Wittgenstein on Scepticism'. *Oxford Handbook of Wittgenstein*. Eds. Oskari, McGinn, Oxford University Press. Oxford, United Kingdom. Pg: 523—548.
- [6] Schulte, Jurgen. 2005. 'Within a System'. *Readings of Wittgenstein's On Certainty*. Eds. Brenner, Moyal-Sharrock, Palgrave Macmillan Press. New York, USA. Pg: 59—75.
- [7] Wittgenstein, Ludwig. 1974. *On Certainty*. Trans. Anscombe, G.E.M., and Paul, D.. Blackwell Press. Oxford, United Kingdom.

5

REVIVAL OF REPUBLICANISM

Revival of Republicanism: is Dichotomy of Positive/Negative Freedom Redundant?

Marija Antanaviciute,¹ *University of Saint Andrews*

INTRODUCTION

'Lack of constraints'; this would be the most intuitive and straightforward answer to the question: 'what is freedom?' Indeed, for the bigger part of the twentieth century freedom has predominantly been understood as non-interference, absence of constraints on one's action. Such view is highly influenced by the dichotomy of negative/positive freedom, as presented by Isaiah Berlin. However, many are unaware of alternative approaches to freedom, Republicanism (or Neo-Roman theory) is one of them. Throughout history Republicanism tends to re-emerge as a solution to major political and social problems. The broader aim of this paper is to show the need for the return of this theory to the public discourse on liberty. Meanwhile, the more specific aim is to find out whether republican conception of freedom can be a plausible alternative to 'negative' and 'positive' liberty. The main thesis of the paper is the claim that Republican liberty includes most relevant cases of both positive and negative liberty, thus, making the dichotomy redundant.

Being sympathetic to readers that are less familiar in the history of philosophy, I will start the paper by giving thumbnail definitions of 'negative' and 'positive' concepts of freedom. Then, certain limitations of this binary theory of freedom will be exposed, showing that an alternative (republican) concept of freedom is in a dire need. Consequently, the Republican theory of freedom will be briefly presented. Lastly, it will be

¹ Marija Antanaviciute is an international relations student at the *University of Saint Andrews*. She is currently studying abroad at the *Institut d'Études Politiques de Paris*.

argued that Republicanism has characteristics of both positive and negative types of freedom. The major part of the argument is an attempt to show that Republicanism is a kind of positive freedom, i.e., mastery of a self-as-a-citizen. It must be noted that in this paper, the terms, 'freedom' and, 'liberty' will be used interchangeably.

TWO CONCEPTS OF LIBERTY

In his inaugural lecture in University of Oxford, Isaiah Berlin distinguished two types of liberty: negative and positive one. He argued that every time we talk about freedom, we talk about one or the other of these two types of liberty.

Negative freedom is 'freedom from', that is, freedom from intentional interference, coercion, and physical prevention of our pursuing one's chosen ends. Negative freedom is concerned not with the source of liberty, but with the scope of it (Berlin, 1969: 8). Authors like Locke, Mill, Tocqueville were supporters of such notion of freedom. Freedom is the area within which individuals can act freely and without interference. The wider is this area of non-intervention, the wider is agent's freedom (1969: 3). Subjects are not free if the scope of the range of possible action is deliberately limited. They must be able to pursue any type of their chosen path of action without any obstructions. Of course, Berlin is not arguing for freedom as an absolute anarchy. Instead, he is advocating a certain (minimal) space of control of each individual.

It must be noted that for Berlin, freedom in no way has a necessary connection with democracy (1969: 7). Rulers can be unjust or promote inequality, but as long as they provide a bigger area for individual action, their regime is freer than an opposite one, with justice and equality, but small space for free action (1969: 7). This implies that liberty, equality, dependence and many other political values are totally distinct from each other. In other words, negative liberty is a metal bubble around each individual that no one can break.

Meanwhile, positive liberty is defined as 'freedom to', that is, freedom to do something. It is primarily concerned with the source of freedom and action. Ultimately, this source can only be one's 'self'. Authors like Kant, Rousseau, Hegel, Fichte, and Marx were supporters of positive freedom. Individuals are free when they depend on their own will and not on some external factors or powers (1969: 7). Only by her own action an agent is able to express herself and her true nature, what she really is. In this sense, freedom is self-mastery, because an agent is master of herself, crafting a particular type of self. Every choice reveals and is the direct reflection of the type of rational agent she is. Rational choice is

seen as belonging to some kind of higher nature, while desire-controlled choice belongs to some kind of animalistic part of human nature, therefore, such choice does not qualify as free (it is being governed by natural necessity). (1969: 8, 9). Desire or inclination-based decisions are not really made by the agent herself; therefore, such decisions are not free. Freedom is seen as autonomy, as ‘retreat to inner citadel’ (1969: 10). An agent has a free choice, as long as she is making the choice herself no matter what is happening in the real world.

Berlin is concerned that this type of freedom might lead to tyranny, as the manipulations about what ‘true nature’ counts for might creep in. If the ruler has monopoly over deciding what counts as ‘higher nature’ or ‘real rationality’, this might lead to totalitarian control of people (1969: 21). Individual free choice is undermined as the only possible and right choice is to choose to be a ‘true human being’ as defined by the tyrant. Therefore, Berlin argues for full endorsement of liberal negative freedom and dismissal of positive one.

A NEED FOR A THIRD TYPE OF LIBERTY

The main worry of this section is whether it is possible for an agent to have no interference with her actions, abstain from self-mastery, but, nevertheless, remain not free at the same time? Indeed, there are cases when subject enjoys negative (and in some cases positive) liberties, yet, is still not free.

Consider an example: juries at the International Court of Justice (ICJ) are elected by United Nations Security Council (UNSC). UNSC also has a right to dismiss a judge at any moment, if a member of UNSC complains about the work of a jury. Should not juries be constantly worried and concerned about making the right decision, meaning, the one that is acceptable for all members of UNSC? Would not they make a favorable decision rather than lose their job? To what extent are juries free to make the right decisions if they constantly feel dependency on the satisfaction and content of the UNSC?

Consider yet another example, which is very common among advocates of republican freedom. Imagine a slave and his benevolent master. This master never interferes with the actions of his slave. Nevertheless, both of them know that he could exercise his power at any moment. To what extent is the slave free if he never knows when the master will use his power? The mutual knowledge of asymmetry of power determines lack of freedom, even if that power is never exercised.

These examples aim to show that it is possible to have one’s range of choice of action restricted, even if there is no direct interference with

your liberty. Choices are restricted when agents feel vulnerable and anxious, because they do not know what is going to happen to them or they are deprived of equal status with fellow citizens. Importantly, people who 'live at the mercy of another' or are 'unable to look the other in the eye' and, therefore, have to 'flatter in the attempt to ingratiate themselves' are as un-free as people who are forced to pick apples for the king (Pettit, 1997: 5). These are the cases when individuals are dominated by another subject and live in a constant tension, because it cannot predict the will of this dominator. Moreover, they even have to adjust their wants and needs to somebody else's, and start believing that they freely choose those things (examples can be found in most modern dictatorships, like North Korea or USSR). Liberty can be limited by the 'mere awareness of living under arbitrary power' (Skinner, 2002: 247). That is, power by itself, even if does not actually interfere, still limits free choices available.

Freedom in these cases somehow differs from negative liberty as there is no direct coercive interference. In a way, un-free actions are consciously chosen and done by subjects. The choice, however, is motivated not by free will, but by a specific kind of dependency and possible consequences that follow. They are not pure cases of positive liberty either, as inner self-mastery would not really change behavior of the agent. Therefore, there is a need for another kind of liberty that would cover these cases and explain in what way agent's choices are limited.

REPUBLICAN FREEDOM

There have been three major historical trends of Republicanism. The theory was born within Roman Empire, advocated by Livy, Tacitus and Cicero. Later, it thrived in the works of Machiavelli and influenced lives of Italian independent city-states. Lastly, it was prominent in the thought of English and American political philosophers around the eighteenth century. However, emerging political theories of Thomas Hobbes, William Paley and Jeremy Bentham soon replaced Republicanism with the modern notion of freedom as non-interference and absence of physical coercion (Petitt, 1997: 49, 50).

While negative freedom asks only for the absence of constraints, republicanism argues that there is more to liberty than that: action can be free only if it satisfies certain conditions. Republicans argues that the action can be autonomous only if 'it is also free from dependence on the will of anyone else' (Skinner, 2002: 263). Therefore, the main condition for freedom is lack of dependence; freedom is taken to be non-dominance of any other will. The definition of domination is made up

of three essential parts: (1) capacity to interfere, (2) on an arbitrary basis, (3) in certain choices that the other is in a position to make (Pettit, 1997: 52).

Interference can take many forms, but it has to be intentional and do harm (no bribery or reward) in order to count as deprivation of freedom (Pettit, 1997). (It is questionable if bribery or reward cannot count as interference: sometimes dependence is based precisely on various, 'offers' and, 'rewards' that are too good to decline. People sign contracts and enter into relations of dependency precisely after being fascinated by the amount of reward given. It is hardly dependence-free choice, especially if the agent is in some sort of financial need). The situation of the agent might be worsened in a number of ways, and it does not even have to be a kind of restraint. It can include deliberate omission of an act or even deliberate removal of constraint from a third party's freedom.

Next, people are considered to be unfree, not whenever they are restrained, but when they are 'being subject to an arbitrary sway [...] potentially capricious will or the potentially idiosyncratic judgment of another' (Pettit, 1997: 5). Arbitrary political decision is a sign of violation of certain rights of citizens. In such a case, liberty, enjoyed by a citizen, is no longer a right. Rather, it is grace or a privilege, granted by a king; the same king can take away this privilege of freedom at any time (Skinner, 2002: 250). Moreover, arbitrariness corrodes moral character of the subordinates. Eventually, citizens will stop caring about justice or liberty, they'll become slavish, subservient and their only desire will be to know constantly changing desires and whims of the master (Skinner, 1998: 92, 93).

This is the crucial aspect of republican freedom, making it so much different from negative liberty. There is nothing wrong in dominance, if it is in agreement with the citizens, if it is objective, aiming for the good of the society and in the form of law. What is wrong is unpredictability, created by arbitrariness. Citizens have to live in conditions of constant fear and anxiety, unless they are sure that the law is working properly. They have to be sure of some kind of causality in public life, same acts producing same treatment from the state. Not only the factual arbitrariness counts as dependency, but also the mere possibility of it. Knowledge of dependence restricts free choices by itself.

Lastly, republican freedom concerns not all choices, but only those that were available for the subject, at the moment when his actions were interfered to. It does not matter, if the agent would have done action *A*, if he has not been prevented from doing so. What matters is that he would have had the potential and conditions to do *A*, if he had not been intervened.

It is also important to notice that institutions are necessary under Republican freedom. Interference by these institutions is taken not to infringe freedom, because they are not arbitrary and does not aim to harm citizens. The non-domination has to be testified by these institutions and law is created for the benefit of all, in order to constantly check for possible domination. Necessity of institutional interference is the opposite of what modern libertarians claim. Essentially, republicanism aims to toe the line between legitimate and illegitimate interference into agent's freedom. Republicans rather be legitimately constrained by the law, then be dependent on the will of, for example, an employer.

Republicanism takes freedom to be non-domination. Tacitus argued that 'the mere recognition of their [slaves'] dependence was enough to make them do whatever they felt was expected of them' (Skinner, 2002: 259). So, even the possibility of an arbitrary interference can limit the possible range of our actions, thus, limiting our freedom. Now, I will move on to argue that this kind of liberty is superior to negative or positive, as it covers both parts of dichotomy.

REPUBLICANISM AS NEGATIVE LIBERTY

Republican liberty is negative in a sense that it also argues for the lack of constraints. Constraints, in this case, are not physical instruments. Rather, the condition of dependence on the other will creates constraints by itself (Skinner, 1998: 84). Dependence prevents the agent from a certain course of action that a she could have chosen otherwise. The crucial difference is that those constraints may not be explicit. The mere possibility of these constraints is enough to make a subject change her course of action. In this sense, republicanism is a form of negative liberty, however, different from pure libertarian-style non-interference.

Republicanism is different, because it does not require physical interference, only dependency to make subject un-free. Under non-domination view, it is possible to have a master-servant relation even without active constraints on subject's actions. Subject can have non-interference 'to the extent that that master fails to interfere', but he is still not free, because he has a master (Pettit, 1997: 23). It is not just being un-free, it is being dominated by the will of somebody else, not to be able to pursue a course of action that one otherwise would pursue. Meanwhile, non-interference would find a problem in detecting slavery, because slave enjoys absence of physical constraints.

Berlin argues that negative liberty precisely should not be confused with equality or dependency (Berlin, 1969: 5). However, Skinner argues, Berlin is able to come up with such conclusion, only because it was

already inserted in the premises (Skinner, 1998: 115). Berlin defines freedom through interference, therefore, for him it is not dependency, indeed.

Thus, interference and domination are different things. Non-domination view accounts for three cases:

- (1) No interference, no domination;
- (2) both interference and domination;
- (3) domination, but no interference.

It does not capture the fourth case:

- (4) Interference, but no domination.

Only non-interference view considers fourth case to be manifestation of non-freedom in every case (Pettit, 1997: 24). Also, it altogether considers cases of domination without interference as freedom. Interference without domination is no problem for non-domination view, because if interference is legitimate, i.e., consented, non-arbitrary and does not intend any harm, it does not limit agent's available choices. Meaning, subject can be free and restricted by laws at the same time.

Negative liberty seeks to eliminate all interference; meanwhile, republican liberty seeks to eliminate only those interferences that are arbitrary. It would seem that negative approach allows more liberty. However, republican liberty brings in benefits that are more important than elimination of non-arbitrary interference. Freedom as non-domination eliminates anxiety and helps to keep the ruler in control. It aims to 'minimise the person's expectation of interference as such', while non-interference aims to minimise only factual interference (Pettit, 1997: 85). It gives a broader qualification for freedom: free action must not be influenced by anticipation of interference.

So, if there is some sort of determinism in non-arbitrary interference: same actions producing same results, e.g. not paying taxes results in fines. Such knowledge of non-arbitrary interference makes it easier to keep the ruler in control. All citizens are aware of the types of interference rulers can exercise. Any deviation from this commonly known and consented interference is *de facto* deprivation of freedom. The rulers (even in democracies) might not exercise physical coercion. Nevertheless, citizens might have a constant need to please the rulers and try anticipating, what they will do or decide next (Pettit, 1997: 86). This applies equally to bureaucrats, so that they would finally get things done. In these cases, citizens do not know what kind of interference is legitimate or when their freedom will be interfered with. Therefore, by allowing government to interfere on non-arbitrary basis, Republicanism

allows more efficient control of rulers and does not deprive citizens any rights of self-government.

It has been shown that Republicanism is some sort of negative freedom, because it argues against arbitrary interference and non-domination. However, it considers only those cases that really limit choices available to an agent. Now, it will be proven that republican freedom has characteristics of positive freedom, and yet, is different.

REPUBLICANISM AS POSITIVE LIBERTY

To show that republicanism is a type of positive liberty is both more interesting and difficult than to show it to be negative liberty. Contemporary political philosophers argue that neo-roman freedom has nothing to do with positive freedom. However, there is an aspect of positive freedom; in a way that being a citizen and having *virtu* are desirable ends for republican freedom.

Philip Pettit claims that ‘the absence of mastery by others clearly does not guarantee the achievement of self-mastery’ (1997: 22). Later, he quotes Machiavelli, who says that people want freedom so that they would not be ruled, not because they are eager to rule themselves (1997: 28). Many associate republicanism with self-rule, however it is not always the case. Actually, those who sided with republicanism, saw it as a status that people enjoy, rather than ‘access to the instruments of democratic control, participatory or representative’ (Pettit, 1997: 30). Positive freedom was never a part of republican thought, as classical advocates never claimed ‘that we are moral beings with certain determinate purposes’, and they always saw liberty as absence of constraints on desirable ends (Skinner, 1986: 427). It would seem that positive liberty, as self-mastery, has no place in Republican thought.

Nevertheless, it seems that possessing a civil virtue or *virtu*, is crucial for republicanism. Freedom depends not only on absence of dominance, but how much citizens are willing to keep the state in check, because the state has to express the will of all. In order to be legitimate constraints, laws have to be established for the good of everyone, or by everyone taking part in political processes. Machiavelli in his *Discorsi* was particularly fond of the idea that only active civil action can guarantee our personal liberty (Skinner, 1986: 243). Only by participating in the government and cultivating our civil virtues, citizens can make sure that no other power dominates the state. That is, no other power legislates and governs their lives. Active citizenship is a guarantee for non-dominance. Skinner even argues that freedom depends on, ‘our willingness to cul-

tivate the civic virtues' and this might lead citizens to be 'coerced into virtue' (Skinner, 1986: 230).

Civic virtue is needed not only to guarantee personal freedom, but also to keep the state institutions running. Pettit argues that no law is effective, unless there is a 'considerable measure of belief and respect', only norms can make law effective in any civil society (1997: 241). Non-arbitrary law is not enough to keep the system running. It has to be supported by a certain value-system. A Republic cannot survive on law alone, it needs good citizenship, or civility (1997: 245). There are three main reasons, why state needs civil virtues. Firstly, when the law is based on norms, people have extra motivation to abide the law. Secondly, norms help the law to 'keep track of people's changing and clarifying interests and idea', law can change accordingly to changing society. Lastly, norms help implement law (1997: 246—250). A good citizen should report any breach of law, any wrongful act; for she ought to be concerned with the well being of the society. Therefore, in order to have personal liberty and for laws to work properly, people have to cultivate civil virtues and be good citizens.

Supporters of republicanism have been denying positive share in this type of freedom, and yet, at the same time, they claim that it is necessary to be virtuous citizen to fully enjoy this type of freedom. The way out of this paradox is to acknowledge that the requirement to possess those virtues call for positive freedom and self-mastery as a citizen. This is the end that should be aimed for, by all citizens.

Republicanism on an individual level requires certain personal characteristics that might not be available to everyone. That is, originally, not everyone is equally capable of enjoying republican freedom. To be a citizen is to refrain from certain actions, not only because they are illegal, but also because they go against a certain value that is cherished in the society, value of *civility*. It seems that republican liberty allows and even insists in involving certain second-order volitions: liberty not only doing what one wants, but being able to decide what to want to do, what kind of citizen one wants to be.

However, to possess civic virtues is to be a *particular kind of citizen*. Nobody is born having civil virtues; they come in degrees and have to be developed over time. So, it seems that in order to enjoy republican freedom, a subject has to master herself *qua citizen*. While she is free to enjoy independence in many other realms of selfhood, she has to develop an inner constraint and mechanism in order to reach perfection of a self-as-a-citizen. Republicanism comes with certain anthropological premises: life in a society, social identity, and realising oneself necessarily as a part of that society. So, in order to fully enjoy one's freedom, a

citizen has to become a certain type of a citizen. In other words, in order to enjoy republican freedom, one has to master oneself as a citizen first.

Not only civil virtues have to be developed. Corruption is seen as one of the great threats to republican freedom, as a flaw in citizenship, when self-interest radically prevails over common interest. Skinner even argues that corruption 'is simply a failure of rationality, an inability to recognise that our own liberty depends on committing ourselves to a life of virtue and public service' (1986: 243). So, a properly working faculty of reason has to be in place, in order for the republicanism to work. However, perfectly rational agents are rare. Actions are being influenced by desires, volitions, weaknesses etc. Therefore, citizens have to master faculty of reason, in order to exercise civic virtues properly.

There is even a further argument for republicanism as a positive freedom. Imagine an actor in a moment of a weakness of will, when she is conscious of a civil obligation to blow the whistle and report the robbery, but she cannot. Maybe she is too scared or just too lazy. Or maybe she just cannot do the right thing as a citizen, even if she knows she should (has a moment of *akrasia*). It seems that there is no point in talking about civil virtue, without mentioning other virtues, and the proper functioning of the reason. One can definitely have degrees in virtues (being more or less courageous). However, it is not possible to pick and choose virtues. Either a citizen goes for all of them, or none (it can be even a conceptual argument, such thing as *virtue* does not exist, only *virtues*). Machiavelli argues that two most important civil virtues are prudence (for participating in the government), and courage (for the defense of your country). (Skinner, 1986: 243). However, in order to be prudent, one has to have a lot of other qualities, e.g. temperance. Other virtues come along with cultivation of prudence and courage. This, again, leads to an even broader image of a person that one has to become in order to be a citizen, and for the republican institutions to be working properly.

The last point takes the argument to the extreme. Imagine a citizen who is free from all arbitrary external interference. She has to make a certain political choice, as a citizen. However, she does not care enough and makes a random choice, or leaves his choice up to chance. In essence, her action is as free as if she would be dominated by another will. By making a random choice, she is subjected to an arbitrary will, even if it is not a will of any particular subject. It is an arbitrary will and not her own will; therefore, she is being dominated by chance. In such a case, it seems that non-domination requires active citizenship. Either one has a master, or she is a master over herself (and, along with other citizens, over all society), and consequently, embraces a full-fledged positive liberty.

It is important to note that Republicanism does not affect an agent's identity as a person. The most important thing is for her to be able to

choose whatever life-path she chooses. Nevertheless, for Republicans, she can choose only if she has equal status with everyone else, that is, she equally exercises her freedom as non-domination. Precisely for this exercise, she has to be a citizen and possess civic virtues. For Republicans, to be a citizen is the same as to be free. Consequently, your civic virtues come as a prerequisite for choosing your identity and life-path and the former does not restrict the later.

In this section it was proved that positive freedom is a part of Republicanism. In order to fully implement republican freedom, one has to develop a particular kind of identity as a citizen, to master one's citizenship. It was also argued that civic virtues cannot be fully detached from other virtues. Therefore, being a good citizen connects with being a good person and mastering oneself to be one. Lastly, an extreme point was introduced, claiming that one has to make an active choice; otherwise, there will be a vacuum of choice and somebody else will necessarily choose for you.

CONCLUSION

Liberty is the ability to pursue one's chosen ends. Therefore, physical interference or being governed by another will reduce liberty. Arbitrary power prevents from pursuing your chosen ends, as well. Dependency, being dominated, reduces the range of possible actions. Republicanism is negative, in a sense that domination restricts our choices. Only *arbitrary* domination constrains *available* choices. It is also positive, because it requires self-mastery as a citizen, to be able to exercise the particular type of citizenship. Therefore, there is no need for positive/negative dichotomy when Republicanism offers a more thorough approach to freedom.

The republican approach to freedom allows seeing many contemporary issues in a new light. For example, to what extent people are free, if their lives can be ruined at any moment by a financial crisis?² Or, are liberation movements all around the world really helpful and liberating?³ Republicanism can help reveal certain things in the world and expose dependencies that do not make people free at all. Therefore, republican liberty is not only different from positive and negative freedoms, but probably even a better alternative to both of them.

² For which, unlike natural disasters, somebody is responsible

³ As they are interlinked, and depend from each other to happen

BIBLIOGRAPHY

- [1] Berlin, Isaiah. 1969. *Two Concepts of Liberty*. Available on the World Wide Web at: <http://www.wiso.uni-hamburg.de/fileadmin/wiso_vwl/johannes/Ankuendigungen/Berlin_twoconceptsofliberty.pdf> [Accessed: 15th February 2013].
- [2] Pettit, Philip. 1997. *Republicanism: A Theory of Freedom and Government*. Clarendon Press. Oxford, United Kingdom.
- [3] Skinner, Quentin. 2002. 'Third Concept of Liberty'. *Proceedings of British Academy*. Vol 177. Pg: 237—268.
- [4] Skinner, Quentin. 1986. 'The Paradoxes of Political Liberty'. *The Tanner Lectures on Human Values*. University of Utah Press. Salt Lake City, USA. Pg: 225—250.
- [5] Skinner, Quentin. 1998. *Liberty before Liberalism*. Cambridge University Press. Cambridge, United Kingdom.



University of
St Andrews

1413 - 2013