Symposion

Theoretical and Applied Inquiries
in
Philosophy and Social Sciences

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RESEARCH ARTICLES

Are Women Beach Volleyballers 'Too Sexy for Their Shorts?'

J. Angelo Corlett

Abstract: This is a paper on the philosophy of sport or the ethics of sport more specifically. It provides a critical assessment of a particular feminist approach to a specific issue in the ethics of sport with regard to what some feminist scholars refer to as the 'sexualizing' of women in sport with particular attention paid to women beach volleyballers.

Keywords: autonomy, Joel Feinberg, harm, offense, Olympic games, paternalism, sexism, women beach volleyball.

Introduction

It has recently been argued that it was wrong for the International Olympic Committee (IOC) or the International Federation of Volleyball (FIVB) to devise rules that limit the apparel of female beach volleyball players to revealing competition gear that is considered by some to be offensive and that it limits the freedom of such women to choose to compete in more practical and less revealing gear and that it sexualizes women's volleyball for purposes of commercialization targeting a mostly heterosexually male spectator base. The argument also incorporates a role model dimension, stating that the Olympic requirement that women compete only in what has been termed as 'bikini bottoms' or 'short shorts' has a 'trickle-down' effect on younger women and girls in the sport, creating expectations that the wearing of bikini bottoms or short shorts is the ideal and that if female volleyballers want to fit into the sport's culture that they must comply and wear them whether or not they really want to and regardless of the practicality of the short shorts or bikini bottoms for playing the sport (Weaving 2012). The 1999 FIVB rule concerning what women beach volleyballers were required to wear during competitions read as follows:

24.4 Women's Uniforms

> • Style (see diagram)
> The top must fit closely to the body and the design must be with deep cutaway armholes on the back, upper chest and stomach (2-piece), respecting the space for the required for the manufacturer logo, player number, country flag and country code, and the place for the player's name. The briefs should be in accordance with the enclosed diagram, be a close fit and be cut on an upward angle towards the top of the leg. The side width must be maximum 7 cm.
> The one piece uniform must closely fit and the design must be with open back and upper chest, respecting the space for the required inscriptions to be made.

• Fabric

The top and briefs or the one piece uniform must be made of elastic material, Lycra or a combination of Lycra/cotton, or other similar quality synthetic material.

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• Color

The top and briefs or the one piece uniform should be of bright and light colors, avoiding dominant white color is not recommended by the Host Broadcaster.

• General guidelines and design on uniforms (see diagram)

a) Manufacturer's Logo

It can be printed or embroidered or woven on the front of the top and on the front of the briefs and cannot exceed 20 cm. It can only be printed **once** on the front of the one piece uniform and must not exceed 20 cm (FIVB 2004, emphasis provided).

b) FIVB Player's Number

The FIVB players' numbers measures 8 cm x 6 cm and must be placed as per the enclosed diagram on the front and on the back of the top. It must be printed, or embroidered or woven, in a color contrasting well with the color of the top (i.e. light on a dark tank top, dark on a light tank top).

c) Country Code and Country Flag

The three-letter international country code and the country flag must be compulsorily printed or embroidered or woven on the front of the top or one piece uniform as per the enclosed diagram. The country code and the flag must be placed on a total surface of max. 8 cm (height) x 10 cm (width). Only the country code must be placed below the flag. Country code's letters must be max. size 1cm wide maximum.

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d) Player's Name

Player's name must be printed or embroidered or woven on the back of the top or one piece uniform as per the enclosed diagram and in a color contrasting with that of the uniform. Letters must be max. 8 cm high and 1 cm wide.

The player's name must correspond with the international player's identification (team name used for the results, rankings, on scoreboards, TV graphics, etc.) and be written in Latin letters (FIVB 2004).

Recognizing that the FIVB had in March of 2012[1] modified the above rule to permit the wearing of significantly lengthier gear which covered more skin in

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[1] According to the FIVB 2013 rulebook:

4.3 EQUIPMENT

A player's equipment consists of shorts or a bathing suit. A jersey or "tank-top" is optional except when specified in Tournament Regulations. Players may wear a hat/head covering.

4.1.1

4.3.1 For FIVB, World and Official Competitions, players of a given team must wear uniforms of the same colour and style according to tournament regulations. Player's uniforms must be clean.

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order to accommodate the cultural differences of some who otherwise would be unable to compete in the sport (FIVB 2004), one author nonetheless expectantly bemoans that "…the majority of women beach volleyball players will continue to wear the bikini-style uniform …" (Weaving 2012, 239). But what some persons fear is what many others appreciate. Precisely what, if anything, about the former rule is morally problematic, and why?

What is *Not* Wrong with Requring Women Beach Volleyballers to Wear Bikinis during Competitions

While viewing women's beach volleyball it is difficult to ignore the fact that, weather permitting, most women wear bikini bottoms in competition and that it appears that those working the cameras for the media do their best to make sure that those bikini bottoms are noticed by television viewers in ways that do not seem to be true of men's televised matches in the sand. Of course, to make matters along these lines fair, there could be rules devised which require men beach volleyball players to wear 'speedo'-type gear, which is as close to a bikini bottom as men might ever wear in competition. But given the modified ruling of what the women can wear in competition (FIVB 2004), this would turn out to be a permission instead of a requirement.

While it is reasonable to concur that it ought not to be the business of a sport governing body to regulate athletic gear in ways other than to address matters of safety, fairness, etc., it is unclear that, given the new modification of the old rule regarding the required revealing apparel of women's beach volleyball players (FIVB 2004), there exists a genuine problem if some women choose to compete in bikini bottoms or short shorts as they see fit. What seems to be the real issue given that female volleyballers now have a significantly wider array of choices about what to wear during their competitions?

While many women beach volleyballers will by personal choice want to opt out of the bikini wear during competition, many others will gladly comply with the norm as they construe wearing a bikini as a sign of their femininity. Moreover, some might even exploit their own sexuality to attempt to garner endorsements due to media attention that their wearing bikini bottoms in competition might well attract. Not all women have inner battles with (against) socially dominant views about what constitutes female sexiness. Many of us, males and females, consider certain cultural practices to be marks of our ethnic heritages and so we wear them proudly. So the fact that, say, Brasilian women beach volleyballers are successful and dedicated athletes demonstrates their

4.3.2 Players must play barefoot except when authorized by the 1st referee.

4.3.3 Player's jerseys (or shorts if players are allowed to play without shirt) must be numbered 1 and 2.

4.3.3.1 The number must be placed on the chest (or on the front of the shorts).

4.3.3.2 The numbers must be of a contrasting colour to the jerseys and a minimum of 10 cm in height. The stripe forming the numbers shall be a minimum of 1.5 cm wide (FIVB 2013-2016).

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power as women, and their bikini-clad competition apparel proudly demonstrates their femininity for the world to see. So long as this is a genuine choice they make as adults (even if the choice was media influenced while they were young), what could possibly be morally problematic with it so long as women beach volleyball are not required or otherwise coerced to wear bikini bottoms? That many heterosexual males and perhaps several lesbians enjoy watching such athletically talented women compete in the sand wearing bikini bottoms can be a reason only for the prudish to think that women beach volleyballers who compete in bikini bottoms are doing something wrong. But it is also prudish to object to the commercialization of sexiness that is consensual among adults. And we must require a far better reason why (given the newly modified rule about women's beach volleyball competition apparel) it would be problematic for women to opt for the bikini gear instead of more, say, 'military' issue gear during competition.

If the argument is that women beach volleyball players choosing to wear bikini bottoms or short shorts is offensive to some, then perhaps a very brief lesson in U.S. constitutional law is in order. Partly because of the First Amendment to the U.S. Constitution which guarantees a wide range of freedom of expression, merely offensive expressions are protected, while harmful wrongdoings are prohibited (Feinberg 1990). So unless those who are offended by the wearing of the said gear can demonstrate that it is also a harm either to self or to others, there seems to be little to complain about. How can it amount to such a harm, assuming that by 'harm' is meant the setting back of a legitimate interest?[2] If the wearing of revealing athletic gear by women beach volleyball players offends some, so be it. Those who are offended need not watch the sport, they can always look away or not tune into the broadcasting of it, or not purchase tickets to the events. There are indeed a myriad of ways to avoid being offended as it has not become mandatory in the U.S. that anyone be forced to watch such athletic contests. The fact is that, while many think they have an interest in not being offended, no one has a *legitimate* interest in not being offended. Thus given the nature of a harm, no one is harmed by their merely being offended. Many of us are offended, though unharmed, by those who are offended over women beach volleyballers wearing bikini bottoms during competition. But that hardly justifies somehow sanctioning those who offend us.

But for those who cannot help but be offended by women beach volleyballers competing in bikini bottoms even if they themselves are not witness to them, perhaps something deeper is going on. Those of a certain prudish ilk might take a particular history lesson before they reveal just how racist some of them might be, intentionally or not.[3]

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[2] This definition of 'harm' is found in Feinberg (1984).
[3] That racism can be unintentional is found in Corlett (2003, 75-78).

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While it is hyperbolic to think that it was the prudishness of Puritans that fully explains the genocidal acts of racism by many European invaders against indigenous peoples of the Americas, it is unwise to deny that it had nothing to do with it. Puritanism was one of the complex array of motives for the 'whitening' of American Indians in Indian Boarding Schools throughout the United States. And this included the deprogramming of young Indians and reprogramming them into Puritanical Christianity[4] with its particular take on human sexuality. So one had better take care that one is not a cultural racist when one objects to this or that practice being 'sexy' or a matter of 'sexual exploitation' lest one inadvertently betray a kind and level of racist arrogance toward many women of color whose sexual mores differ from the prudish mores. And while it might not necessarily be racist for some to object to women beach volleyballers who are not prudish and who choose to wear bikini bottoms in competition, it is a sign of hard paternalism to attempt to thwart the autonomy of women who want to conform to the current sport's norm regarding competition gear. So even if the complaint that women beach volleyballers who wear bikini shorts in competition, whether voluntarily or not, does not reflect a kind of prudish racism, it suggests a morally problematic version of paternalism that robs such women of their fundamental right to choose, within the rules, what they want to wear during volleyball competitions. One would think that respecting women entails at the very least respecting their right to wear what they choose within the rules of fair play and safety during athletic competitions.

Perhaps it makes some sense to take such a paternalistic position on this matter if the issue at stake was girls' clothing during athletic competition, or even girls' clothing in general as many parents are justifiably concerned about such matters. But such regulations are out of place when it comes to women and what they choose to wear, absent voluntariness-reduced circumstances. But such circumstances do not, as far as I know, exist in the context under discussion with women beach volleyballers. Because such women are mature enough to choose to wear what they desire within the rules of the game, it would constitute an instance of hard paternalism to argue that it is somehow wrong for the IOC or the FIVB to require them to compete wearing bikini wear. However, hard paternalism, whether of the legal or moral variety, has no place in this arena as it violates the rights of women to freely choose to compete in the Olympics as volleyballers. Furthermore, whatever might justify soft paternalism must do so for over-riding reasons of safety or fairness for the athletes.[5] But prudishness hardly grounds considerations of athletic safety or fairness.

Nor will it do for one to argue in a Kantian fashion that the old rule requiring women beach volleyballers to wear bikini wear was wrong because it

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[4] Of course, not all Christians are puritanical. I am referring to those who are influenced by the historical settlement of the Americas by many Puritans who were Christians, at least in name.
[5] For discussions of hard paternalism and why it is generally problematic, see Dworkin (1995, 209-219, 219-223), Feinberg (1973, 45f), Feinberg (1984), Feinberg (1990).

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sought to use such women as mere means to the ends of commercialization and sexual objectification. I am sure that this is what is at the bottom of such reasoning, philosophically and ethically speaking. However, it would constitute an insult to such women if it is insisted that they are unable to choose for themselves whether or not they wish to place themselves in a position to be exploited in such ways. Indeed, it is an insult of paternalistic proportions to do so. For there may be over-riding reasons why such women might seek to compete even under such circumstances. Indeed, it might be the case that such circumstances of exploitation bring greater viewership and crowds to watch women's beach volleyball, which might be a primary goal of the competitors as it tends to bring greater prestige to their sport. And if such women are not the prudish types (undoubtedly they are not as they not become beach volleyballers to begin with and are quite used to competing in such gear), they might well construe there being competitors in beach volleyball as an opportunity to display their genuine femininity as defined in traditionalist terms in what some refer to as a 'patriarchic society.'

One might be prepared to argue that such women are deluded into thinking that such a competitive context that I describe is one in which the freedom of women to display their femininity can thrive. But this too reveals an attitude of hard paternalism, one that reduces women's freedom to those defined by the prudish. Yet this is precisely part of what caused the backlash against feminism a few decades ago when many feminists informed women that genuine womanhood entailed not being a stay at home mother in the traditional sense, but rather becoming an independent career woman instead. It is that kind of hard paternalism that must be set aside in order to permit women to exercise their freedom to explore their options and become the greatest they can be at whatever they choose to become in life. And we men ought to do all that we can to not obstruct but rather support them in their choices. And this includes their choice to compete as bikini-clad beach volleyballers. So what is wrong with the very idea of and former rule requiring women beach volleyballers to compete in bikini shorts is *not* that the shorts are revealing. What is wrong with the former rule that required them to compete in bikini bottoms is something else.

What *is* Wrong with Requiring Women Beach Volleyballers to Wear Bikinis during Competitions

What was genuinely morally problematic about FIVB's and the IOC's previous requirement about the competition gear of women beach volleyballers is not that it was sexy and offensive, but rather that it *required* a kind of gear that was not even necessary for the sport. As was proven at the beach volleyball tournament of the 2012 London Olympic Games due to some inclement weather at the venue, it is not necessary for women to perform well that they wear bikini bottoms. Because of the cool weather and at times precipitation during some of the matches, some of the competitors wore long-sleeved tops and lengthy (what

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appeared to be below-the-knee spandex or lycra) bottoms to combat the cold and rain.

It is the *required* nature of the unnecessary gear that violated the athletes' autonomy as athletes, as the requirement seemingly had nothing to do with safety, fairness, etc. This problem brought with it a culturally exclusivistic element in that women of some cultures could not compete in beach volleyball because of the *requirement* that such athletes wear the skimpy gear. Setting aside the prudishness of certain cultures and how that ought not in itself to be a good reason to revise rules of international sports if the gear is otherwise a matter of safety or fairness, it is generally important to devise rules that are not exclusive of certain cultures out of fairness to all. However, while this is an admirable goal, it might not always be possible to accommodate every culture's ways of being.

Imagine a culture that refuses to permit its competitors to wear proper athletic shoes to compete in track events. But if one wears other foot gear, that foot gear would permanently damage the surface of the track in costly ways and cause dangers to other competitors. In such circumstances, members of that culture will simply be shut out of the sport until their cultural mores permit them to run track with proper foot apparel that does not damage the track's surface or endanger other competitors. Reasonableness ought not to give way to foolishness – even cultural foolishness. Sometimes, one's own culture locks one out of participation in certain events. Inclusiveness and diversity have their limits. We must be ever careful to not exalt them to the status of absolute behavioral norms.

Indeed, some United States television commentators noted that the sand at the 2012 London Olympic beach volleyball venues is a special type that does not stick to the skin, probably for the comfort of the athletes both male and female. Perhaps also of assistance along these lines might be the wearing of tops and shorts made of spandex or lycra that would help prevent sand from creating discomfort for the athletes under their skin as they dive, dig, and fall in the sand, though it is imaginable that very short tops and shorts might suffice along these lines depending on their fit and the athlete's body type. So it is unclear that comfort during competition necessarily means less revealing gear. Wearing less revealing gear might translate into more comfort, at least for some athletes.

But also noted by some of the media was the possibility of commercial disaster for that venue should that venue's weather prohibit the donning of bikini gear for the women competitors. This is a recognition of the fact that many heterosexual men (being a primary commercial target group) enjoy viewing women's beach volleyball in part because most of the women wear bikini wear or short shorts, weather permitting. But even if one takes this as an empirical datum, what is especially wrong with that, especially if there is a strong recognition of the athleticism of the female competitors? Is there something wrong with one's watching Serena Williams play tennis and recognizing her incredible beauty as well as her unprecedented talent? Indeed, a perusal of her

own website makes it clear that she is proud of her physical beauty (and should be!). Is it so wrong even for the media to recognize both the athleticism and the sexuality of women beach volleyball players? After generations of prying much of U.S. society somewhat from the shackles of Puritan culture and mores, are we not entitled to celebrate the distance we have evolved from that atrocious culture? Ought one not to be free to overcome it as one pleases? If many who watch women's beach volleyball do so without the recognition of the female athletic skills involved, is that not a reflection of those individual's (perhaps) sexist mores? Why should prudishness win out on this issue over a healthier anti-Puritanical culture simply because of the sexism of some or even many spectators?

Conclusion

To be sure, the main point of women's and girls' sports, including beach volleyball, is for female persons to demonstrate their prowess as athletes. It is not primarily about their looking or being sexy. And throughout the years women have made enormous strides in the quality of their performances in a wide variety of sports: tennis, basketball, swimming and diving, track and field, volleyball, among many others. Moreover, it is reasonable to believe that such progress will continue into the future for all of us to continue to support and celebrate. But if it turns out that the rules of beach volleyball no longer require female competitors to don short shorts or bikini wear, then those women who freely opt to wear them are at worst offending merely the prudish. And for that alone they ought to be awarded a medal: gold, silver, or bronze.

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The Prometheus Challenge[1]

Arnold Cusmariu

Abstract: Degas, Manet, Picasso, Dali and Lipchitz produced works of art exemplifying a seeming impossibility: Not only combining incompatible attributes but doing so consistently with aesthetic strictures Horace formulated in *Ars Poetica*. The article explains how these artists were able to do this, achieving what some critics have called 'a new art,' 'a miracle,' and 'a new metaphor.' The article also argues that the author achieved the same result in sculpture by means of philosophical analysis – probably a first in the history of art.

Keywords: Brâncuşi, Dali, Degas, Horace, Lipchitz, Manet, Picasso.

> *Tout ce qui est beau et noble est le résultat de la raison et du calcul.*
>
> Charles Baudelaire

The Prometheus Legend

Prometheus was the Greek Titan who gave mankind fire he stole from Mount Olympus in defiance of Zeus, king of the Olympian gods. For this transgression, Prometheus was made to endure horrific punishment. He was chained to a mountain where a vulture would peck at his liver day after day. Because Prometheus was a demigod, the liver would heal overnight but the vulture would return the next day. This gruesome cycle continued for many years until Hercules killed the vulture and freed Prometheus.[2]

Brâncuşi Poses a Conundrum

In the winter of 1985, about a year after I began making sculpture, I visited the Hirshhorn Museum in Washington, DC and saw Constantin Brâncuşi's masterpiece *Prometheus* (1911).[3] A simple and beautifully understated composition, it seemed to show Prometheus sleeping, perhaps trying to get

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[1] Owing to actual, possible or potential copyright restrictions, only links in footnotes are provided to internet sites where images of artworks under discussion are available; apologies for the inconvenience. The author owns all images shown in this article and hereby grants permission to this journal to publish them.

[2] The Temple of Aphrodite in Geyon, Turkey has a stone relief showing Hercules freeing Prometheus. Image available at: https://www.pinterest.com/pin/134545107591714476/. Accessed May 4, 2017. Hercules wears a lion's skin, which is a reference to the first of his twelve labors, killing the lion of Nemea.

[3] Image available at: https://www.artsy.net/artwork/constantin-brancusi-prometheus. Accessed May 4, 2017.

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much-needed rest until the next day when he knew he'd be facing the same ordeal all over again.[4]

The work made a deep impression but it also raised questions I pondered on the way home and for days afterward. For example, where was the Prometheus that generations of mythology buffs (me included) had admired for his courage and defiance in the service of conscience? Why was that element missing from the Brâncuşi sculpture? Why were other elements of the legend missing?

In a sense, nothing was missing. In telling a story, artists are entitled to choose whatever point they wish to get across – including not telling a story at all or telling one without a point. Rather, as a professional philosopher, I wanted to know whether there were purely logical reasons why other aspects of the Prometheus legend were not included in the Brâncuşi sculpture and by extension whether artists in general, explicitly or implicitly, had to abide by the same logical limitations. If they did, what were those limitations and could they be gotten around somehow? What would be the point of doing so?

Two Types of Combinations

The following pairs of legend elements are compatible with one another in the sense that they could occur simultaneously and thus could be represented in a work of art:

- Prometheus holding a lighted torch.
- Prometheus wondering what to do.

- Prometheus chained to the rocks.
- Prometheus looking skyward apprehensively.

- Prometheus fighting off the vulture.
- Prometheus grimacing in pain.

- Prometheus free of his chains.
- Prometheus looking relieved.

On the other hand, the following pairs of legend elements are not compatible with one another because they could not occur simultaneously, so there does not seem to be a way of combining them into a work of art:

- Prometheus sitting listening to Zeus.
- Prometheus walking away from Zeus.

- Prometheus chained to the rocks.

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[4] Brâncuşi has been my strongest influence by far, though my sense of form and structure comes from classical music, mainly Mozart and Beethoven. I like to think that I make music in stone.

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- Prometheus free of his chains.

- Prometheus grimacing in pain.
- Prometheus smiling triumphantly.

- Prometheus asleep on the rocks.
- Prometheus speaking with Hercules.

Compatible Combinations in Art

To get a clearer sense of the problem at hand, let us consider two well-known works of art depicting aspects of the Prometheus legend, one in sculpture and the other in painting.

Nicolas-Sébastien Adam's elaborate marble carving *Prometheus Bound* (1757)[5] exemplifies the following legend elements:

1. Prometheus chained to rocks.
2. Prometheus looking skyward.
3. Prometheus grimacing in pain.
4. The vulture pecking at Prometheus' liver.
5. The vulture's talons sunk into Prometheus' flesh.
6. Prometheus struggling to get away from the vulture.
7. Chains preventing Prometheus' escape.

Logical difficulties would not stand in the way of combining any pairs of legend elements on this list; nor, indeed, all of them, which Adam evidently succeeded in doing.

The same is true of the famous painting by Peter Paul Rubens, *Prometheus Bound* (1611-12),[6] which exemplifies the same seven legend elements:

1. Prometheus chained to rocks.
2. Prometheus looking skyward.
3. Prometheus grimacing in pain.
4. The vulture pecking away at Prometheus' liver.
5. The vulture's talons sunk into Prometheus' flesh.
6. Prometheus struggling to get away from the vulture.
7. Chains preventing Prometheus' escape.

Incompatible Combinations in Art

Can incompatible pairs of legend elements be combined in a single work of art? To test this out, consider the following sculptures by Jacques Lipchitz on the Prometheus theme, a theme he considered a focal point of his sculpture (Lipchitz 1972, 136):

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[5] Image available at: https://commons.wikimedia.org/wiki/File:Prometheus_Adam_Louvre_MR1745.jpg. Accessed May 4, 2017.
[6] Image available at: https://commons.wikimedia.org/wiki/File:Rubens_-_Prometheus_Bound.jpg. Accessed May 4, 2017.

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1. *First Study for 'Prometheus'* (1931, cast 1960s),[7] which shows Prometheus on his back apparently shackled to the mountain, grimacing in excruciating pain.
2. *Study for Prometheus Maquette No. 1* (1936),[8] which shows Prometheus strangling the vulture with one hand while waving the other in a triumphant gesture.
3. *Prometheus Strangling the Vulture* (1936),[9] which shows Prometheus standing over the vulture writhing on the ground as he strangles it.
4. *Prometheus Strangling the Vulture II* (1944/1953), which shows Prometheus strangling the vulture with one hand while the other holds its legs.

Attributes of 1 are evidently incompatible with attributes of 2, 3 and 4. Even if such incompatibilities could be overcome, it is unclear that combining the attributes of 1 with those of 2, 3 or 4 would have aesthetic value.

This is not any simpler to do in painting. Consider the following four artworks:

1. *Prometheus Bringing Fire to Mankind* (1817)[10] by Heinrich von Füger, which shows Prometheus holding a lighted torch as he ponders what to do with it. Below him is a dark, seemingly lifeless figure representing mankind.
2. *Prometheus Bound* (2012)[11] by Howard David Johnson, which shows Prometheus chained to the mountain, staring helplessly at the approaching vulture.
3. *Prometheus Bound* by Peter Paul Rubens.
4. *Prometheus* (1865)[12] by Carl Rahl, which shows Prometheus chained to the mountain looking down at the vulture sprawled on the ground, evidently dead.

Once again, attributes of 1 are evidently incompatible with attributes of 2, 3 and 4. Even if such incompatibilities could be overcome, it is unclear that combining the attributes of 1 with those of 2, 3 or 4 would have aesthetic value.

The Prometheus Challenge: Preliminary Statement

These considerations lead to a preliminary statement of the Prometheus Challenge:

- Create a work of art that combines incompatible attributes.[13]

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[7] Image available at: http://www.tate.org.uk/art/artworks/lipchitz-first-study-for-promethe us-t03517. Accessed May 4, 2017.

[8] Image available at: http://adlerconkrightarts.com/work/lipchitz. Accessed May 4, 2017.

[9] Image available at: http://www.artnet.com/artists/jacques-lipchitz/prometheus-strangling-the-vulture-j5vmteK_Z26Rqb7uyPjK9w2. Accessed May 4, 2017.

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[12] Image available at: https://commons.wikimedia.org/wiki/File:Carl_Rahl_Prometheus.jpg. Accessed May 4, 2017.

The Challenge Met: Hieronymus Bosch (1450-1516)

Widely collected and copied in his day, Bosch is famous for his fantastic images, especially his macabre and nightmarish depictions of hell. *The Last Judgment* (c. 1495-1505)[14] contains many images that combine incompatible attributes and thus meet the Prometheus Challenge. For example, we are shown a bird's head attached to human body; a human head attached to a pair of walking feet; a rat's head attached to a human body; and so on. Similar imagery can be found in *The Garden of Earthly Delights* (c. 1495-1505).

The Challenge Redefined: Horace (65 BC – 8 BC)

There is no need for me to argue that the artworks of Bosch and his modern followers in the Surrealist movement[15] represent an aesthetically unsatisfying solution to the Prometheus Challenge as stated above. Instead, I will reformulate the problem by adding conditions that the lyric poet Horace enunciated in *The Art of Poetry* (Horace 1904 [19 BC], 433-4). I will not try to decide here whether artworks that meet Horace's conditions are aesthetically preferable to those that do not, which is a topic for another time.

Horace comes to the point right away with typical clarity and succinctness:

> Suppose a painter to a human head
> Should join a horse's neck, and wildly spread
> The various plumage of the feather'd kind
> O'er limbs of different beasts, absurdly join'd;
> Or if he gave to view a beauteous maid   5
>
> Above the waist with every charm array'd,
> Should a foul fish her lower parts infold,
> Would you not laugh such pictures to behold?
> Such is the book, that like a sick man's dreams,
> Varies all shapes, and mixes all extremes.   10
>
> 'Painters and poets our indulgence claim,
> Their daring equal, and their art the same.'
> I own th' indulgence—such I give and take;
> But not thro' Nature's sacred rules to break,
> Monstrous to mix the cruel and the kind,   15
> Serpents with birds, and lambs with tigers join'd.

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[13] The term 'attribute' is being used generically here to cover properties – what are true or said of something – as well as scenarios, events, elements, features and interpretations. For my work on the metaphysics of properties as applied to aesthetics, see Cusmariu 2016.

[14] Image available at: https://commons.wikimedia.org/wiki/File:Last_judgement_Bosch.jpg. Accessed May 4, 2017.

[15] The fact that Bosch was the first Surrealist is not always acknowledged. Salvador Dali, Max Ernst, Andre Breton, Yves Tanguy, and René Magritte are considered the major figures of modern Surrealism.

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The Prometheus Challenge: The Definitive Formulation

- Create a work of art that combines incompatible attributes in a way that is consistent with Horace's contention that art should not depict 'a sick man's dreams' or a 'monstrous mix of the cruel and the kind.'[16]

This is not the place for a defense of Horace. Bosch and modern Surrealists are evidently not consistent with his aesthetic.[17]

Meeting the Challenge: Six Solution Categories

Philosophical analysis identified six categories of solutions to the Prometheus Challenge in its definitive form. Works of art by the following artists can be interpreted as having met the challenge in various ways analyzed below:

- Painting: Edgar Degas, Édouard Manet, Pablo Picasso, Salvador Dali.
- Sculpture: Pablo Picasso, Jacques Lipchitz, Arnold Cusmariu.[18]

An important caveat: I am not suggesting that Degas, Manet, Picasso, Dali and Lipchitz were aware of what I have described as the Prometheus Challenge, let alone that they set out to meet it. To be sure, they had a working aesthetic they could have articulated if they wished – Delacroix, van Gogh and Cezanne did. However, making art based on philosophical analysis of the kind described in this article is another matter entirely.

As to conceptual influences on my own work, those were philosophical in the technical senses explained and illustrated below. I learned that other artists could be interpreted as contributors to the problem I was trying to solve only after I had already done so and began work on this article.

Category 1: Mirror Imaging – Degas, Manet, Picasso

An artwork depicts a reflection in a plane mirror in a way that is incompatible with the way the mirrored object normally looks. Such depiction is incompatible also with the concept of mirroring itself, which only allows left-right inversion. Incompatible interpretations are suggested or encouraged as well, prompting viewers to wonder which image corresponds to reality.[19]

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[16] Horace seems to be taking issue with Aristotle's views in the *Poetics* assigning value to art as a means to purification and purgation of powerful emotions such as pity and fear.

[17] André Breton famously stated (1969, 14, original italics): "I believe in the future resolution of these two states, dream and reality, which are seemingly so contradictory, into a kind of absolute reality, a *surreality*, if one may so speak." Surrealism plays into the hands of skeptical arguments made famous by Descartes denying the possibility of knowing the difference between dreaming and reality. As a professional philosopher aware of these arguments, it would not have occurred to me to make art seeking the 'resolution' Breton mentions.

[18] I achieved this result through philosophical analysis. See Cusmariu 2009, for which I have notes dating back at least six years earlier, and Cusmariu 2015.

[19] I have not found Degas, Manet, and Picasso pictures that used mirror imaging to combine incompatible attributes other than those analyzed below.

Category 2: Image Overlapping – Picasso

Two physical objects cannot be in the same place at the same time, while images of objects superimposed over one another obscure details. Picasso seems to be the first (only?) painter who succeeded in getting around these limitations, managing to suggest incompatible interpretations as a result.

To get a clearer sense of Picasso's achievement, let us note the technical difficulties involved in applying this solution in painting. Thus, imagine a version of van Dyck's famous portrait of King Charles I (1635) done using Picasso's overlapping method, which van Dyck would never have dared even considering doing. A modern painter might have considered it but pulling it off is another matter entirely, e.g., Francis Bacon's *Three Studies of Lucian Freud* (1969). Note also that *Duchamp's Nude Descending a Staircase, No. 2* (1912), which applies stop-action photography to painting, would not work using Picasso's method either. All three pictures would be a jumbled mess.

Category 3: Seeing-As Vision – Picasso, Dali, Lipchitz, Cusmariu

Ordinarily, we see that an object has a certain property such as shape, color, and size. Sometimes, we see an object as having various properties. Thus, we may see a cloud as a sheep, or a mountain outcropping as a human head, e.g., *The Old Man of the Mountain* in New Hampshire. Incompatible images are combined in a work of art when its aesthetic content can only be captured by seeing A as the B of C and as the D of E, where B and D are incompatible and C and E are distinct objects. In cases where C and E belong to different categories, seeing-as vision allows movement from one category to another.[20]

Category 4: Directional Vision – Picasso, Cusmariu

Directional vision is applied when reading text.[21] Thus, we read from left to right in English, French and German and from right to left in Hebrew and Arabic. Chinese and Japanese require vertical vision as do some hotel neon signs. A work can combine incompatible attributes by means of directional vision by suggesting one interpretation if the work is seen in one direction and an incompatible interpretation if the work is seen in another direction. Directional vision effectively turns a single work of art into two. Picasso used this method in painting by requiring the viewer to rotate the angle of vision clockwise a few

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[20] 'Seeing A as B' may well be analyzable in terms of 'Seeing that A resembles a B.' We can leave the concept of seeing-as vision in intuitive form for the time being.

[21] Directional vision is also assumed in mathematical notation. For example, $236 + 75 = 986$ is false if read from left to right but true if read from right to left. Criss-crosswords require entering words diagonally downward from left to right and from right to left.

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degrees. He did not use it in sculpture, however. I applied directional vision along the *x*-axis, from left to right and from right to left.[22]

Category 5: Discontinuous Attributes – Cusmariu

I began experimenting with philosophical concepts to find solutions to the Prometheus Challenge in 2000, the year after I began carving stone. I did not realize at the time, however, that the solutions I would discover would represent a paradigm shift away from assumptions sculptors had taken for granted for a very long time.[23]

For example, the goal in sculpture has always been to create physical objects with aesthetic attributes. This raises a fundamental question: What is a physical object?

Phenomenalism, a philosophical theory due to Bishop Berkeley (1685-1753), answers by identifying physical objects with collections of actual and possible sense data. I did not assume that Phenomenalism was a philosophically correct theory, however, so it did not matter for my purposes that philosophers had raised objections against it on various grounds and felt no need to respond to these objections. I also did not assume that there were such things as sense data and thought I could bypass objections against them as well. Because Phenomenalism for me only had practical value, the issue was whether this view of physical objects could help solve the problem at hand.[24] It could, and it did.

Now, Phenomenalism entails two basic facts: (1) Sense data decompose the same physical object; (2) the ordering sequence of sense data is consistent with that object. Photos of ordinary physical objects taken a few degrees of arc apart – in effect, sense-data snapshots – will confirm these facts.

The trick to applying Phenomenalism to the Prometheus Challenge is to recognize that neither assumption need be true of sculptures. Decomposition into collections of sense data of which (1) or (2) (or both) are not true would make clear just how different works of art were from ordinary physical objects.

Category 5 sculptures require changing the viewing angle along the vertical or *y*-axis to fully capture aesthetic content, which can be very different from one view to the next. As will be shown later, such sculptures exemplify the following attributes: (a) There is a suggestion that more than one artwork is in view; (b) there is no easy inference from what is seen to what is not seen; (c)

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[22] The availability of other Category 3 or Category 4 sculptures is discussed at the end of this article.

[23] For detailed discussion of these issues, see Cusmariu 2009 and Cusmariu 2015.

[24] Phenomenalism is intended as a general theory about physical objects. If asked, Berkeley would readily have agreed that sculptures are not an exception to the theory even though they are not ordinary physical objects. That is, the fact that sculptures are physical objects with aesthetic properties does not entail that they are not collections of actual and possible sense data in the way that ordinary physical objects, which lack such properties, are collections of actual and possible sense data.

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there is little or no compatibility from one view to the next; (d) different views may suggest (incompatible) association with different kinds of objects.

The aesthetic content of a Category 5 sculpture can be captured by moving around it or by placing it on a slowly rotating carousel. The latter makes it evident that an artwork is dynamic and has the ontology of an event.

Finally, a different concept of abstraction applies to Category 5 sculptures. Stated in Phenomenalist terms, the standard concept of abstraction abandons consistency with sense data associated with ordinary physical objects but retains consistency with their ordering sequence (Read 1964). The converse is true of Category 5 sculptures, which retain consistency with sense data associated with ordinary physical objects but abandon consistency with their ordering sequence.[25]

Category 6: Interweaving Forms – Cusmariu

The protagonist of my script *Light Becomes Her* (2001)[26] is a sculptor who declares: "I make music in stone." In 2002 I began work on *Counterpoint*, which became a series[27] that sought to combine attributes by analogy with the parts of a musical score.

This development occurred mainly because Phenomenalist decomposition of physical objects seemed to me unable to meet the Prometheus Challenge for multiple-figure sculptures – a difficult aesthetic problem in its own right. Concepts from philosophical sources proved once again invaluable.

The first source was Plato's Theory of Forms, which was the topic of my Ph.D. dissertation at Brown University titled "A Platonist Theory of Properties." Specifically, I found very useful a famous comment in Plato's *Sophist* (Plato 1997, 235-293, 259 e5-6): "The weaving together of forms is what makes speech possible for us." I added to this beautiful metaphor the mereological view that complex physical objects are collections of parts, which I studied with Roderick M. Chisholm in his metaphysics seminar that led to a book (Chisholm 1976, Appendix B).[28]

Part-whole logic proved extremely fruitful, though again I made changes that suited my purpose. Thus, I borrowed seeing-as vision so that A could be seen as a part of B and of C, where B and C were distinct objects and A was not a part of B the way A was a part of C. I borrowed directional vision so that A could be a part of B in one direction and a part of C in a different direction, where B and C were distinct objects. I borrowed the discontinuous attributes concept so that part-whole relations could change, even radically, by changing viewing

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[25] The availability of other Category 5 or Category 6 sculptures is discussed at the end of this article.
[26] This script is available at Francis Ford Coppola's website https://www.zoetrope.com/.
[27] The ten sculptures completed so far are shown in the Appendix. Seven others are in various stages of completion.
[28] For a critique of Phenomenalism, see Chisholm 1957, 189-197.

angle a few degrees of arc from a given angle. Mereology let me explore part-whole relations as I saw fit and led to another concept of abstraction: Sculptures could exemplify part-whole relations that ordinary physical objects could not.

Category 1: Mirror Imaging

Edgar Degas: *Madame Jeantaud au miroir* (1875)[29]

Degas and Jean-Baptiste Jeanteaud served together in the army in 1870 during the Franco-Prussian war. This portrait is of Jeantaud's wife Berthe-Marie.

Degas challenges the viewer to ask unusual questions such as: who is the woman in the mirror; how is she related to Mme Jeantaud, if at all; which image shows Mme Jeantaud as she really looks; and do the two images show people existing contemporaneously. The images are not compatible with one another or with the concept of mirroring because mirror images are not normally blurred and here the mirror image seems to be looking at the viewer rather than at Mme Jeantaud as one would expect in a normal reflection.

The woman in the mirror could be Mme Jeantaud's mother or it could be Mme Jeantaud as will look when she is her mother's age; or the picture may be a portrait of a woman at two stages of life; or the base image may be a flattering portrait of Mme Jeantaud – the sort that painters usually do on commission – and the mirror image is what she looks like, reversing the usual interpretation; and so on.

Édouard Manet: *A Bar at the Folies-Bergère* (1882)[30]

Considered Manet's last major work (he died in 1883), this picture was exhibited at the Paris Salon in 1882 and has fascinated critics ever since.

It is evident here as well that the two images are not compatible with one another or with the concept of mirroring. The composition also suggests a double portrait. For example, the plain image shows a dreamy-eyed, stylishly dressed young woman looking at the viewer, whereas the mirror image shows a barmaid paying close attention to the customer ordering drinks who resembles Manet. Moreover, the two images may not be contemporaneous. The base image suggests the young woman is facing the viewer or the people in the crowded bar, possibly before the customer arrived or after he left. The picture can also be interpreted as a double portrait of Manet himself. In the mirror we see him as a

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[29] Image available at: https://commons.wikimedia.org/wiki/File:Edgar_Degas_-_Mrs_Jeantaud _in_the_Mirror_-_Google_Art_Project.jpg. Accessed May 4, 2017.
[30] Image available at: https://commons.wikimedia.org/wiki/File:Edouard_Manet,_A_Bar_at_ the_Folies-Bergère.jpg. Accessed May 4, 2017.

customer in a bar but, of course, there is also an unseen Manet painting the picture we are looking at.[31]

Pablo Picasso: *Girl Before A Mirror* (1932)[32]

Picasso began a relationship with Marie-Thérèse Walter when she was about seventeen and he was forty-seven. She became his mistress and eventually his muse. This picture is also a double portrait showing images inconsistent with one another as well as with the concept of mirroring. On left, we see Marie-Thérèse apparently pregnant, looking radiant – she became pregnant after this picture was made, giving birth to a girl in September 1935. The mirror image seems to show Marie-Thérèse red with embarrassment by being a mistress – Picasso was married at the time to the Russian ballerina Olga Khokhlova – while the base image shows her the way Picasso saw her, cheerful and happy.

Category 2: Image Overlapping

Pablo Picasso: *Bust of a Young Woman* (1926)[33]

Marie-Thérèse Walter is the subject of this picture as well. The incompatibility here is with the fact that two objects cannot be in the same place at the same time and that in real life objects cannot share body parts, as they evidently do here. Picasso uses a 'see-through' method to overcome these limitations.

The dark image may be Picasso himself. He seems to be trying to kiss Marie-Thérèse. Her lips are closed shut, perhaps suggesting disinterest. They share facial features such as an eye and parts of a nose. Her right shoulder blends into his upper back. The Picasso image is on top, suggesting he was the dominant partner, which is probably accurate. Half her face is in shadow, suggesting she felt stifled by the relationship, which is probably accurate as well.

Pablo Picasso: *The Dream* (1932)[34]

This is another double portrait of Marie-Thérèse and Picasso. The overlap is so extensive here that the viewer cannot easily tell where one figure ends and the

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[31] Manet may have been inspired here by a similar device in *Las Meninas* (1656), though, unlike Manet's, Velazquez's picture corresponds to reality in that it shows him painting the picture we are looking at. This masterpiece cannot, accordingly, be considered a solution to the Prometheus Paradox. Note also that the mirror images of Philip IV and his wife, Mariana of Austria, are accurate. Indeed, it could not have been otherwise.

[32] Image available at: http://www.pablopicasso.org/girl-before-mirror.jsp. Accessed May 4, 2017.

[33] Image available at: https://www.wikiart.org/en/pablo-picasso/portrait-of-dora-maar-1937-1. Accessed May 4, 2017.

[34] Image available at: http://www.pablo-ruiz-picasso.net/work-3941.php. Accessed May 4, 2017.

other figure begins, as Picasso no doubt intended. The picture reflects the physical and emotional bonding between the people in a relationship. It was painted five years into their relationship. Psychologists would have a field day with some of the details, which border on the erotic.

Picasso is shown in profile sleeping with his head tilted back and face turned upward. Marie-Thérèse is asleep in a chair, her head leaning on her right shoulder. The two figures share features such as noses, cheeks, chins, and a right shoulder. Walter's right eye doubles as Picasso's right eye. Her right arm doubles as his right arm. Quite possibly they are dreaming about each other.

Pablo Picasso: *Dora Maar Seated* (1937)[35]

Picasso met the French poet and photographer Dora Maar in 1935. She became his mistress as well as his muse. They were together for about nine years.

The picture combines two views of the same person superimposed over one another a few degrees of arc apart, contradicting the normal expectation that two persons are present. One view shows the subject in profile facing the blue wall with horizontal stripes, looking inward and turning away from inquiring glances. The other view, rotated slightly clockwise, is a more detailed image that shows the subject in a cheerful mood. Her flushed right cheek can also be seen as an apple, inside of which a small lemon can be seen, suggesting a sweet-sour aspect of the subject's personality. The small leaf attached to the apple's stem doubles as the subject's eyelid. The figures share a chin and lips. Pupils and hair are of different color and further contrast the two views. The rest of the subject's body and clothing seem most compatible with the cheerful view as suggested by the orientation of the hands, arms and shoulders, likewise the chair in which she sits. The cheerful Dora Maar seems the dominant personality in this picture, even though Picasso often represents her in tears and she herself produced several self-portraits titled *La Femme qui pleure* (Caws 2000).

Pablo Picasso: *Woman in a Yellow Hat* (1961)[36]

Jacqueline Roque was Picasso's second wife. They met when she was 26 and he was 72, and married in 1961. The marriage lasted until Picasso's death in 1973, during which time he made over 400 portraits of her, more than any other woman in his life.

Overlapping images suggests physical closeness but also the psychological clash of strong personalities. The hypnotic eyes and the shared arms and clothing (including the hat) encourage the impression of a single figure, though it

[35] Image available at: http://www.pablo-ruiz-picasso.net/work-1651.php. Accessed May 4, 2017.
[36] Image available at: http://www.pablo-ruiz-picasso.net/work-929.php. Accessed May 4, 2017.

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is clear that there are two. The red streak out of a nostril appears to be blood, but whose nostril is not clear; it could be both.

Category 3: Seeing-As Vision

Salvador Dali: *The Image Disappears* (1938)[37]

This picture recalls Vermeer's *Woman in Blue Reading a Letter* (1663-1664), a painter Dali admired. Commentators have pointed out that the male figure may be Dali himself or the painter Velazquez.[38]

Seeing-as vision enables Dali to combine the following incompatible attributes:

- The woman's head ⇔ the man's right eye
- Her shoulder ⇔ the bridge of his nose
- Her breast ⇔ his nostril
- Her forearm, hand and letter ⇔ his mustache
- Her skirt ⇔ his lower lip and goatee
- His hair ⇔ a drapery
- His shirt ⇔ a tablecloth

Salvador Dali: *Slave Market with the Disappearing Bust of Voltaire* (1940)[39]

Seeing-as vision enables Dali to combine incompatible attributes in the images of Voltaire and of the two women.

- The women's heads ⇔ Voltaire's eyes
- The women's hair ⇔ Voltaire's eyebrows
- The women's neckwear ⇔ Voltaire's cheeks and the bridge of his nose
- The women's hands ⇔ Voltaire's chin
- The women's dresses ⇔ Voltaire's neck
- Voltaire's forehead and white hair ⇔ the open arch of a building

Salvador Dali: *Old Age, Adolescence, Infancy (The Three Ages)* (1940)[40]

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[37] Image available at: https://www.salvador-dali.org/en/artwork/the-collection/140/the-image-disappears. Accessed May 4, 2017.

[38] Seeing-as vision will be abbreviated by means of the double arrow symbol ⇔. Note that "A can be seen as B" implies and is implied by "B can be seen as A," so that ⇔ is a symmetric relation.

[39] Image available at: http://archive.thedali.org/mwebcgi/mweb.exe?request=record;id=123;type=101. Accessed May 4, 2017.

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In this highly complex composition, Dali uses seeing-as vision to combine incompatible attributes in all three components. Let us consider them in turn.

Left Image

- The old man's hair, forehead, eye, cheek, moustache and chin ⇔ features of a landscape.

Center Image

- A young man's eyes and eyebrows ⇔ a mountain range and grottos across the lake

- The young man's nose ⇔ a woman's head

- The young man's lips ⇔ the woman's back

- The young man's beard ⇔ the woman's dress

- The young man's forehead ⇔ the sky

- The young man's cheeks ⇔ the lake.

- The young man's hair ⇔ the arch outline.

Right Image

- The seated woman's head, back, left arm, belt, and dress ⇔ the eye, nose, cheek, nose, teeth, and jaw of the grinning female figure shown in outline.

- The water and shore of the lake ⇔ the woman's chest.

Pablo Picasso: *Bull's Head* (1942)[41]

Roland Penrose (1981, 345) described this sculpture as follows:

> Picasso's ingenuity, combined with his sense of the right time and the right place, worked together to bring to life from the humblest sources a new kind of sculpture, in fact, a new art. He gave life with a magic touch where life, to casual observers, was apparently absent; and with bewildering assurance, he succeeded at a time when such a miracle was most precious to all.

Here is Eric Gibson on the subject:[42]

> [The sculpture] is a moment of wit and whimsy ... both childlike and highly sophisticated in its simplicity, it stands as an assertion of the transforming power of the human imagination at a time when human values were under siege.

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[40] Image available at: http://archive.thedali.org/mwebcgi/mweb.exe?request=record;id=120; type=101. Accessed May 4, 2017.

[41] Image available at: https://www.moma.org/explore/multimedia/audios/408/7284. Accessed May 4, 2017.

[42] Quoted at: http://www.pablopicasso.org. Accessed May 4, 2017.

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Finally, this is how Picasso described *Bull's Head* to photographer George Brassaï:

> Guess how I made the bull's head? One day, in a pile of objects all jumbled up together, I found an old bicycle seat right next to a rusty set of handlebars. In a flash, they joined together in my head. The idea of the *Bull's Head* came to me before I had a chance to think. All I did was weld them together. The marvelous thing about bronze is that it can give the most heterogeneous objects such unity that it's sometimes difficult to identify the elements that compose it. But that's also a danger: *if you were only to see the bull's head and not the bicycle seat and handlebars that form it*, the sculpture would lose some of its impact[43] (Brassaï 1964, 61).

Had Picasso said "si l'on ne voyayait plus *comme* [as] la tête de taureau et non *comme* [as] la selle de vélo ..." he could have been credited with awareness of seeing-as vision and of the need to literally see *Bull's Head* differently to detect the incompatible attributes combined in the sculpture. What a pity!

Pablo Picasso: *Baboon and Young* (1951)

E.H. Gombrich explicitly used seeing-as terminology to describe this sculpture:

> Picasso took a toy car, perhaps from the nursery of his children, and turned it into baboon's face. He could *see* the hood and windshield of the car *as* a face, and this fresh act of classification inspired him to put his find to the test. Here, as so often, the artist's discovery of an unexpected use for the car has a twofold effect on us. We follow him not only in seeing a particular car as a baboon's head but learn in the process a new way of articulating the world, a new metaphor, and when we are in the mood we may suddenly find the cars that block our way looking at us with that apish grin that is due to Picasso's classification (Gombrich 1960, 104, my italics).

Here are the incompatible pairs of attributes combined by means of seeing-as vision:

- The baboon's ears   ⇔   The car's rear wheels
- The baboon's eyes   ⇔   The car's windshield
- The baboon's teeth   ⇔   The car's front wheels
- The baboon's nose   ⇔   The car's hood
- The baboon's nostrils   ⇔   The car's headlights
- The baboon's jaw   ⇔   The car's front bumper

Jacques Lipchitz: *Mother and Child, II* (1941-45)[44]

Here is the sculptor's own description:

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[43] I have checked the French original for accuracy. Italics at the end of the passage are mine.
[44] Image available at: https://www.moma.org/collection/works/81522?locale=en. Accessed May 4, 2017.

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> In 1935 I was in Russia and one night, when it was dark and raining, I heard the sound of a pathetic song. I tried to trace it and came to a railroad station where there was a beggar woman, a cripple without legs, on a cart, who was singing, her hair all loose and her arms outstretched. I was terribly touched by this image, but I only realized years later, when I made the *Mother and Child*, that it was this image that had emerged from my subconscious. Although the sculpture is obviously much changed, the woman is without legs, and in the final version, without hands. The winglike projections at the side are the legs of the child that I added. For some curious reason, the child's projecting legs and the woman's breasts seem to form themselves into the head of a bull, something that gave a quality of aggressiveness to the sculpture. That, I think, indicates my feelings at this time, in the midst of the war (Lipchitz 1972, 148-151).

Lipchitz may have had seeing-as vision in mind because he uses the expression 'seem to form into.' Here are the incompatible pairs of attributes such vision is able to combine.

- The woman's arms   ⇔   The bull's horns
- The woman's breasts   ⇔   The bull's eyes
- The woman's pelvis   ⇔   The bull's nostrils
- The child's legs   ⇔   The bull's ears

Arnold Cusmariu: *Ariel* (2001)

We are at the circus, watching a trained seal balancing a ball atop a slender stick. Seeing-as vision connect spectator and performer in a new way.

- The seal's balanced ball ⇔ The spectator's head
- The seal's stick ⇔ The spectator's neck
- The seal's head, neck and nose ⇔ The spectator's shoulder, torso and arm
- The seal's back and legs ⇔ The spectator's back and legs

Most viewers would naturally identify with the spectator. But, the piece asks, are there circumstances in our lives during which we are likely to act like a 'trained seal?' Thus, there is a disturbing undercurrent here belied by the child-like simplicity of the piece.

Arnold Cusmariu: *Swan Lake* (2001)

The sculpture is a simple way of expressing the idea of unity with the environment by making the lake part of the swan's body, which cannot literally be true.

- The black angles-within-angles ⇔ the swan's plumage.
- The black angles-within-angles ⇔ the wake as the swan glides across the lake.

As we know, identification with nature has resulted in great poetry, e.g., by Keats, Wordsworth, and Whitman.

Category 4: Directional Vision

Pablo Picasso: *The Three Dancers* (1925)[45]

Clement Greenberg writes:

> [T]he *Three Dancers* goes wrong, not jut because it is literary ... but because the theatrical placing and rendering of the head and arms of the center figure cause the upper third of the picture to wobble (Greenberg 1989, 62).

The upper third of the picture does not 'wobble.' What Picasso was doing is actually quite clever. He figured out a new method of giving his composition aesthetic unity by having the middle figure look in both directions at once and in a way that reflects the moods of the two flanking figures. This method assumes directional vision, requiring the viewer to rotate the angle of vision clockwise from the position used to perceive one detail until another detail becomes apparent. Once this is done, it becomes possible to appreciate why *The Three Dancers* is a solution to the Prometheus Challenge.

Note first that Picasso seems to realize that two figures are necessary to express incompatible moods, an exuberant figure on left and a somber one on right. The problem is how to combine such contradictory moods by means of a single figure and in a way that complements the other two. Picasso succeeds in doing this through directional vision: Looking at the head of the middle figure 'straight on' reveals the serious mood, while rotating the angle of vision clockwise reveals the grinning, happy mood. By this method Picasso also manages to have the middle figure look in two different directions at the same time. Shared facial features help to achieve these effects: the tiny mouth and elongated eye of the serious expression double as an eye and mouth of the happy one, respectively. Their noses are also shared, though they are drawn differently.

Arnold Cusmariu: *Prometheus* (1986)

As noted earlier, a Brâncuşi masterpiece based on the Prometheus legend sparked my interest in sculpture. Below is the version I produced, which answered questions posed by the Prometheus Challenge. Over time, this initial effort led to the discovery of the working aesthetic described in this article, aided by training in analytic philosophy. It would be more than a decade of exploration before I applied directional vision again, however. As other artists have discovered, it takes time to devise alternatives to traditions of long standing.

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[45] Image available at: http://www.tate.org.uk/art/artworks/picasso-the-three-dancers-t00729. Accessed May 4, 2017.

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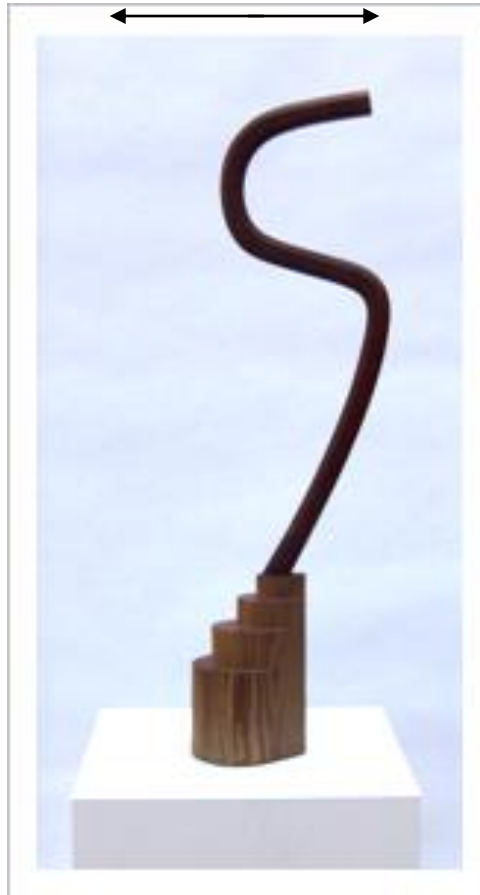
Prometheus is shown atop the mountain after he was freed by Hercules, reacting to his ordeal in two incompatible ways detectable only through directional vision. Seen from left to right, Prometheus stands triumphantly projecting confidence in the rightness of his cause. Seen from right to left, he recoils with rage at what he was forced to endure for defying a divine command. Viewers may wonder whether Prometheus would have acted the same way if he had to do it over again – a question that has no easy answer.

Arnold Cusmariu

Arnold Cusmariu: *Leda* (2001)

According to legend, Zeus came to Leda in the form of a swan seeking protection from a pursuing eagle. Their consummation resulted in a daughter later known as Helen of Troy, 'the face that launched a thousand ships' and the Trojan Wars. Seen from left to right, Leda appears as Zeus saw her as he approached her disguised as a swan. Seen from right to left, the result of their consummation is apparent: Leda is evidently pregnant. Seeing-as vision is necessary to capture the full aesthetic content. Thus, the breast-shaped volumes can be seen as part of Leda's hair in both directions.

A comment is in order at this point about the geometry of so many of my bases. There is a good reason why that geometry is essentially textbook. My bases stand for the predictable elements of our world, which science tells us are expressible in mathematical terms. The superstructure, which is anything but predictable, is what art is about. How to balance the two is a basic problem in art, though the distinction seems to me critical.

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Arnold Cusmariu: *David* (2001)

My rendition of the biblical showdown between David and Goliath described in the Books of Samuel takes viewers to the field of battle. Seen from left to right, the figure looks unyielding, projecting confidence of victory despite the overwhelming odds. This is what Goliath saw as he faced David, who understood he must not show fear. Seen from right to left, a diametrically opposite impression emerges and suggests the dread that David and his compatriots must have felt if he failed. Seeing their champion dead, the Philistines took to flight and the Israelites followed in hot pursuit. Had David failed, the consequences would have been serious. Massive negative space is used to suggest that, while these consequences would have been serious, they would not have been fatal for the Israelites.

Category 5: Discontinuous Attributes

Arnold Cusmariu: *Alar* (2000)[46]

Alar suggests that more than one artwork is in view. It is also evident that: View 2 is not readily inferable from View 4; View 5, not seen from View 1, is not

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[46] The bronze version is in my entry to the 2002 World Trade Center Memorial Competition. Image available at: http://www.wtcsitememorial.org/ent/entI=446704.html. Accessed May 4, 2017.

inferable from it; View 5 is not compatible with other views; and it is not obvious that views are of the same wing. View 4 shows the influence of Brâncuşi's *Bird in Space* series, begun in 1923.

View 1   View 2   View 3   View 4   View 5

Arnold Cusmariu: *Peace* (2000)

View 1   View 2   View 3   View 4

The photos show incompatible views of a bird, a heart and two wings, the latter of which may or may not be views of the same wing; as in *Alar*, views are not easily inferable from one another; we cannot infer View 4 from View 1, even though on is the reverse side of the other; Views 3 and 4 are compatible only as

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the kind of object they are, but not in specific shape; a bird suggested in View 1 is not consistent with a heart, suggested in View 2.

Arnold Cusmariu: *Eve* **(2001)**

View 1   View 2   View 3   View 4
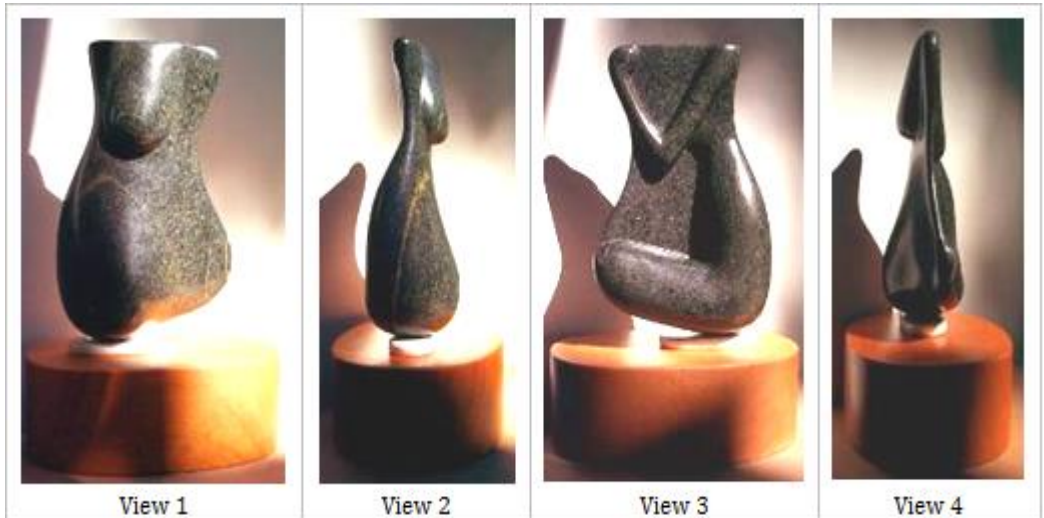
The title is from the Bible. Readers should ask why the sculpture is mounted at one of the foci of an elliptical base.

Shown these four photos side by side, several people concluded they were looking at more than one artwork, which is a typical response to a sculpture exemplifying discontinuous attributes made possible under Phenomenalism.

View 1 is not inferable from View 3; there is no easy inference that Eve is pregnant as shown in View 2 from views not seen such as View 3; Views 1 and 3 are not compatible owing to significant differences in scale; surface configuration are not consistent in Views 1 and 3; View 1 shows standard carving technique while View 3 uses bas-relief; Views 1-4 show events in nonlinear fashion: View 1 shows what Adam saw that made him fall in love with Eve; View 2 shows Eve pregnant; and View 3 shows her holding an apple while contemplating the fateful decision whether to bite into it. The sculpture's position on the base appears to change foci in Views 1 and 3 and is not consistent with positions apparent in Views 2 and 4.

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Arnold Cusmariu

Category 6: Interweaving Forms

Arnold Cusmariu: *Counterpoint 1* (2002)

View 1 · View 2 · View 3 · View 4

View 1 is a side view of a traditional female torso. View 2 confirms this impression but also shows something inconsistent: a left shoulder that is not to scale compared to the right shoulder and that resembles a fetus in the womb, thus not belonging to the same figure. View 3 shows that the shoulder belongs to a second, much smaller female figure, whose long, braided hair was first seen in View 1. The final example of incompatibility is the hair itself, which can be seen as a standing female figure that is not apparent from previous views. Perceptual discontinuity is exemplified; normal vision as well as seeing-as vision is involved in capturing aesthetic content. *Counterpoint* 1-7 sculptures were all made in one year.

Arnold Cusmariu: *Counterpoint 2* (2002)

View 1 · View 2 · View 3

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This composition was made only a month or so later and is considerably more complex. Male and female figures are discernible. The male figures are clearest in Views 2 and 3, though they are not the same, nor are the female figures shown. Mereology changes with the viewing angle as do the various relationships between the figures.

Arnold Cusmariu: *Counterpoint 5* (2002)

Forms interwoven in this composition are larger and more space exists between the various elements. Directional vision is needed in the view at right. From right to left, the female figure faces inward, as if bound in the stone, arms in front and above her head. From left to right, the figure faces outward, arms up behind her head, as if seeking to escape the confines of the stone. More photos would reveal how other incompatible attributes are combined.

Arnold Cusmariu: *Counterpoint 8* (2003)

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Arnold Cusmariu

As many as five figures are interwoven in this composition and they are more tightly linked. Small differences in degree of arc reveal incompatible attributes not evident from previous perspectives. Consistency of scale, which is a near absolute requirement in traditional sculpture, has been completely abandoned.

Arnold Cusmariu: *Counterpoint 10* (2003)

View 1   View 2   View 3

There are many more interconnected figures than is apparent from three photos. Seeing-as vision is required to absorb the elements present, identify incompatible attributes, and even count the number of figures. The viewer's memory is taxed extensively to link attributes evident as the viewer moves around the sculpture even as little as ten degrees of arc apart. Variations of scale add to the complexity of the composition.

Other Category 3 or Category 4 Sculptures?

Though he began making sculpture early in his career and continued to do so throughout his life (Spies 1971), we rightly associate Picasso primarily with painting; so it is no surprise that he applied new techniques such as cubism first to painting and then to sculpture. Unfortunately, by the time he made *Bull's Head* (1942) and *Baboon and Young* (1951), which applied for the first time a different kind of vision,[47] his major contributions to painting were well behind him. I will not speculate why Picasso, unlike Dali, never exemplified seeing-as vision in painting. As to the sort of directional vision applied in *The Three Dancers* (1925),

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[47] Picasso exemplified seeing-as vision also in *Goat's Skull and Bottle* (1951), whose design repeats that of *Bull's Head*. Image available at: https://www.moma.org/collection/works/81268?locale=en. Accessed May 4, 2017.

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which requires rotating the angle of vision, he never applied it again in painting or in sculpture, as far as I have been able to determine. Why not is also a matter of speculation I will avoid here.

Seeing-as vision is necessary only for Lipchitz's *Mother and Child*, II (1941-45). His first sculpture with this theme is in cubist style, *Mother and Child* (1930).[48] In 1949 he made *Mother and Child*, I,[49] for which normal vision is sufficient as well. Though the list of 20th century sculptors contains many illustrious names – Archipenko, Brâncuşi, Calder, Duchamp-Villion, Epstein, Fabbri and Giacometti cover only the first seven letters of the alphabet – none of their artworks fit under Category 3 or Category 4.

Other Category 5 or Category 6 Sculptures?

As far as I have been able to determine, no one else has even considered applying technical philosophical theories from metaphysics or epistemology to sculpture.

Category 5 conditions are conceptually difficult to meet and are likely to seem counterintuitive to many artists. For example, it has been assumed without question that a figurative sculpture of the human body must be consistent with its anatomy all the way around in a 360-degree circle. This is also true of abstract sculptures of the human body as well as the geometric sculptures of David Smith, which consist of steel volumes welded on top of one another. Consistency with the geometry of each volume is observable throughout; otherwise the volumes could not be identified as cubes, spheres, ellipsoids, cylinders, cones and tetrahedrons and Smith could not have used the title *Cubi* for his series of sculptures.

Category 6 might seem more promising. For example, Picasso's *Bull Head* and *Baboon and Young* and Lipchitz's *Mother and Child*, *II* might seem to qualify as Category 6 solutions in addition to Category 3. This is not the case.

Picasso followed the anatomy of a bull's head in attaching the handlebars to the bicycle seat to create *Bull's Head*. Indeed, any other configuration would have prevented the viewer from seeing the composition as a bull's head! The anatomy of a baboon's head is replicated accurately as well, as are the automobile parts that can be seen as its head.

The same is true of Lipchitz's composition. The anatomical details of a bull's head are just where they should be and the scale of each detail is equally accurate. Lipchitz's four *Prometheus* sculptures, shown earlier, follow the mereology of the human body despite (slight) inconsistency of scale. The same is true, for example, of Henry Moore's many reclining figures. Though some of them make extensive use of negative space and as such come close to being scattered

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48 Image available at: https://www.wikiart.org/en/jacques-lipchitz/mother-and-child-1930. Accessed May 4, 2017.
49 Image available at: http://www.tate.org.uk/art/artworks/lipchitz-mother-and-child-i-t035 30. Accessed May 4, 2017.

objects, nevertheless it is easy to see that they accurately represent human mereology.

Cubism is not an exception either. Despite its abstract rendering of human anatomy – abstract in the usual sense – mereology is preserved. Otherwise Lipchitz could not have used such titles as *Reclining Nude with Guitar* (1928), where the mereology of guitars is also accurate; nor could fellow Cubist Alexander Archipenko have used the title *Woman Combing Her Hair* (1914). Many other examples could be cited of which the same is true.

What Will the Critics Think?

Critics seem not to have noticed the conceptual links between the Category 1 pictures by Degas, Manet and Picasso analyzed above. The conceptual links between the four Category 2 Picasso paintings likewise failed to register with critics. Evidently oblivious to the novel method Picasso used to express aesthetic content in *The Dream*, a *New York Times* art critic launched a rather vulgar attack on this artwork and its creator (Cotter 2008):

> As for "The Dream," it's not too good because it's so ordinary. Marie-Thérèse, with large, lumpish, standard-issue Picasso limbs, sits in a chair asleep, head to one side, one breast exposed, a smile on her lipstick-red lips. It's hard not to notice that her face is split down the middle and that one half, the top, has the shape of a phallus. So she's dreaming about her terrific older lover, and that's all that's on her mind, and that makes her smile? Please, Pablo, give us a break. This is an eroticism on the level of all those images of the artist as minotaur ravishing his models that you churned out by the thousands and that no one takes seriously any more, if anyone ever did.

Penrose and Gibson failed to realize that seeing-as vision is a requirement for capturing the full aesthetic content of *Bull's Head*. They lavished (well-deserved) praise on Picasso for creating this sculpture, as did Gombrich on *Baboon and Young*. All three, however, failed to note that Lipchitz had, in effect, created the same solution to the Prometheus Challenge contemporaneously with the two Picasso sculptures in *Mother and Child, II*, which depicts the horrors of war every bit as effectively as Picasso's *Guernica*.

It has been noticed that Dali's *The Image Disappears* is a double image but not that special vision is required to capture the full aesthetic content of this and other pictures[50] where Dali applied the same method.[51]

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[50] Here are three other Dali picture that require seeing-as vision: *Paranoiac Village* (1931). Image available at: https://www.pinterest.com/pin/114701121729922272/. *Mae West's Face which May be Used as a Surrealist Apartment, 1934-1935.* Image available at: https://www.artsy.net/artwork/salvador-dali-mae-wests-face-which-may-be-used-as-a-surrealist-apartment. *Apparition of a Face and Fruit Dish on a Beach* (1938). Image available at: http://www.dalipaintings.com/apparition-of-face-and-fruit-dish-on-a-beach.jsp. All images accessed May 4, 2017.

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As noted above, Clement Greenberg missed the role of directional vision in *The Three Dancer*s. Lawrence Gowing and Ronald Alley also missed it and came to wrong-headed conclusions as a result. Gowing (1966, 10) opined that the picture "is like a Crucifixion" while Alley (1986, 22) contended that the middle figure "is associated with [Picasso's friend Carlos] Casagemas" who committed suicide. My analysis of the picture as a Category 4 solution to the Prometheus Challenge gives Picasso the credit he deserves.

It remains to be seen what critics will make of my Category 5 and 6 sculptures, which are conceptually far more radical than the artworks in the other four categories, including my own. I am hoping this article will help. A Category 7 may be waiting to be discovered, so I better get back to work.

The author at the Washington DC Art-O-Matic in
June 1999 with *David*, wood and steel.
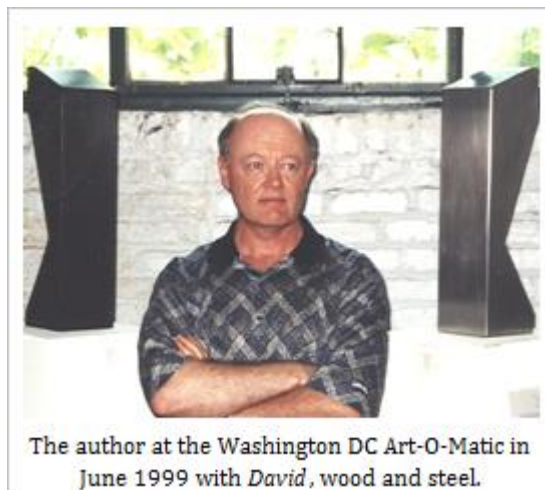
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51 On the subject of visual illusions, the reader may find of interest Luckiesh 1965 and Seckel 2004.

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Appendix: Ten *Counterpoint* Sculptures, 2002-2003

1: Alabaster on mahoogany (2002)

#2: Alabaster on mahogany (2002)

#3: Alabaster on painted wood (2002)

#4: Alabaster on painted wood (2002)

#5: Alabaster on oak (2002)

#6: Alabaster on wood (2002)

#7: Alabaster on painted wood (2002)

#8: Soapstone on Mexican yellow heart (2003)

#9: Alabaster on wood (2003)

#10: Alabaster on mahogany (2003)

Workers without Rights[1]

Paul Gomberg

Abstract: In the United States the Civil Rights Movement emerging after World War II ended Jim Crow racism, with its legal segregation and stigmatization of black people. Yet black people, both in chattel slavery and under Jim Crow, had provided abundant labor subject to racist terror; they were workers who could be recruited for work others were unwilling to do. What was to replace this labor, which had been the source of so much wealth and power? Three federal initiatives helped to create new workers without rights: the welfare reform law of 1996 and the changes in immigration and crime law and policy both starting in the mid-1960s. These changes re-created vulnerable labor, disproportionately marked and stigmatized as black or Mexican. These workers create a central strength of U.S. imperialism: cheap food. Because workers without rights have an important function in a capitalist economy, a society where all workers can flourish is not capitalist but communist.

Keywords: capitalism, communism, function, labor, mass incarceration, racial injustice, racism, undocumented immigration, welfare reform, workers.

In the aftermath of the limited successes of the Civil Rights Movement in the United States it was no longer acceptable *openly* to treat black people by a double standard. The double standards that had been part of U.S. history – racial slavery and then Jim Crow – had provided the U.S. with abundant cheap and flexible labor, people who (as a consequence of force or terror) worked under conditions others would not accept. This essay tells the story of how the United States government created a new system of racial injustice to replace Jim Crow racism, creating again workers without rights.

By 'workers without rights' I do not mean workers lacking *legal* rights. Rather I mean workers who are so vulnerable that their bosses know they are unlikely to assert any legal rights they may have. Consider these (hypothetical but realistic) examples: (1) A twenty-two year old black single mother of two young children, their sole support, works in a chicken processing plant in central

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Mississippi, her paycheck paying rent that keeps her family from homelessness. From repetitive motions at work she has developed carpal tunnel so painful that she cannot sleep at night without soaking her arms in cold water in the sink at bedtime to numb the pain; when the pain awakens her during the night she soaks them again. When she goes to the company doctor, he tells her to go back to work. So she just endures the pain. Eventually she expects to become disabled from the injury and to try to get on disability relief, as her mother was able to do. (2) An undocumented Mexican immigrant works at a large club stocking the bar with beer, wine and liquor. During a snowstorm the managers become concerned about the accumulation of snow on the roof; they ask him to shovel the snow off the roof. He complies. Later that evening someone gets sick in the men's restroom; the managers ask him to go in and clean the vomit and feces. He complies. There are no work rules at this club; undocumented workers are recruited for any task that needs to be done and that no one else wants to do. They do not feel as if they can refuse. (3) A black ex-felon who had been convicted of selling small amounts of marijuana at work on an earlier job (the income supplementing his low pay) has been hired to work at a fast food restaurant. At the end of his shift the clean-up of the restaurant is still not complete. The manager tells him to clock out and continue working to clean the restaurant. When he complains, the manager replies, "I did you a favor giving you a job; now I need a favor." The worker complies.

In the first case the combination of changes in the welfare law, the absence of her children's father (who is in prison), and the complicity between her employer and state officials leave the worker with little choice but to endure the pain until she is permanently disabled. In the third case the bosses' demand is actually illegal, but the worker, being vulnerable, went along. In the second case the worker, subject to deportation, will not assert a right to limit his labor to the task he was hired to do, a right that is routine where workers have union protection. In all three cases their bosses know that the workers are unlikely or unable to assert their rights. Effectively they are workers without rights.

So this essay tells the story of how racial injustice was *recreated* by the United States government and replaced the system of Jim Crow racism. For those of us who seek a society without racial injustice – or any comparable injustice – the lessons of the replacement are important: a society without racial injustice will require deep social change.

Function and Social Change

Vulnerable workers and high unemployment are *functional* in capitalist society. To say that vulnerable labor is functional in capitalist society is to say that under conditions of competition between firms, all else being equal, firms operating in a society where many workers lack rights have an advantage in competition with firms operating in societies where workers have greater rights. Capitalism requires that firms make profits from their operations in competition with other

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businesses. Doing business cheaply gives a competitive advantage, and it's cheaper to do business with labor that will work hard, flexibly, and efficiently for lower wages than competitors. When a worker is vulnerable, she is more likely to work hard for low wages and comply with employers' requests. So the presence of low-wage pliable labor enhances a firm's profits. As a result a *society* where workers are vulnerable creates – for firms operating there – a profit advantage over firms located in societies where workers are less vulnerable. In that sense vulnerability has a function in a capitalist society.

Saying that something is functional does not substitute for a historical narrative of how it came about. (Elsewhere[2] I have developed a narrative of the creation and re-creation of low-wage pliable labor in what became the United States from its settlement by the English to the 1960s; those most deeply and directly affected were identified as 'black,' but, given labor competition, others whose labor competed with black labor were also held down.) Yet awareness of function is useful to those who seek social change. Processes of development take place within limits. Capitalist society creates limits to what is at all likely to exist within it – for example, a class of laborers all of whom flourish, whose needs are met for engaging labor, security, stimulating cultural and educational opportunities, and for housing and a physical environment that are healthy, comfortable, and lift our spirits. Such a class is unlikely to exist in competitive capitalism because the cost of goods and services created by workers who are so well off would generally be higher than goods and services created by others who were worse off. So vulnerable labor is functional in capitalism; it represents what is likely to exist, and we search for narrative explanation of how it arose.

It is important to recognize function if we want to bring about social change. We may protest unjust treatment of vulnerable workers or policies which create vulnerability. But it is functional for capitalism to have vulnerable workers; so when one form of injustice is protested and ended, another form of injustice replaces it. The injustice done historically to black workers from early Virginia through the period of Jim Crow is replaced by injustice in a new form. Creating a society where all workers can flourish requires us to eliminate capitalist society.

In this essay we see how, in the aftermath of the Civil Rights Movement, the role that black labor had historically played was *recreated* for black workers and others. What role had black labor played? At the beginning of the Civil War cotton was the U.S.'s leading export crop, and slave-produced plantation crops were the source of two-thirds of U.S. export income. It is no exaggeration to say that black slave labor was the key to U.S. wealth and its rise as a capitalist power (Baptist 2014). After the Civil War black sharecroppers (and white as well – 45% of southern sharecroppers in 1940 were not black) continued to produce

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[2] In the book manuscript *American Racial Injustice: How It Arose, Why It Persists, How It May End*. The present essay is based on a chapter from that manuscript.

immense wealth (and the conditions of white sharecroppers were limited by the extreme exploitation of black sharecroppers). Migrant black (and other) farm workers moved from Florida to New England seasonally harvesting fruit and vegetable crops and processing these crops for freezing and canning (Thomas-Lycklama a Nijeholt 1980). In cities black workers assumed increasing prominence in basic industry, including meatpacking. By the late 1950s nearly 75% of the workers in Chicago's meatpacking industry were black (Halpern and Horowitz 1996, 29). By the 1960s and 70s black workers were important to the labor force in automobile and steel industries, especially in the Midwest and in California, but often in the hardest and lowest paying positions. Black workers, especially women, cleaned up and cared for children and the elderly. Black workers were central to the U.S. labor force. The work that black workers have done historically has to be done by someone, and much of the U.S. economy has depended on black labor. (Others besides black workers also toiled under inferior conditions and were exploited and oppressed more severely than white male workers: Mexican *braceros* [migrant farm workers deported when their labor was not needed], Chinese and indigenous labor in the West, many immigrants, women, and children.) The Civil Rights Movement demanded that black workers have the same rights as others. To whatever degree this demand was met, racial injustice was not ended but transformed.

The Relative Decline of the United States

To understand that transformation we need to review social conditions in the United States at the end of the 1960s through the 1970s. Starting with the Harlem uprising of 1964 and the large Watts rising of 1965, major cities erupted in rebellion. Campuses, predominately white and predominately black as well, were centers of antiwar activity. Workers were striking to hold on to their standard of living as inflation increased. Rebellions on the shop floor, sabotage, and absenteeism at work made it hard for employers to discipline their workers. Moreover, the United States was no longer the undisputed 'top dog' of the capitalist world. Other capitalist powers challenged U.S. economic hegemony – the Soviet Union challenged the U.S. militarily, supplied more energy to Europe, and sponsored movements to remove former colonies from the Euro-American sphere while Japan and Germany were making inroads on world markets including the U.S. auto market. New smaller producers – Korea, Taiwan, Brazil, Philippines – were beginning to build their own steel (and, in the case of Korea, auto) industries. (More recently China has emerged as a major and fast-growing capitalist economy.) This beginning of U.S. decline relative to other nations whose economies were growing much faster set limits to what could be conceded to civil rights struggles.

Intensifying international competition had other effects. To produce cheaply capitalists renewed their capital, replacing older technology with new, increasing efficiency. Relative shortages of labor also encouraged renewal of

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capital as did the capitalists' need to weaken labor's position by creating surplus labor. Labor shortages led workers to quit when the job became too unpleasant or the wages too low (there were other jobs); shortages also made it easier to strike for higher wages and other benefits. The U.S. had some peculiar disadvantages: while at the end of World War II its capital stock was far more productive than others', by the end of the 1960s other capitalist countries were beginning to match and eventually surpass U.S. productivity. So the U.S. was in relative decline. Worker safety and environmental protection legislation also increased manufacturing costs. Increased competition and higher capital costs led to declines in profit rates (Armstrong et al. 1991; *cf.* Brenner 2006, Parenti 1999, Perelman 2002, Glyn 2006, Arrighi 2003, Bowles et al. 1990 for similar arguments).

By the mid-1970s international competition, a sharp hike in oil prices in 1974, the decline in profit rate, and high wage settlements combined to create 'stagflation,' a high inflation rate combined with a stagnating economy and growing unemployment (hence an end to labor shortages, partly caused by the U.S. withdrawal from Vietnam). These factors put great pressure on capitalists to go on the offensive against workers to lower their labor costs, making it cheaper to operate a business in the U.S. They did this by lowering what they spent on wages and benefits, as well as worker safety and environmental protection, which also add to production costs. This happened with a vengeance in the 'Reagan revolution,' but it started with Jimmy Carter's appointment of Paul Volcker to chair the Federal Reserve Board. In 1981 Volcker raised interest rates to several points higher than the inflation rate to induce a recession (which occurred), raise unemployment (which reached 10% in 1982), and reduce the power of workers. To give a sense of some consequences: between 1965 and 1979 in the United States on average 1,520,000 workers each year were involved in work stoppages of more than 1,000 workers; between 2000 and 2014 the average was 111, 870 per year, a drop of over 90% (United States Department of Labor 2016, Table 1). As unemployment rose and strikes fell, bosses threatened to move jobs overseas or out-of-state. Some moved to rural areas in the North or to the South, others to Mexico (Ford is an important example) or to Asia (virtually all electronics production); rural areas, the South and non-U.S. destinations had advantages for the capitalists: no labor unions, lower wages, few or no benefits, lower taxes, and few or no environmental or safety protections. Actual or threatened moves intensified workers' fears; they made concessions to try to 'keep their jobs' (which often were eliminated anyway). Volcker's medicine was combined with Reagan's breaking of the strike by the nation's air traffic controllers in 1981; this action signaled open season for management on unions. As a result of all of these attacks, unionization of workers in the private sector has dropped now to 7% from a high of over 30% in the 1950s (Mayer 2004).

All of this worked – up to a point. Depressing wages and intimidating workers helped capitalists to survive. But the fundamental problems were not solved: the international economy is very competitive; wage concessions in one company, industry, or country lead to wage concessions in others as workers compete for jobs in a 'race to the bottom.' The U.S. is still in decline relative to other powers, particularly China; the rate of profit remains lower.

The Recreation of State-Centered Racial Injustice

The policy changes to be described in this essay should be understood in the context of this general attack on workers (which continues to this day). The historical role played by black labor and labor of children, women, and immigrants has come to be filled by workers without rights: women who work in exchange for an assistance check from the state (workfare and similar programs) or under the threat or reality of being cut off from assistance, undocumented immigrants, and people under the control of the penal system – or with a felony conviction.

These groups act as an anchor limiting what other workers are likely to achieve. For example, a woman whose husband (or father of her children) is in jail or prison is limited in her options; this makes her more desperate for work under any conditions that may be offered. Others who may be slightly less desperate must compete in the labor market with the most desperate and disadvantaged workers. This competition for jobs tends to drive down the conditions of all workers.

What replaced Jim Crow racism in the aftermath of civil rights? The crucial changes occurred primarily at the federal level, starting in the 1970s, but some of the political and legal groundwork had been laid in the 1960s. I review three major changes in policy. First, the welfare program Aid to Families with Dependent Children (AFDC, earlier ADC) was replaced by Temporary Assistance for Needy Families (TANF) in legislation passed in 1996; aid was limited to five years, and after two years of aid further aid was contingent on adult participation in labor. Second, immigrant workers became undocumented; new numerical quotas on immigration, particularly from Mexico, were imposed just as a massive U.S. – Mexico guest worker program ended while economic changes there were cutting wages and forcing people off the land, leading to more immigration. So immigration was increasing from areas where workers had little access to visas. Third, by the mid-2000s the *rate* of incarceration in the U.S. was *five times* the rate of the early 1970s; nearly 40% of those incarcerated are black, and 60% are either black or latino. Black people are incarcerated at a rate *five times* the rate at which non-Hispanic white people are incarcerated. As I will explain below the net effect of these three changes in policies adopted by federal and state governments is that the category of workers without rights has been reconstituted based on state-centered racial injustice.

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What unites these programs is their effect on workers seeking jobs or currently employed. None was *advertised* as a program to create cheap, malleable, and vulnerable workers. Welfare reform was supposedly intended to reduce welfare-dependency and give mothers pride as workers. Immigration reform was said to take control of the border with Mexico and penalize employers for hiring undocumented workers. The changes in policy that led to mass incarceration were alleged to stop drugs, battle gangs, and limit street crime. But the effect of all of these has been to create tens of millions of workers without rights.

Welfare Reform

TANF replaced AFDC in 1996 federal legislation. TANF limits lifetime assistance to 60 months or five years and limits assistance to two years unless adults work (these are the federal guidelines; states develop particular programs within the guidelines). Shepherded through Congress by Bill Clinton, the justification of the change had been prepared years earlier by theories – propounded by Arthur Jensen, Richard Herrnstein, Patrick Moynihan, Edward Banfield and others – that poor people in general and black people in particular were genetically inferior or culturally deficient. Newspapers and television news were filled with stories about the dysfunctional 'underclass' harmed by crack addiction and government dependency, the latter theme championed also by Charles Murray (1984). Politicians, for example Nixon, embraced some of these ideas, and their campaigns popularized them. The ideas gradually gained hold, in one form or another, among both white *and black* people, setting the stage for the 1996 legislation.

The important point is the effect of the legislation. As long as welfare and other forms of public assistance existed, workers had alternatives to work under the most exploitative and degrading conditions, a 'back-up' in the form of public aid. Removing that 'back-up' forces people into the labor market in desperation; they accept whatever is offered. Since there were no or inadequate provisions for child care under the new law, the law created additional strain usually on relatives who had to watch the children of people who were working (my students at Chicago State University often had to look after the children of a parent, sister, or cousin while the mother went to work, thus missing class). The reform added to the pool of workers without alternatives, thus creating additional workers with limited rights to say no.

To get a measure of the problems people face, consider the 1997 study *Making Ends Meet* by Kathryn Edin and Laura Lein. They studied 379 low income single mothers, 214 receiving some assistance from the old welfare system (the study was done before the reform) and an additional 165 receiving no such aid but relying primarily on low-wage work. Of these women all but one relied on other sources of income besides either welfare or low-wage job.

Paul Gomberg

So as things stood before welfare reform, neither low-wage work nor state assistance was enough to enable mothers to support their families. The changes made under TANF (five year term limit for aid, job as a condition of aid) therefore make mothers *even more* reliant on low-wage work. In 1996 there were over 4.43 million families receiving welfare assistance; by 2009 the number had dropped to 1.77 million (United States Bureau of the Census 2012, 364). It is hard to know how much of this drop is a *result of* the change in the law (most people on welfare had always preferred to work and rarely stayed on welfare more than two to four years). Still, the decline gives a rough measure of how many have been forced into labor under whatever conditions they can get. More recent studies of the law's effects confirm the extreme hardship and coercion of their labor for women who must care for children but lack adequate income to do so (Collins and Mayer 2010, Henrici 2006).

This legal change has increased competition for low-wage jobs, making it even harder to improve wages and working conditions. Moreover, people who *must* work to survive, people whose back-up has been removed, can be used as strikebreakers when strikes occur. Perhaps more significant, because employed workers are aware of the existence of large numbers desperate for work, they are likely to be deterred from striking. Low-wage jobs characteristically have a high turnover, and the large number desperate for work can be used by employers to replace any workers who may show an inclination to organize collectively. In fact, in poultry processing and in border *maquiladoras* employers encourage or enforce short-term employment precisely to prevent organizing among workers (Stuesse 2016). So a large number desperate for work will have a depressive or 'anchor' effect on many other workers, limiting collective organization and struggle to improve wages and working conditions.

These changes are a recreation of *racial* injustice. While the ratio of non-Hispanic white people to black people in the U.S. population is 5.3 to 1 (there are 5.3 times as many non-Hispanic white people as black in the U.S.), the ratio of white to black dependence on TANF is 1.7 to one (United States Census Bureau 2012, 10, 353). So black families are 3.1 times more likely to be under the discipline of TANF than white families are, a very disparate racial impact.

Undocumented Migration[3]

In 1821 Mexico encompassed not only its current territory but up to the 42nd parallel in what is now the United States, including all of the territory of California, Nevada, Utah, part of Wyoming and Colorado, and all of the states of the Southwest. In the aftermath of the Mexican-American War of 1846-48, current borders were established, and this territory was conquered by or ceded to the United States. But the border between Mexico and the U.S. was unguarded;

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[3] This section is indebted for much of its information and analysis to Ruth Gomberg-Muñoz (2011, especially Chapter 2).

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people migrated across it as they had for centuries, even millennia. As agriculture developed in California in the second half of the nineteenth century, big growers needed seasonal labor. They tried Chinese and Japanese workers, but eventually settled on Mexican (and, to a lesser extent, Filipino) labor because workers were more easily recruited (and then deported). (Still many did stay in the U.S. – perhaps a third of the million who came to labor in California in the 1920s.) Douglas Massey and co-authors summarize the situation:

> With the sole exception of the 1930s, when the Great Depression effectively extinguished U.S. labor demand, politicians and public officials have persistently sought ways of accepting Mexicans as workers while limiting their claims as human beings. Only the formula by which this sleight of hand is achieved has changed over time... (Massey et al. 2002, 105).

Starting early in the 20th century there was a kind of informal *bracero* program: workers were recruited when needed, deported when not. In 1942 the official *bracero* program began; it actually supplemented unofficial immigration, but many growers preferred that workers be registered with the government. So workers might be deported only to be immediately returned to the U.S. as registered *braceros.* From 1942 to 1964 there were 4.6 million worker entries from Mexico as *braceros* (4.6 million is the number of entries; since many workers came repeatedly, the number of actual workers was between one and two million). In some years the number who entered outside the program or any official channel of immigration ('illegally') probably far exceeded the number of *braceros.* After the end of the *bracero* program in 1964 Mexican workers continued to cross in order to work (mostly in California, but also in Chicago as well as Texas), often without documents. (Others entered with a temporary work visa or as legal permanent residents, the latter mostly through family members already in the U.S.) These undocumented workers worked alongside others in the fields. It is important to emphasize that through this period (and later) every effort to *limit* immigration was opposed by business interests dependent on immigrant labor and by politicians representing those interests.

In 1965, as part of civil rights, national quotas were abolished that had been imposed by the Immigration Act of 1924 (national quotas from the Eastern Hemisphere based on the proportion of the U.S. population in *1890* who traced their origin to those countries, a policy based on arguments that people from southern and eastern Europe who immigrated between 1890 and 1920 were inferior to northern and western Europeans). In 1968 a cap of 120,000 on immigration from the Western Hemisphere was enforced for the first time. In 1976 the 1965 law was amended to impose a limit of 20,000 from any single country from the Western Hemisphere (Massey et al. 2002, 43). So in eleven years legal immigration from Mexico went from being unlimited to being limited to 20,000. Later legislation further limited the total number of visas available.

Into the 1970s and thereafter Mexican immigration is caused not only by job-pull but also by deprivation-push. In the 1970s economic stagnation, which

hit many world economies, including the U.S., hit Mexico. A series of devaluations of the Mexican peso, starting with a floating of the peso in 1976, then further devaluations in the 1980s and 1990s cut real wages for Mexican workers. A structural adjustment initiated by U.S. banks, the International Monetary Fund, and the World Bank, led to privatization of industries, elimination of trade barriers, and removal of supports for Mexican agriculture. Mexican grain markets were flooded with cheap U.S.-produced grain (cheap primarily because U.S. grain production is highly capital-intensive, but there was also dumping of surplus grain). By 1995 one-third of Mexico's grain consumption was of grain imported from the U.S. (Currently the percentage is 35%.) Life in the countryside became untenable for millions of Mexican workers, who either moved to Mexico City (metro area population over 20,000,000) or other Mexican cities or left for work in the United States. U.S.-based businesses took advantage of these changes to move production to Mexico. The forcing of 'excess' agricultural workers out of the countryside (depeasantization) is occurring worldwide with unprecedented rapidity and magnitude, leading Mike Davis (2006) to call the Earth a "planet of slums." It occurs regardless of whether there is opportunity in the cities; it becomes impossible to survive in rural areas. The migration of rural Mexican workers toward the cities in Mexico depressed wages there; urban workers who sought to maintain or improve their living standard moved to the U.S. for jobs: 1.8 million during the 1980s, 4.9 million during the 1990s, and 4.4 million between 2000 and 2005. As the border became more heavily patrolled, workers stayed rather than return to Mexico. It was still possible to enter, but the expenses for a *coyote* were higher, the trip more dangerous.

It is important to stress that in this context of increased immigration and a growing population of unauthorized immigrants, U.S. businesses adapted. The U.S. economy came to depend on undocumented labor; workers in the following categories were estimated to be more than 10% undocumented in 2008: landscaping (28%), household servants (23%), garment labor (23%), agricultural labor (20%), animal processing, various manufacturing labor, building maintenance (all 19%), bakery workers (not retail) (17%), car washes (17%), construction (14%), taxi and limousine drivers (14%), fruit and vegetable processing (13%), restaurants and other food services (12%) (Passel and Cohn 2009, 32).

These numbers only begin to give a measure of the number of businesses, large and small, which depend on undocumented labor. As a corollary we can infer that thousands of *businessmen* will fight to hold on to this labor force, which works under the conditions offered, in fear of the actions of the state. These businessmen and politicians who represent them ensure that no law will effectively deprive them of this essential labor. Hence, the effect of the increased enforcement of the border and of various raids is *never* to rid the U.S. economy of this labor; it is to ensure that the labor is duly terrorized and pliable. In the words of Ruth Gomberg-Muñoz: "[T]he opening of borders to trade and finance,

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accompanied by the 'closing' of borders to workers, has had the effect of illegalizing—but not stopping— transmigrant labor. ...[B]order policies do not stop labor migration; rather they generate inequality by assigning illegal status to a segment of the global labor force" (Gomberg-Muñoz 2011, 34).

Jeffrey Passel and D'Vera Cohn (2009) estimate that 5.4% of the U.S. labor force is undocumented, more than 8.25 million workers. Often unable to obtain drivers licenses, these workers are under constant threat of actions from the state; nearly 360,000 were deported annually 2008-2015 (United States Immigration and Customs Enforcement 2016). This creates a climate of fear for those workers which helps to make them workers without rights and a boon to thousands of capitalists, large and small, who employ them.

How Mass Incarceration Creates Workers without Rights

Group stereotypes change, but through the nineteenth century and well into the twentieth, black workers (and slaves before 1860) were stereotyped as pliable and willing workers for simple labor, much as Mexican immigrants are now. The stereotype was based on the racist oppression of black workers, who were lynched, beaten, or maimed if they rebelled; they were forced to work long and hard under conditions usually worse than those prevailing for white workers; when black workers were brought North to break strikes from the 1870s on, black people were stereotyped as a 'scab race.' Many socialists regarded black workers as unorganizable and as natural allies of the capitalists (other radicals, going back to the Knights of Labor in the 1870s and the IWW around the turn of the 20th century, united black and white in common struggle). During the 1930s, as union organizing efforts in the North (under communist influence) aimed to include black workers, the stereotype and the reality both changed, as black workers joined and often led the new industrial labor movement. To this day, black workers are union members at a higher rate than white. The civil rights struggles of the 1950s and 1960s – particularly black caucuses and other primarily black formations within industrial unions – put an end to the idea of the submissive and compliant black worker. But then who would play the role played historically by black labor? Who would work long and hard for low pay under whatever conditions were offered? Part of the answer, as we have seen, is undocumented immigrants and poor women (disproportionately black) who must support their children – vulnerable workers with few rights.

But there is another part of the answer. Mass incarceration has transformed a large segment of the black male working class into workers without rights – at the same time it has done the same to a larger number who are not black. It is useful to see mass incarceration and its effects in the light of our prior discussion of undocumented immigrants.

In 1925 the incarceration rate in state and federal prisons was 79 per 100,000 U.S. residents or .079%; that represented a low point. Between that time and 1973 it fluctuated around a rate of 100, usually a little but not much more,

reaching a high of 137 in 1939; in the late sixties the rate fell into the 90s where it remained until 1973, when it was 96 (United States Bureau of Justice Statistics 1982). Then it began a rise that accelerated in the 1980s and especially the 1990s until in 2009 it was 502. This represents a *423% increase* in the rate of incarceration over those 36 years. To put the point more graphically: to return to the 1973 rate of incarceration, four out of every five prisoners would have to be released from prison.[4] If we add the people held in local jails, the total incarceration rate was 752 in 2009 (United States Census Bureau 2012, 218); no statistics going back to 1973 are kept for jails, but we can assume a similar rate of increase for jail populations. (Rates have dropped slightly since 2009.) How did this happen?

The analysis I offer here follows in the footsteps of four writers, each of whom sees an important part of the answer: Elizabeth Hinton (2016), author of *From the War on Poverty to the War on Crime*, Bruce Western (2006), author of *Punishment and Inequality*, Christian Parenti (1999), author of *Lockdown America*, and Michelle Alexander (2010), author of *The New Jim Crow*. Each traces important elements of the history, causes, and meaning of mass incarceration; yet each misses important parts of the story as well. Hinton puts the transition from social welfare solutions to punitive responses to urban black people in the context of the social history of black migration but, like Alexander, omits the relative decline of the U.S. as creating limits to ameliorative responses. Alexander follows Loïc Wacquant in divorcing mass incarceration from control of labor – a profound and important error. Western views the economic losses to *prisoners* as losses to the *economy*; he never considers whether they may serve the economy by creating vulnerable workers and a generalized climate of fear of the state. Parenti gives a helpful analysis of the social function of mass incarceration: while capitalism needs surplus workers to depress wages and control the employed, it controls these surplus workers through the system of mass incarceration. However, he then ignores that analysis in proposing *decarceration* (*fewer* in jail and prison, as Alexander recommends as well); he is silent on what an alternative to capitalist society would be. None shows how mass incarceration provides vulnerable workers for the low end of the labor market and creates a climate of terror which disciplines other workers. Because many young black men are in the penal system, that disciplining effect has a strong impact on the black working class generally.

While, as I will argue, mass incarceration is functional, we still need to understand how it developed. Labor shortages in the North during World War I and then the increasing mechanization of southern agriculture and use of chemical herbicides were decreasing demand for black (and white) labor, leading many to migrate north and creating large segregated black neighborhoods in many cities. Hinton (2016) traces some early responses to this

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[4] Alexander (2010) puts the point in this way.

migration. Early in the Kennedy administration James B. Conant, Ralph McGill, and Labor Secretary Arthur Goldberg were describing urban black youth without jobs as "social dynamite" and "potentially the most dangerous social condition in America today" (Hinton 2016, 29). Kennedy's assault on juvenile delinquency focused on education and job training and evolved into expanded programs such as Head Start and Job Corps under Lyndon Johnson's War on Poverty. These programs were grounded in a view of urban black people as 'the other' suffering from 'social pathology; ' black individuals needed to change, both in their skills and in their mindset, to take advantage of opportunities and become constructive citizens.

But in 1964 first Harlem and then Rochester rose up in rebellion against the police; a year later Watts in Los Angeles witnessed the largest urban uprising in U.S. history (up to that point). Echoing the calls of conservatives for 'law and order,' Johnson launched the War on Crime with the Law Enforcement Assistance Act of 1965; it enabled police to penetrate more and more into black neighborhoods, often as providers of public services such as a recreation center with a pool table and library where cops would act as counselors to youth (Hinton 2016, 114). In Hinton's words

> White House officials and Congress championed a law enforcement strategy that merged the War on Crime with the War on Poverty, forging a network of social service and surveillance programs that first emerged in [Kennedy's] New Frontier under the umbrella of the Great Society. These urban interventions provided a foundation for the rise of the carceral state. (Hinton 2016, 61)

With each rebellion, and even more when Detroit and Newark rose up in 1967, the response of government officials became more punitive and less ameliorative. The institutional basis for mass incarceration, particularly of young black men, had been created even if it only came to fruition a few years later.

While Hinton traces the influence of northern liberals on the rise of mass incarceration, Alexander looks at the influence of southern racists. In the 1950s and 1960s it became increasingly clear to southern segregationists that they could not hold on to their traditional ground; they retreated and regrouped; they shifted from defending 'states' rights' and 'tradition' to calling for 'law and order' and condemning chaos and crime in the streets. Protest and urban uprisings were lumped with criminal behavior. The targets were black protestors and insurrectionists and white student radicals. This strategic retreat was successful and coincided with the shift of most southern white voters from the Democratic to the Republican Party.[5] (From the time of Jefferson's Democratic-Republican Party, the Democrats had been the main anti-black party in American electoral politics.) In his 1964 Republican presidential campaign Barry Goldwater

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[5] The point that southern segregationists prepared the political ground for mass incarceration is made most forcefully by Michelle Alexander, but parts of the same idea can be found in Robert Perkinson (2010, 9) and less explicitly in Bruce Western.

sounded the 'law and order' theme. Then Richard Nixon picked it up in 1968 and combined it with opposition to urban uprisings and student radicalism in his successful run for the presidency, despite segregationist George Wallace's carrying five Deep South states; by 1972 Nixon won in a landslide, carrying the entire Deep South. His administrations were carrying out the 'law and order' program, developing laws that laid the basis for the growth in incarceration; Parenti explains, quoting Nixon advisor H. R. Haldeman: "'[President Nixon] emphasized that you have to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to.' That 'system' was the war on crime and the criminal justice buildup" (Parenti 1999, 12). The calls for law and order became increasingly part of the American political mainstream, eventually embraced by the 'new Democrats,' as Clinton's presidency put 100,000 more cops on the streets; mass incarceration grew more rapidly in Clinton's term than before or since. Now Democrats such as former Obama chief of staff Rahm Emmanuel put the war on crime and gangs (black and latin youth) at the center of their appeal to voters.

Western emphasizes not just the appeal of 'law and order' Republicans to the Deep South but also the shift of northern white Democratic voters to the Republicans based on their opposition to the northern civil rights struggles and urban uprisings. That certainly was an important factor in the Nixon, George H. W. Bush, and Reagan electoral victories. However, this analysis leaves out the stake that the elite, the capitalists, have in policy. Western's model suggests that working class voters are driving policy. A more plausible view is that elites, through financial and institutional influence on the parties, formulate policy initiatives and persuade voters into the electoral channels that elites offer them. So by the time we are finished we need to understand what capitalist elites gain from mass incarceration.

Western's analysis of the evidence shows that there are three main causes of the growth of incarceration (2004, 50): first, increased use of prison (as opposed to alternatives, especially probation) as punishment; second, lengthening of prison sentences; third, more drug laws and more use of them as a ground of imprisonment (the War on Drugs). Mass incarceration has virtually no relation to increase in crime (and has caused little decline in crime) (Western 2004, Chapter 7). Federal and state governments have adopted policies that have led to over seven million people in jail or prison or on probation or parole.

Alexander details some of how this works, but many of us who live in or near all-black or mostly black neighborhoods can see it every day: young men assuming the position against a car or the side of a building. The phrase 'driving while black' (DWB) entered English as a name for a 'crime.' The Fourth Amendment was intended to protect citizens from unreasonable searches and seizure. However, the War on Drugs has essentially ended that protection, particularly for poor black people. It works like this: cars are stopped on a pretext of violating a minor traffic or other ordinance, for example, a broken or

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missing taillight. (Such pretexts, driving a car with minor defects, are likely to be more common among people without much money; the stops are concentrated in poor black neighborhoods.) Now the officer requests permission to search the vehicle (looking for drugs). Most folks say 'yes,' fearing consequences if they say 'no.'[6] The same sort of 'consent search' can occur – without the vehicle stop – on the sidewalk or on a bus: "May I speak with you?" says the officer; "Will you please put your hands up and lean against the wall?" he continues. Most do not realize that they are free to say 'no;' the Supreme Court has interpreted compliance with these 'requests' (which sound like commands) as consent.[7] 95%, sometimes 98% or more, of these searches find nothing. But if they search enough vehicles, it adds up to a lot of arrests; in the words of a California Highway Patrolman, "You've got to kiss a lot of frogs before you find a prince" (Alexander 2010, 70).

The racism comes partly in whom they choose to search. An Illinois study from 2007 shows that black drivers are three times as likely as whites to be searched by state police (Northwestern University Center for Public Safety 2007, 10). (This leaves out the much more common searches by city cops in black neighborhoods.) The cause needn't be racial animosity; more probably it is lack of social power. Cops are not likely to go looking for illegal drugs at a fraternity party at a large state university; sweeping up well connected students would be bad for police. When is the last time you saw a group of middleclass, middle-aged white women assuming the position while the police searched their vehicle for drugs? (And don't tell me middle-class white folks don't smoke weed.) So poor people, particularly poor black people, are the main victims.

These and related practices which are part of the War on Drugs account for much of the growth in incarceration; other factors Western cites – more common use of prison as a sentence and longer sentences – are amplifications of the larger number swept into the system in these stops and searches. Parenti summarizes the racial injustice in this process: "[W]hile African Americans constitute only 13 percent of all monthly drug users, they represent 35 percent of all drug arrests, 55 percent of all drug convictions, and a staggering 74 percent of all drug prisoners" (Parenti 1999, 239). Most of the increase in prison population is related to drug offenses. The result, as we have seen, is 7.3 million in jail or prison or on probation or parole. Additionally probably twelve to thirteen million are ex-felons, convicted of a felony but no longer 'in the system.' Still, when they apply for a job, they have to 'check the box:' have you ever been convicted of a felony? Because anyone who hires them (McDonald's will hire ex-felons) is 'doing them a favor,' they too become workers without rights. Black

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[6] Empirical evidence indicates that very few people, particularly women and young people, feel free to decline to speak with police who ask to speak with them (Kessler 2009).

[7] These ways of phrasing the police questions are borrowed from Alexander (2010, 65-6), as is the point about consent not being real.

people are incarcerated at a rate five times that of whites; the ratio of black to white felony convictions is lower.

This situation will not change soon. The acceleration of numbers in jail and prison has slowed, and there was even a decline from 2008 to 2009. I would not be surprised if there were further declines, but I would be surprised if they amounted to much. On the one hand, jails and prisons are a major taxpayer expense at a time of budget-cutting. On the other, they are central to the view of poor black people – especially male youth – as being a danger to social order, a view also adopted by many black people. Compared to the economic stagnation of the 1970s, the U.S. economy is doing better now that millions of workers lack rights, providing cheap, flexible, expendable labor throughout the economy.

Mass incarceration creates five groups of workers without rights or with diminished rights: inmates who labor, people with jobs who are on work-release or in halfway houses, people on probation or parole, ex-felons (people with a felony conviction on their record), and the female partners or others who depend on men in the first four groups. Moreover, the involvement of so many young men in the system links mass incarceration to millions of families, especially black families.

Here are the numbers: In 2009 there were 7.3 million directly in the system, 760,400 in jail, 1,524,513 in state or federal prisons, 4,203,967 on probation, and 819,308 on parole (United States Census Bureau 2012, 217). Christopher Uggen, Jeff Manza, and Melissa Thompson (2006), using conservative demographic assumptions, estimated the 2004 ex-felon population at 11.7 million; presumably the number is now 12-13 million. Of adult males 12.8% are either current or ex-felons; 33.4% of black adult males are either current or former felons. Those who are ex-felons are no longer under the direct control of the system but encounter a number of barriers; in the words of Uggen, Manza, and Thompson (2006: 284), "They typically confront legal restrictions on employment, access to public social benefits and public housing, and eligibility for educational benefits." Many current or former felons enter the labor market as workers with diminished rights. Forty jurisdictions (out of the fifty states plus the District of Columbia) require parolees to seek employment, and similar requirements are made of probationers (Alexander 2010, 145). So if we add the five million on probation or parole to the more than twelve million who are ex-felons, we probably have at least seventeen million, mostly males, who enter the labor market without rights or with diminished rights.

The stereotype is that black males, particularly young ones, do not work, but while unemployment is high, many are working, at least part time. While to my knowledge reliable data about labor market participation are not available for ex-felons, as recently as 1997 56% of prisoners had a full-time job at the time they were arrested (Uggen et al. 2006: 295). If we keep in mind that many also work part-time, we can see that, even if people cannot make ends meet with a part-time low wage job (or even a full-time one) and hence are likely to

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supplement legal income with extralegal income, they are, many of them, in the labor force in some way. If this is true generally, then it is true also for the 17 million who are either on probation or parole (most likely high labor market participation) or are ex-felons (lower labor market participation), and it is true for black and latino as well as white. These are particularly vulnerable workers, with very diminished rights, who often work the lowest wage jobs, some off the books. People working these jobs are especially common in black neighborhoods, where the stigma of race amplifies that of felon. We should not underestimate the effect of race even apart from a criminal record: in a low-wage labor market black job applicants with a clean record were no more likely to be called back or offered a job than white applicants who were just released from prison (Pager et al. 2009). So while, for a white candidate, a prison term cut their chances in half, so did being black rather than white. In Pager's Milwaukee study a prison record cut a black applicant's chances of getting a further interview or offer by another two-thirds; this is the equivalent to one-sixth the chance of a white worker with a clean record (Pager 2007, 70).

The harms of mass incarceration are not limited to people who are caught *directly* in its web. To understand its broader social meaning we should understand its relation to what Karl Marx called capitalism's "relative surplus population" (1976, 781 ff.). With the growing mechanization of southern plantation agriculture (beginning in the late 1930s) southern black agricultural workers became surplus and migrated to southern and northern cities to work in factories and elsewhere. This worked well during the labor shortages created by World War II and, briefly, during the expansion of the Vietnam War in the mid-60s. As we entered the 1970s black tenant farmers and sharecroppers had been decimated, dropping from 704,000 in 1920 to 82,000 in 1964 (Groh 1972, 33). (There was a similar, though slightly less dramatic, decline in white tenants and sharecroppers.)

However, after the brief post World War II period of prosperity (and diminished international competition), U.S. industry begins a rapid decline (relative to growing industries in other countries) in the 1970s. Capitalists responded by abandoning much of urban industrial production (where unions often had a foothold and wages were relatively high) in favor of small towns and the South – where unions were weak and workers desperate – or in favor of shipping production overseas (now all televisions are produced outside the U.S.). Black urban workers were caught in the permanent crisis of stagnation of the 1970s and thereafter. Mass incarceration was the method by which the unemployed section of this group was controlled.

This control also disciplined the remaining workers. In *Capital* Marx wrote, "The overwork of the employed part of the working class swells the ranks of its reserve, while, conversely, the greater pressure that the reserve by its competition exerts on the employed workers forces them to submit to over-work and subjects them to the dictates of capital." (1976, 789). I follow Marx in seeing

labor's reserve army as disciplining employed workers, but I add that incarceration of masses of young black male workers increases the terror felt generally in black neighborhoods and reminds employed black workers of the consequences of deviation from capitalist order.

Despite high unemployment and high incarceration, black workers are central to the workings of the U.S. economy, to our health care system, letter and package sorting and delivery, and urban transit, among other essential tasks. *The Statistical Abstract of the United States* for 2012 shows that black workers (10.8% of the labor force) were disproportionately represented in the following occupations (percentage of the workers in that occupation that is black is given after that occupation): pre-school and kindergarten teachers (13.4), teacher assistants (12.7), clinical laboratory technologists and technicians (15.1), health diagnosing and treating practitioner support technicians (13.6), licensed practical and licensed vocational nurses (24.4), medical records and health information technicians (19.9), nursing, psychiatric, and home health aides (34.6), bailiffs, correctional officers, and jailers (22), security guards and gaming surveillance officers (28.8), cooks (15), food preparation workers (13.4), non-restaurant food servers (18.6), janitors and building cleaners (17.1), maids and housekeeping cleaners (16.3), barbers (37.2), baggage porters, bellhops, and concierges (29.8), transportation attendants (12.2), child care workers (16), personal and home care aides (23.8), cashiers (16.1), telemarketers (25), bill and account collectors (17.5), billing and posting clerks and machine operators (13.7), customer service representatives (17.5), file clerks (16), interviewers (except eligibility and loan) (17.3), reservation and transportation ticket agents and travel clerks (24), couriers and messengers (15.4), postal service clerks (29.5), mail carriers (11.7), mail processors, sorters, and processing machine operators (30.5), stock clerks and order fillers (16.7), word processors and typists (12.3), non-postal service mail clerks and mail machine operators (21.4), butchers and other meat, poultry, and fish processing workers (14), laundry and dry cleaning workers (15.9), packaging and filling machine operators and tenders (16.4), bus drivers (25.1), taxi drivers and chauffeurs (26.6), and industrial truck and tractor operators (22). I left out many occupations where black workers are not disproportionately represented and many more where they were slightly disproportionately represented (15% or less). And I did not mention the *professions*, such as social worker, where black people are also disproportionately represented (22.9%) (United States Bureau of the Census 2012, 393-96). The point of the long list of occupations is that, while schools which are disproportionately black usually do not prepare black children for more challenging and interesting work that carries social prestige, nevertheless many children are being socialized for *essential but low-status jobs* – repeating the long history of racial injustice.

These facts about the role of black labor in the U.S. economy, the analysis of the role of the most vulnerable low-wage workers in disciplining other

workers (vulnerability being created by both race and the discipline and stigma of the penal system), and the climate of fear created by mass incarceration, a climate which further disciplines other workers, particularly black workers, rebut Alexander's denial that mass incarceration helps to control labor. She cites Loïc Wacquant: "He emphasizes that the one thing that makes the current penal apparatus strikingly different from the previous racial caste systems is that 'it does not carry out the positive economic mission of recruitment and discipline of the workforce.'... [Mass incarceration] views African Americans as largely irrelevant and unnecessary to the newly structured economy – an economy that is no longer driven by unskilled labor." (Alexander 2010, 207) This common view is exactly wrong.

"But, Paul, if, as you claim, mass incarceration is functional for the capitalists, why is the unemployment rate for black ex-felons so high (as the evidence about discrimination seems to indicate it would be)? Why don't the capitalists just hire them?" These questions display a misunderstanding of the *ways* in which mass incarceration and criminalization are functional. Remember, in response to the economic problems of the 1970s, a number of changes occurred – slowing the economy, increasing unemployment, exporting jobs from the heavily-union central cities of the North and Midwest to small towns, right-to-work states, the South, and out-of-country, breaking unions, structural adjustments, free-trade zones, and grain-dumping in Mexico – that had the effect of creating a relative surplus population to discipline employed workers. The rise of mass incarceration should be seen in that context. Like the other changes we have reviewed, it created a climate of terror, an awareness of vulnerability. So there are the workers under the discipline or stigma of the penal system who are directly in the formal economy but as workers with diminished rights (white felons or ex-felons would likely be represented at a greater proportion than other felons or ex-felons). In addition, there are millions in the informal economy or with one leg in the formal and another in the informal economy. This mass of hyper-vulnerable workers disciplines the other workers in the formal economy: go to work, do as you're told, keep your mouth shut, don't make trouble. Millions of black families are reminded regularly – by visits to or letters to or from carceral institutions or letters from parole or probation officers – of the dangers of non-conformity.

Cheap Food, Cheap Chicken

We need to draw together several threads. Black labor was central to the development of the United States as a world power in the nineteenth century, providing the largest export crop, cotton. In the late nineteenth century and the first half of the twentieth black (and considerable white) labor continued to create wealth in plantation crops of cotton, rice, and sugar as well as in mining, meatpacking, food crop harvesting and processing, and basic industry. Black workers were demeaned and vulnerable; they worked for lower wages and in

worse conditions than other workers. Their vulnerability limited what white workers working alongside them were able to gain.

From the 1940s through the 1970s two things happened: first, black people insisted on the same rights as others, declaring their unwillingness to be demeaned and vulnerable; second, as the stagflation of the '70s developed, it became clear that the U. S. was declining economically relative to Japan and Europe, as well as new rising economies in Asia and Latin America. The capitalists' response to the crisis was to weaken the position of workers, lowering wages, and attacking unions. But now it was harder to use black workers – disproportionately unionized – to undermine the position of other workers (although black youth were used as strikebreakers in that period). New sources of vulnerable labor were needed.

The three changes we reviewed in this essay were the main sources of new groups of workers without rights: the curtailment of welfare, the rise of mass incarceration and criminalization, and the huge increase in workers classified as 'illegal.' Together these changes provided, I have argued, new vulnerable workers with few or no rights, particularly exposed to hostile actions of the state. These workers serve two functions in the capitalist economy: they provide low-wage, flexible labor, and they act as an anchor, undermining what other workers can achieve (particularly in the context of high unemployment and absence of labor unions).

This section is about cheap food, particularly cheap chicken. Cheap food is central to how social control works. Many of us do not like our jobs. But we console ourselves at the mall (or on the internet), buying smart phones, flat panel television sets, computer games, Ipads, and other electronic wizardry. It keeps us under control. But many who buy this stuff are far from affluent: how can we afford it? We don't pay much for food.[8] The cheapness of food is the key to social control.

In 1929 people in the U.S. spent 23.4% of their disposable income on food. While the percentage rose slightly in the early 1930s, it declined steadily ever since; by 2014 9.7% of disposable income went for food (5.5% at home; 4.3% away from home [rounding presumably explains apparent discrepancy with total share for food]) (United States Department of Agriculture 2016a). In the United States people spend less of their income on food than in other countries. Comparing budgets for eating at home in 2015, in the U.S. the figure is 6.4% for food and non-alcoholic beverages, the lowest percentage in the world; here are the 2015 percentages for other industrialized or industrializing countries: U.K. 8.2%, Germany 10.3%, France 13.2%, Japan 14.2%, Mexico 23.1%, Brazil 15.5%, Russia 28%, India 30.5%, and China 25% (United States Department of Agriculture 2016b). While these figures may exaggerate the U.S. advantage in cheap food, the point still remains that food is cheap in the U.S. compared with

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8 And the workers who make the electronics receive low wages.

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other countries.[9] When people have to spend less of their budgets on food, this leaves more money for other stuff. So in the United States even non-affluent people may have a smart phone or flat screen television.

Cheap chicken is a central cheap food. In the U.S. per capita consumption of chicken is roughly 80 pounds per year, turkey roughly 20 pounds per year; more chicken is consumed than either beef or pork. Chicken consumption has been rising since the 1930s while beef consumption had declined since the mid-1980s. The four largest producers of chickens control nearly 60% of the market. Roughly a half million workers are employed in meat slaughtering and processing (including poultry), but less than 3% are covered by a union contract; the real wages of workers have declined since 1976. Turnover rates are high, in some plants as high as 400% per year; the lowest estimate of turnover is 40% annually (Kandel 2009).

Employers seem to encourage high turnover to prevent unionization. In her study of central Mississippi poultry workers, Angela Stuesse (2016) was told by union members that the new hires from the area replacing undocumented workers were unlikely to stay. "When I asked [union steward Patrick] Herring if this would be a problem for Tyson, he shrugged, 'No. They'll just replace 'em. That's what they want!' Indeed, high rates of attrition do much more damage to organizing efforts than to company profits, and, as illustrated [earlier], the industry has adapted its production process to accommodate extreme worker turnover." (Stuesse 2016, 183)

Mississippi has 25,000 workers in the poultry industry, concentrated in central Mississippi, where three of the top five chicken producers (Tyson [1], Sanderson Farms [4], and Koch Foods [5]) all have plants. There are a few white workers left in the industry; it relies primarily on black and undocumented labor. Black labor is likely to be particularly vulnerable in this area, partly because of the tradition of intense segregation and subordination of black people in Mississippi and partly for reasons I have suggested here: Mississippi has the second highest (to Louisiana) rate of incarceration in the U. S. leaving many black women without male family members to help support themselves and their children, and many men doubly stigmatized as black and ex-felon. Poultry producers particularly like undocumented labor. In fact, as black workers

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[9] Two qualifications are necessary: first, poor people spend more of the budgets on food; so countries with many people who have little money, such as China and India, will spend more of their disposable income on food. Second, because, within countries, poor people spend a higher percentage of their budgets on food than wealthy people do, countries with more wealth inequality (such as the United States compared with Japan) can be misleading as to how much money the typical family may spend on food; if there are large numbers of very wealthy who spend small percentages of their income on food, this can obscure the situation of the typical (median) family which may spend a higher percentage on food than the average of everyone lumped together. I am unable to get percentages of the median budget expenditures on food, which would tell us more about what percentage an average person would spend.

organized unions in both poultry processing and catfish farming and processing, capitalists turned to undocumented workers to lower wages and reduce worker prerogatives. Cuban workers, who had legal residency, had a broader range of job prospects and would not stay in Mississippi poultry (Stuesse 2008, 148); as a worker put it, "Well, a Cuban, with legal papers, can choose any kind of work." (Stuesse 2008, 149) When two Cuban workers filed discrimination complaint that they were not hired because they were documented, the U. S. Department of Justice would not pursue the claims because being documented was not a protected category. (Stuesse 2008, 237)

Not only do many white workers harbor anti-black stereotypes which serve to divide poultry workers, but black and undocumented workers are also divided. Stuesse found that undocumented workers quickly accepted racist stereotypes that black people did not want to work. For their part, black workers harbored resentment of undocumented workers for undermining the rights that black workers had won: some black workers had engaged in union organizing and other resistance to management, even sometimes sabotaging production (someone threw soap in the water used to chill the chickens [Stuesse 2016, 124] in order to gain some respite from the unrelenting speed of the work); black workers may demand workers' compensation when they can't work because of injury while undocumented workers may keep working until the pain forces them out. Black workers can view undocumented workers as undermining the gains they have achieved, one worker explaining, "They're not taking our jobs, but they is working non-stop, raising expectations. ...Sometime they be there, like, a couple of days and stuff, like from one shift to the other one, without even going home (Stuesse 2008, 281). Another worker said:

> Well, we got some power now. And then [Hispanic workers] comes in... And they say, 'Okay, I'll do that.' And so then you say, 'Well, wait a minute, you know, we're using that as a leverage to get up the ladder further.' ...And the white people turn around and say, 'Well, hey, I ain't got to pay. I ain't got to do this or that, you know, because I can get him to do it.' And there goes your power, right out the window. So I think that's where a lot of the hostility's coming from. (Stuesse 2008, 281)

So black workers see themselves as having gained some rights that are eroded by the presence of undocumented workers. But the other side of the coin is that undocumented workers, cultivating the self-stereotype as willing workers, can see the anti-management militancy of black workers as confirming anti-black stereotypes of being lazy and not wanting to work.

The growing presence of undocumented workers in the industry has been used by management to depress wages and undermine working conditions, which can be brutal. Line speeds require workers in deboning to perform 20,000 motions per shift. Repetitive stress injuries are common, turnover high. Management uses company doctors who routinely misdiagnose or minimize injuries; management will tell injured workers to stay in the plant, even doing

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nothing, rather than sending them home, which would require an injury report. So injuries are greatly underreported (Stuesse 2008, 250-261). To indicate some of the extent and effect of injuries I quote a paragraph from Stuesse:

> Three union representatives that work in poultry plants throughout the South commented to me on separate occasions about the industry's crippling effects on entire communities. 'When they are done with you, they'll crumple you up like a piece of paper and throw you out and reach back for your kids,' one observed. Another spoke [of] a town full of African American families with 'three generations of cripples,' all of whom had worked in poultry. She went on to posit that one reason the Latin American population is growing in chicken plants is because 'they've crippled all the African American workers.' Still another organizer was telling me about the difficulties of doing worker outreach in the Black community with 'so many people [who were] broke up and cut up and bashed up and didn't get a penny out of 'em. You ought to see [some of the] houses they was living in.' (Stuesse 2008, 265)

Since workers – particularly the undocumented – are often fired for getting injured, Bureau of Labor Statistics reports of declining injuries should be regarded instead as reflecting the growth of undocumented labor (Stuesse 2008, 263). Management's approach to the brutality of the work is to insure an oversupply of workers (relatively easy, given depeasantization and a worldwide skyrocketing of relative surplus population), treat them as disposable, and simply replace injured workers with new ones. If they can retain a high enough percentage of the most vulnerable workers, they can also avoid workers' compensation claims.

The divisions between vulnerable workers – black and undocumented – have undercut union organizing in the central Mississippi area, lowered wages, and sped up the pace of work. Central Mississippi is representative of wages and working conditions throughout the southern-based poultry processing industry. This is why chicken is cheap.

If chicken is the extreme case, it is not atypical in food processing. In a 2006 *Chicago Tribune* article Dawn Turner Trice described the vicious conditions endured by Mississippi Delta catfish workers, mostly black women, such as timed bathroom breaks in bathrooms whose stalls lacked doors and sexual harassment. The workers had formed a union twenty-five years ago that won some rights, but the subsequent importation of undocumented workers undermined the gains workers had achieved (Trice 2006).

Beef and pork processing traced an arc from the brutal conditions at the beginning of the twentieth century (portrayed in Upton Sinclair's *The Jungle*) through the CIO period of the 1930s-60s that transformed meatpacking into a relatively decent working class job at union wages (Halpern 1997; Horowitz 1997), then to its current descent into conditions which are, arguably, as bad as ever. Under the innovation of Iowa Beef Packers and then later Cargill and ConAgra, beef and pork processing moved from the unionized urban centers of Chicago, Kansas City, and St. Paul to small towns in right-to-work states where

unions were weak – in areas closer to cattle feed lots. Huge packing plants opened; workers are being drawn from the world's displaced peasants (including failed U. S. farmers) into work at a blistering pace that reduced living mammals into the small pieces we see in the supermarket. Bodies wear out from the frenetic pace, long hours, forced overtime, six and even seven day weeks (Human Rights Watch 2004, Horowitz 1997). But workers are easily replaced.

Stoop labor harvesting crops is notoriously difficult. When Georgia enacted legislation prescribing harsh penalties for using fake identification documents to get jobs and empowering police to interrogate criminal suspects about their immigration status, growers could not find workers to pick their crops. The state government tried to use unemployed people on criminal probation as farm workers, but the probationers did not relish stooping to pick cucumbers for long hours in the hot sun (Brumbach and Henry 2011). Fruit and vegetable processing is not much easier. As a college student in California, I heard stories of the difficult labor in the canneries (which some students took to earn money during the summer). If the processing of fruit and vegetables lacks the horror of slaughtering animals who resist dying, it can be fast-paced and repetitive, leading to repetitive stress injuries. If changes in meat and poultry processing are indicative, conditions in other food processing have also deteriorated.

Who are the workers in these industries? Certainly undocumented and likely many who are ineligible for government support under TANF and people who are either on probation or parole or are stigmatized by a felony conviction (no one seems to collect this information). Management uses vulnerable labor to depress wages and working conditions in agricultural labor and meat, poultry, and other food processing. Depressed wages and brutal working conditions make food cheap. Cheap food makes it possible for the rest of us to buy the toys that we use to console us for work that lacks joy and to try to give our lives an empty meaning. These toys are part of what keeps the rest of us under control.

How Racial Injustice Divides the Working Class—and What Must Be Done

In the central Mississippi area that Stuesse (2008, 2016) studied workers had long been deeply divided by race; as I have argued, the extra exploitation and oppression of black workers in this region helps to understand why white workers there are, by national standards, badly off. This racial inequality and division affected workers in the poultry processing industry Stuesse studied. One worker reported that in the 1950s, when black workers were excluded at Southeastern Packers in Forest, Mississippi, a walk-out by poultry workers led the bosses to bring in black workers (Stuesse 2008, 113). Then in the 1970s, when the labor force at Southwestern was 80% black, a union was certified and workers struck (the white workers did not go out); white strikebreakers were brought in.

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The depth of racial inequality and consequent salience of race in this region means that workers are not conscious of themselves as a class. Still central Mississippi – while at the racist end of the spectrum – tells us what race means.

Real material inequality in workers' income, wealth, and working conditions enhances social control in two ways. First, as I just explained, the brutal superexploitation of workers in agriculture and food processing makes cheap food possible; cheap food means that more affluent workers have money for consumer goods such as electronic toys, which divert and amuse us. Second, material inequality among workers causes us to compare our condition to others more like us, rather than to the capitalist owners of the plants. These comparisons lead to two common responses: more advantaged workers are contemptuous of those who are worse off, blaming their condition on their perceived faults and failings (this is classical racist psychology); those who are worse off direct their anger and resentment at better off workers, whose contempt they often feel (Gomberg 2007, Chapter 8). These attitudes divide the working class. The capitalist gets off the hook.

Students of racial injustice often make one of two related errors. Seeing the brutal inequality of racial injustice, some lose sight of the common exploitation workers experience. (Stuesse [2008, 2016], for example, is clear about the different but real disadvantages that black and undocumented workers experience, but for her white *workers* are invisible and make virtually no appearance in her ethnography.) Alternatively, 'class unity' analysts see the common exploitation but minimize the brutal inequality that is racial injustice. We must fight both common exploitation *and* its brutal inequality. Only fighting *the two together* can unite workers in common struggle (Goldfield 1997). Unity is possible once we acknowledge both the brutality of racial injustice and how racism limits what is possible for *better-off* workers.

But *for what* should we fight? Every struggle against racial injustice in United States history has led to its elimination or modification *in that particular form* and to its *re-creation* in a new form. Why? I have argued that racist oppression of black and other workers is *functional* in the capitalist economy, providing workers with diminished rights desperate for work; this relative surplus population is the most deprived tier of workers and the unemployed, acting as an anchor and a disciplining force on other workers. This relative surplus population, organized through categories of race or allied categories, is favorable to profits for capitalists. Because racial injustice serves an economic function for capitalists, it is re-created in new forms. Here I have told the story of the most recent replacement. The *end* of racial injustice in all forms whatsoever will require the end of capitalism. What will replace capitalism? I have begun to sketch an alternative (Gomberg 2007, 2016; *cf*. Progressive Labor Party 1982): a communist society where labor is shared and we flourish by contributing to one another's flourishing.

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A Conditional Defense of Shame and Shame Punishment

Erick Jose Ramirez

Abstract: In this paper I argue that, if we properly understand the nature of shame, it is sometimes justifiable to shame others in the context of a pluralistic multicultural society. I begin by assessing the accounts of shame provided by Cheshire Calhoun (2004) and Julien Deonna, Raffaele Rodogno and Fabrice Teroni (2012). I argue that both views have problems. I defend a theory of shame and embarrassment that connects both emotions to 'whole-self' properties. Shame and embarrassment, I claim, are products of the same underlying emotion. I distinguish between moralized and non-moralized shame in order to show when, and how, moral and non-moral shame may be justly deployed. Shame is appropriate, I argue, if and only if it targets malleable moral or non-moral normative imperfections of a person's 'whole-self.' Shame is unjustifiable when it targets durable aspects of a person's 'whole-self.' I conclude by distinguishing shame punishments from guilt punishments and show that my account can explain why it is wrong to shame individuals on account of their race, sex, gender, or body while permitting us to sometimes levy shame and shame punishment against others, even those otherwise immune to moral reasons.

Keywords: Calhoun, embarrassment, gender, mental illness, race, responsibility, shame.

Shame and embarrassment are almost always unpleasant to feel. They belong to a family of 'self-conscious' emotions that include pride and guilt and which are closely associated with self-esteem and self-worth. Additionally, because of the social nature of shame and embarrassment, it can be difficult for us to fully extinguish these feelings. Furthermore, because shame and, to a lesser extent, embarrassment appear to focus on who we are (as opposed to what we have done), some philosophers have argued that these emotions do not have a place in a liberal pluralistic society (Nussbaum 2004). In this paper I make appeal to empirical work on shame and embarrassment to argue that shame and shaming can be justly deployed in pluralistic multicultural societies. Beyond the informal use of shame, I offer a conditional defense of state-issued shaming punishment on the basis of my account of shame.

First, I argue that empirical work on shame and embarrassment should lead us to see both as different ways of expressing the same underlying emotional process. This view diverges from recent philosophical analyses of shame and embarrassment that draw a sharp boundary between these emotions. I argue that we have good reason for unifying these feelings and rejecting other accounts. The distinguishing features of shame and embarrassment will be

shown to depend upon how the person feeling the emotion conceptualizes the situation she finds herself in. Whether the emotion is called shame or embarrassment expresses something about the relationship between the agent and how she perceives the judgments that others make of what I will call her 'whole-self' properties.

I then put this account of shame and embarrassment into practice. I offer a conditional defense of shaming and shame punishment in the context of a pluralistic society. Although recent defenses of shame have focused on a distinctly moralized conception of the emotion (Calhoun 2004), I argue that shame can be appropriate not only against moralized character flaws but also against non-moral normative failings. Though I believe that shame has these uses, we must be careful, I suggest, to avoid shaming individuals for aspects of their selves that are either not easily malleable or about which reasonable evaluative disagreement is possible.

Shame: Recent Accounts

Shame has many critics. Some have argued that shame is always inappropriate because it is fundamentally degrading (Nussbaum 2004). Others worry that a society in which shaming is sanctioned will be subject to the tyranny of the moral majority or in which shame-based violence is used to violate the rights and dignity of citizens (Hall 2013). Even if we grant that the politics of shame requires reformation (and it does!), I will work from the assumption that shame, and indeed all our negative emotions, can have value (D'arms and Jacobson 2000). Reformation, not abolition, is what is needed (Arneson 2007).

Julien Deonna, Raffaele Rodogno, and Fabrice Teroni (2012), hereafter DRT, have recently proposed a new account, and defense, of shame. On DRT's view, shame is defined in terms of the judgments that an individual makes about her values, her actions, and her character. On their view, shame is subjectively determined in a relatively extreme way by these judgments. Although social factors may play a *causal* role on their account of shame, the thoughts, judgments, or beliefs of others are neither necessary nor sufficient for the emotion. Additionally, although DRT attempt to distinguish shame from an emotion they call 'humiliation,' this account is impoverished. They do not explore the relationships between shame and anger (which they blend together in their account of humiliation) that would help to better distinguish embarrassment from humiliation. In these respects, their account of shame fails to capture important social and normative aspects of shame.

Second, Cheshire Calhoun (2004) has produced what may be the best known defense of shame in the recent literature. Unlike DRT's (2012) account, Calhoun rejects purely subjective explanations of the determinants of shame. Calhoun sees shame as an emotion that emerges when we are judged by others with whom we are co-participants in a normative framework. Shame, on her view, *requires* the existence of others (and their judgments) in order to function.

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According to Calhoun, "[m]oral criticism has practical weight when we see it as issuing from those who are to be taken seriously because they are co-participants with us in some shared social practice of morality" (Calhoun 2004, 139). Because we are co-participants, and because co-participation is always aimed at shared activities (moral, academic, or other practice) co-participants must develop and exist within the context of shared social norms. Thus, on Calhoun's account, even if we reject a co-participant's judgment about us, we remain shamed on her account because these judgments retain pragmatic social significance for us: "[s]haming criticisms work by impressing upon the person that she has disappointed not just one individual's expectations but what some 'we' expected from her" (Calhoun 2004, 140). One difficult question arising from such an analysis is who our co-participants are. Many of our shared normative institutions include hundreds of millions of others (in the case of national and global institutions). Notwithstanding this question, Calhoun's view has several advantages over DRT's account.

First, Calhoun's view takes seriously the social elements of shame and shaming. DRT go to great lengths to deny that shame has this essentially social dimension. Calhoun is right, I argue, to reject this claim. The judgments of real or imagined others are essential for shame and shaming to take place. Without reference to the judgments of real or imagined others, DRT's account of shame turns shame into a form of guilt over one's character traits.[1]

Calhoun's account also has another, less appreciated, advantage over DRT's more recent theory: it takes seriously the fact that shame can be experienced even when it goes against *one's considered judgment or values*. Because Calhoun's view of shame is grounded on the judgments of our co-participants, it is clear how those judgments could differ from our own. In other words, Calhoun's account can explain why an immigrant may feel ashamed about his legal status even if he consciously judges that there is nothing to be ashamed of. It can explain why a person may feel ashamed about their sexual identity and preferences even if they think that they should reject the values that govern this shame. This kind of shame is neither an aberration nor is it rare. That DRT do not allow for its existence is a significant drawback of their view. Worse, because DRT make shame an emotion tied to an individual's consciously held judgments and values they would need to claim that these individuals consciously believe

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[1] Guilt is traditionally defined as an emotion that is subjectively determined (i.e., only the guilty party can trigger guilt feelings). These feelings arise from judging that something we have done was morally wrong. In this sense, guilt is focused on the moral wrongness of our actions and only our judgment can trigger the feeling. That others believe I acted wrongly has no bearing on whether I feel guilty so long as I think what I have done is permissible. Shame, on the other hand, focuses not on the wrongness of our actions but instead on more global judgments about our whole selves. We feel guilt for what we have done but we are ashamed of ourselves.

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that they ought to feel ashamed in order to explain this shame. This is an unpalatable account of these forms of shame.

Although Calhoun's view has these advantages, I argue that it too should be rejected. I do this for two reasons. First, Calhoun's account of shame, like DRT's, makes it difficult to differentiate shame from embarrassment. Although both Calhoun and DRT distinguish shame from guilt, Calhoun does not clearly distinguish shame from embarrassment. This is a mistake for reasons that will become clear later. Although DRT distinguish shame from humiliation, their account of humiliation fails to capture the essence of embarrassment (and, indeed, cannot explain why we are sometimes embarrassed, but not humiliated, by positive attention).[2]

Additionally, both Calhoun and DRT neglect relevant empirical data on implicit bias, dual systems heuristics, and recalcitrant emotion that can help us make better sense of shame. Calhoun and DRT offer opposed, but polarized, theories of the role of subjectivity when it comes to shame. DRT assert that shame is entirely dependent on an individual agent's subjective values and judgments. It is impossible for others to shame me, on their account, unless I judge that I have failed to live up to values that I myself endorse (more accurately, when I judge that I have not only failed to live up to my values but have instead acted in a way that *I* judge to be antithetical to *my* values). This view places too much responsibility on an agent for her own shame (and provides an unpalatable account of shame as it relates to gender, race, and sexual identity).

Calhoun, on other hand, moves too far in the opposite direction. On her view we are subjects of shame whenever anyone with whom we are co-participants in a normative enterprise judges us negatively. Given the large scale of contemporary normative enterprises, Calhoun's view allows for situations that appear to elicit not shame but anger instead. It is at this point that better theories of shame, embarrassment, and anger can help us to make sense of this landscape and better explain when shame and shaming could be justifiable.

Shame, Embarrassment, Humiliation, and Anger

Although many theories of shame and embarrassment can be found in the psychological and philosophical literature (Keltner and Buswell 1997; Maibom 2010; Tagney and Miller 1996; Taylor 1985; Williams 1986/2006), I focus on the particularly promising account of shame and embarrassment that emerges from research conducted by John Sabini and his colleagues. On Sabini's view (Sabini

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[2] Interestingly, DRT approvingly cite Sabini's work in the context of discussing embarrassment (2012, 117). This is odd given Sabini's rejection of a bright line between shame and embarrassment, something DRT go to great lengths to argue *for*. It's not clear why DRT think it possible to accept Sabini's work on embarrassment without undermining their major thesis about the nature of shame.

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and Silver 1997; Sabini, Garvey, and Hall 2001) shame and embarrassment are two faces of the same underlying affective process. They are not distinct emotions but instead represent different ways of framing the same emotion. These different frames carry contrasting expressive messages about the feeler's appraisals (conscious or unconscious) about the situation that elicited the feeling.

Why should we think that shame and embarrassment represent different faces of the same emotion? On the one hand, we lack good evidence for uniquely distinguishing them. Shame and embarrassment cannot be distinguished via reference to unique patterns of bodily changes nor can they be distinguished by looking at patterns of neurological activation (Sabini et al. 2000; Sabini, Garvey, and Hall 2001). Additionally, Sabini and his colleagues argue that shame and embarrassment cannot be distinguished from one another in terms of their severity (shame is not necessarily a more severe or intense version of embarrassment), nor can the two feelings be distinguished by their characteristic objects (both shame and embarrassment target what are called 'whole-self' properties). Lastly, the failure to find distinct neurological or physiological markers for shame and embarrassment is not a unique phenomenon. Most emotions lack these features (Barrett 2006; Gendron, Roberson, and Barrett 2015).

Lacking mind-independent unifying characteristics, Sabini and colleagues argue that shame and embarrassment are products of the same underlying affective process. This process is triggered whenever real or imagined others are in a position to judge one or more of our 'whole-self' properties. Whole-self properties are features of a person's identity that may manifest in action but which are present even when not immediately acted upon: character traits, racial traits, gender and sexual identities, and the like represent some of our whole-self properties. According to Sabini:

> When someone makes the appraisal that something has happened that might be taken as evidence that his or herself has been discredited, an emotional state is triggered. That painful, inhibiting state, one that leads one to want to become small and hide, might be called "State A." If the person is later asked (or for some other reason chooses) to describe that state, if the person wishes to imply that he or she sees the revealed flaw as real, then he or she will call it shame. However, if he or she wishes not to license the inference that he or she believes a real flaw of the self was revealed, then he or she will call it embarrassment. (Sabini et al. 2000)

Any scenario where one or more of our whole-self properties is judged by real or imagined others is therefore an occasion for what Sabini calls 'State A.' Conceptualization, on this view, plays a key role in the differentiation of shame from embarrassment. We call the state shame as an indication that the negative evaluation of the whole-self property is true. We call the state embarrassment as a way of acknowledging that, although the situation *appears* to license the judgments that others are making of us, we don't really think we have the whole-self property in question.

For example, accidentally bumping into someone seems like a cause for embarrassment. This is because, in calling the emotion embarrassment, I acknowledge that it appears that I am clumsy or uncaring about personal spaces (both are relevant whole-self properties that may be up for judgment). However, I also, in saying that I am embarrassed, indicate that I think I actually *do* care about the personal spaces of others and that the fact that I bumped into you shouldn't lead you to think that I lack respect for your space. This way of thinking about embarrassment also helps us make sense of the seemingly puzzling instances of feeling embarrassed by *positive* judgments of our whole-self properties.

Feeling embarrassed by a compliment, in this instance, expresses the same message as embarrassment in other contexts: "although I grant that it may seem like I'm x, I don't really think I am x." DRT's conception of humiliation does not capture this phenomenon. On their view, humiliation necessarily requires a form of unjust public attack on our person. Embarrassment does not require such an injustice. Sabini's conception of shame and embarrassment, however, does make room for a form of anger that derives from 'State A' experiences that captures DRT's sense of humiliation as well.

On the view I am proposing, shame is a way of acknowledging an acceptance (conscious or not) of the real or imagined judgments of others.[3] Embarrassment is a way of acknowledging that, while a situation appears to justify an inference about our whole-self, we reject the judgment the situation appears to license. This leaves a space open for situations in which real or imagined others judge a whole-self property of ours and where we believe that those judgments are not at all licensed by the situation. For example, suppose a colleague calls me lazy despite significant evidence to the contrary. In such cases, Sabini claims, the emotion I am likely to feel is neither shame nor embarrassment (nor humiliation) but rather, I will feel anger. This account functions better both descriptively and normatively. Anger, not humiliation, is the right response to baseless judgments about our character.

As I have argued, Calhoun's account, while possessing advantages over DRT's view, does not match up to the picture of shame that emerges from the empirical literature. Calhoun is motivated to defend her account of shame, in part, out of a wider rejection of traditional conceptions of autonomy that fail to appreciate how autonomy can be socially constructed. This appreciation of the social dimension thus leads her to view shame not only as socially constructed in a shallow sense (i.e., that shame requires a social world and that this social world defines the sorts of exchanges that make shame possible for us) but in a much deeper sense. Shame is constructed, on her view, without input on the part of the

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[3] Unconscious appraisals (discussed below), allow appraisal theories like Sabini's to make room for the effects of internalized norms not present in consciousness.

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agent who is an object of shame (her judgments are neither necessary nor sufficient for shaming).

On Calhoun's view, the judgment of co-participants ought to trigger shame even when we believe that they lack any grounding. This seems wrong on both empirical and normative fronts. First, it does not appear that subjects in situations like these actually do tend to feel ashamed (Sabini, Garvey, and Hall 2001). Second, shame would be the wrong response to a groundless judgment about our whole-self properties. It is understandable why some might think that I am uncaring if I arrive late (through no fault of my own) to the department meeting, and hence why such a situation may be embarrassing. However, given no evidence at all for such a judgment (I have always been to meetings on time, go above and beyond with my teaching and service, etc.), being called uncaring in such circumstances, even by those with whom I am co-participants in a normative framework, calls for anger, not shame.

Acceptance of this view of embarrassment and shame need not imply, as Calhoun seems to claim, that we lose track of the essentially social aspects of these emotions. Both shame and embarrassment make sense only in the context of social spaces. For example, suppose that you are in the grocery store and I accidentally knock over a display of paper rolls which now begin to cascade onto the floor. This was an accident, of course, though the (real or imagined) gaze of others demands a response from me.

In a series of now classic studies, Semin and Manstead (1982) showed subjects a series of video clips of exactly the sort of scenario described. They argued that in a case like this "embarrassment displays can be construed as non-verbal apologies for social transgressions" (Semin and Manstead 1982, 369). Semin and Manstead furthermore found that individuals made less severe judgments about someone who knocked over a store display who then appeared embarrassed relative to those who were not embarrassed (1982). Sabini's research on shame and embarrassment can help us make sense of how all of this can be the case. Embarrassment signals a recognition, on the part of the embarrassed agent, that the situation appears to license a judgment about one or more of her whole-self properties. Furthermore, it signals that the embarrassed agent *rejects* this judgment about her properties. In doing this, she joins her audience in condemning the whole-self property that is *apparently* on display while, simultaneously, signalling that she does not actually possess the property in question. The social dimension is therefore an essential feature of any explanation of 'State-A' emotions.

Sabini's view provides a better account of the relationship between shame, embarrassment, and anger than prior accounts. However, it also has the resources to better explain the phenomena of 'recalcitrant' emotions. An emotion is recalcitrant when we continue to feel it despite our judgment that the feeling is unwarranted (D'arms and Jacobson 2003). Survivor's guilt, for example, is often felt by individuals even though they (rightly) believe that they have done

nothing wrong. All emotions have the ability to manifest as recalcitrant. Because DRT's view of shame requires that agents consciously judge that their actions flout their intentionally held values in order for shame to manifest, it carries the consequence that shame cannot be recalcitrant. Given the widely experienced nature of emotional recalcitrance, this is a significant cost of DRT's view.

Although Calhoun's view allows for a kind of recalcitrance, I argue that Sabini's view has the resources to provide a better explanation. Because Calhoun's view of shame allows for the judgements of others, all on their own, to shame an individual, it is possible for an individual to feel ashamed despite her own opposition. As previously noted, many of these situations would seem to elicit anger and not shame. Additionally, by ignoring the shamed agent, Calhoun provides an impoverished account of how recalcitrance can arise in us.

Sabini's theory of shame and embarrassment is an appraisal theory. In other words, subjects must conceptualize (i.e., appraise) their situation in the right way in order to feel certain emotions. These conceptualizations, importantly, need *not* be conscious. Many appraisals happen at the subdoxastic level. Dual process theories of judgment and decision making (Stanovich and West 2000; Kahneman 2003) for example, help to explain how subjects can feel ashamed by aspects of their whole-selves as a result of internalized implicit biases that run counter to their explicitly chosen conscious values.

Tension between implicit, internalized, norms and explicit, consciously held values better explains the phenomena of recalcitrant shame. Internalizing anti-immigrant norms, for example, may explain why someone may feel ashamed of being an undocumented immigrant even though they believe that open immigration policies are just. This explanation maintains contact with the individual feeling shame, unlike Calhoun's view, while keeping the judgments of real or imagined others an essential feature of the emotion. I now turn my attention to the regulation of what I will call 'moralized' and 'non-moralized' shame in the context of a pluralistic multicultural society.

The Regulation of Moral and Non-Moral Shame

I have argued that we should understand shame as an emotion that expresses something about the explicitly held or implicitly internalized norms of a speaker when one or more of her whole-self properties are judged by others (real or imagined). I now wish to distinguish between two different senses of shame that I will refer to as moralized and non-moralized shame.

The objects of shame (and embarrassment) are whole-person properties. These properties can manifest themselves in our actions but are not, themselves, easily reducible to an action. Although character traits are paradigmatic whole-person properties (i.e, one can be honest, manipulative, brave, selfish, cruel and so on), whole-person properties include features of a whole-self that are not, arguably, character/virtue based. For example one may be a good swimmer, a bad comedian, a mediocre artist, or an attractive person. Additionally, features of

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a whole-self include properties relating to racial, sexual, and gender identity along with a person's genetic, cultural, and ethnic heritage. This allows us to provide a unifying explanation of shame that connects shame felt about whole-self properties that vary across many dimensions (character properties, identity properties, embodied properties, and historical properties).

There are important distinctions to note about shame that relate to the kind of whole-self property involved. When a person is shamed over a whole-self property that represents, in the eyes of the shamer, a moral failing, we can refer to this form of shame as moralized shame. Moralized shame targets a feature of a person's whole-self in an attempt to use a subject's shame to enact their own conceptions of moral progress. Moralized shame, in this sense, is defined largely in terms of the intentions of the shaming party. This is in contrast to traditional accounts of guilt which are largely focused on an individual judging that he has acted wrongfully. As a result, it is possible for a committed racist to use race-shame in a moralized way. Although this form of moralized shaming is wrong, I will argue that at least some forms of moralized shame can be justifiably deployed in a pluralistic society. My sense of moral, in this application, will therefore be limited to moral norms that must be shared in order for pluralistic communities to flourish.

Non-moralized shame can be defined as shame which targets a whole-self property for a non-moral failure. Non-moral shame is still normative, and this normativity will play an important role in my defense of non-moral shame, but this normativity is not essentially moral. For example, one may be ashamed of being a bad teacher in a way that does not implicate a clear moral failing.

We can also mark distinctions grounded on features of the whole-self property being targeted by the shamer. As previously noted, some whole-self properties are more straightforwardly related to an agent's actions than others. A person can only manifest the whole-self property of 'being a liar' or 'being a narcissist' or 'being courageous' if they have a history of acting in ways that support the existence of such properties.[4]

Other whole-self properties are less clearly connected to an agent's actions. For example, being a member of a certain racial group is explicable largely in terms of the social and historical context that an individual is located in and are less dependent on an individual's actions, beliefs, and judgments than other whole-self properties that may adhere to us.[5] Whole-self properties connected to

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[4] In marking this distinction, I step into somewhat contentious territory about the nature of character traits (Sreenivasan 2013; Doris 2002). Because I focus here on the ethics of shaming, it is essential, to my account, that shame is only permissible, in the rare cases where it *is* permissible, only on account of whole-self properties that manifest in behavior.

[5] The construction of race is, of course, much more complicated than I have laid out here. Additionally, insofar as race has performative aspects, individual behavior can be a relevant (but not determining) feature of one's racial identity. For example, Mallon (2004) and Appiah

action are therefore more malleable than those whole-self properties not so easily connected. This distinction is important to keep in mind when discussing the permissibility of shaming, especially when enacting shame punishments.

While it may be difficult to shift from being a liar to someone who is honest, it is even more difficult to shift more durable whole-self properties (those relating to race and sex are especially durable in this sense). Other properties lie somewhere in between these extremes. Bodily whole-self properties, for example, are often subject to shame. Though our body shape is loosely under our control, the malleability of bodies (especially with regard to weight and appearance) is less susceptible to individual action than other more straightforwardly character-based whole-self properties. I argue below that this fact makes body shaming unjustifiable.

With these distinctions in mind, I now propose (and defend) both moralized and non-moralized shame and, in rare circumstances, even the enactment of shame punishments. Moralized and non-moralized shame, in the context of a pluralistic society, can be used to effect positive change. Shame is permissible, on my view, when it meets the following criteria:

1. Shame does not target a deeply durable whole-self property: durable properties are those non-character based whole-self properties that are difficult, if not impossible, for an individual to alter.

2. Shame does not target features of the whole-self over which reasonable pluralistic disagreement exists: a disagreement is reasonable if it is possible for parties to the disagreement to live alongside one another while maintaining their disagreement.

The first criterion helps us to see which whole-self properties are proper targets for shaming. The second criterion situates shaming in the context of pluralism and multiculturalism. One of the many concerns that opponents of shame punishment raise is the danger of a tyranny of a moral majority (Nussbaum 2008; Hall 2013). Shame can be dangerous if used to force a universalist normative ideal on a diverse citizenry. We can help to mitigate the problem of a moral mob by appealing to Rawls' notion of a public reason in the context of multicultural and pluralistic nations.[6] My defense of shame and

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(1996) go to great lengths to demonstrate the various ways in which institutional and social forces can shape racial categories and racial identity.

[6] My account of reasonableness is indebted to Rawls' (1996) account of the reasonable citizen. In doing so, I do not intend to commit myself fully to Rawlsian political ideology. For example, though I appeal to Rawls' notion of a public reason to define a reasonable disagreement, I use it only to discuss the permissibility of shame and, in an even more limited sense, shame punishment. I take seriously concerns others have raised that a state that adopts Rawls' principle of public reasons may operate on anti-democratic norms (Benhabib, 2002). I do not aim to restrict the content of speech in a pluralistic society. My argument is intended to justify the shaming of individuals who hold views that are unreasonable in the thin sense of reasonable implied by the notion of a public reason.

shaming is conditional: only whole-self properties over which reasonable disagreement is impossible are proper targets for shame.

Examples will be helpful to clarify the criteria. Reasonableness is admittedly difficult to define. For my purposes, a commitment to pluralism requires the acknowledgement that others may disagree with me about matters of value. So long as it is possible for individuals to peaceably live alongside one another while maintaining their disagreements, the disagreement is a reasonable one. Persons of different religious groups, for example, hold deeply inconsistent metaphysical views and/or have conflicting beliefs about value. However, it is possible for most parties of religious disagreements to live alongside one another provided neither's beliefs command the conversion or elimination of non-believers. This type of disagreement, while deep and longstanding, is reasonable. Religious shaming, in these situations, would be inappropriate as the change it would effect is inconsistent with value pluralism.

Contrast this with the conflict that holds between a committed racist of the sort who believes that members of other races (as he construes them) are sub-human. In such a case, it is impossible for members of different races to live alongside such a person without radically constraining the liberty of at least one of the parties. The disagreement between the racist and his neighbors is unreasonable. Racism, in this sense, is defined by a set of beliefs. Even if the process of changing these beliefs is difficult, beliefs are malleable. The racist can therefore be rightfully shamed in such a scenario and *ought* to be ashamed of himself for his beliefs. The shame, in this circumstance, would ideally function to change his whole-self property of 'being a racist' to something that fits more comfortably in a pluralistic society.[7] The same would apply to non-racist political ideologies that would qualify as unreasonable in the thin sense I intend here (i.e., those that restrict voting rights along gender or class lines). These would also be justifiably open to shame and shaming punishments.

Consider another example: aesthetic whole-self properties. Properties like 'being beautiful', 'being elegant' and the like may be *durable* and thus blocked by my first criterion from shaming. However, even if they are not durable, that is, even if individuals can exercise some control over their aesthetic whole-self properties, I argue that they still form an inappropriate basis for shaming. Aesthetic properties will *always* be subject to reasonable disagreement even where culturally dominant models of beauty exist. This is because it is always

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[7] Success, in this instance, does not mean that we fully convert the racist or remove all of his noxious beliefs. All that is needed is to shame the racist into a more reasonable position about the humanity of his neighbors so that he may peaceably live alongside them. Though moralized shamers may seek to enact even greater change in the racist, this form of shaming would run afoul of my second criterion. The moral majority does not have a right to shame others into accepting its values so long as evaluative disagreements are reasonable. It's not clear whether any forms of racism would be reasonable in the public reasons sense though at least some offensive ways of being would remain.

possible for individuals with conflicting aesthetic ideologies to live alongside one another. The second criterion, grounded on the notion of reasonable disagreement, blocks the imposition of aesthetic mob rule just as much as it blocks the rule of the moral majority. The only exceptions to these generalizations are aesthetic ideologies that combine with one or more moral failings to threaten the existence of shared public spaces.[8]

Shame Punishments

The function of shame is to enact a positive change in whole-self properties that, for moral or non-moral reasons, are inconsistent with pluralistic multicultural societies. Shame is poised to enact these changes in ways that other reactive attitudes, like guilt, are not. Specifically, this is because guilt is typically thought to focus on an agent's *actions*. That is, an agent must judge that they have *done something wrong* in order to feel guilty. Reparative behaviors related to guilt therefore focus on repairing the negative consequences of a bad action. Guilt does not, importantly, require that agents consider their whole-self properties from which those bad actions issue (Williams 1989/2006). Reparative action related to shame, therefore, is focused on *changing* the whole-self properties that an agent is ashamed of. It is not enough to apologize for lying in order to rid oneself of the shame of being a liar. One must *cease to be* a liar. This is the special value of shame. When properly deployed, shaming can enact positive change in both the shamed person and, as a consequence, provides a benefit to his society as well (Arneson, 2007).

Shame punishments represent punishments whose main aim is to encourage a specific form of self-reflection in the hopes of enacting positive change in the target's whole-self; importantly, shame punishments extend beyond traditional guilt-based incarceration and often include dialogue between the subject of shame punishment and the individuals and/or community enacting the punishment (Book 1999). Successful shame punishments change a person's perspective so that he comes to reject the targeted whole-self properties and is driven to change them in order to relieve himself of shame. Shame punishments can vary though they all share the goal of publicizing that the shamed person has the whole-self property for which he is being shamed. For example, some shame punishments require that an individual stand in front of a courthouse holding a sign identifying their crime or to place a similar sign near their home (Book, 1999).

Before defending shame punishment, I wish to say several things about shame and its connection to shame punishment. First, if my earlier argument has

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[8] In cases like these, shame is appropriate only because the relevant whole-self property poses a threat to public spaces and not, purely because it is the subject of aesthetic disagreement. Examples are difficult to come by though aesthetized versions of Feinberg's (1985) bus cases may help elucidate the relevant sense of 'threat to public spaces' that I have in mind.

force, then shame and shaming are sometimes justifiable in the context of a multicultural and pluralistic society. To say that shame is justified in this context is to say that a person *may* be shamed in a narrow range of cases (for malleable whole-self properties that are not properties over which reasonable disagreement is possible). However, it does not tell us who is justified in shaming the individual. I argue that the *state* is best poised to shame individuals for such properties. Why is this the case? If shame is left at the purely informal level, concerns about mob rule are far more likely to arise. In a minimally just pluralistic society, the rule of law would prevent states from enshrining into law legislation that would run afoul of my proposed criteria for shaming. As a result, state-sanctioned shaming (i.e., shame punishments) is justified if shaming is justified.

We must be cautious in the application of such punishment. Historical shame punishments almost all run afoul of my proposed criteria. Many historical shame punishments target whole-self properties that are subject to reasonable disagreement. Adultery, apostasy, and bigamy, for example, are norms over which reasonable disagreement is possible. Shame punishments, historical or contemporary, that target these properties are unjustifiable. Secondly, historical shame punishments often faltered because they made it impossible to enact positive change in the shamed individual by transforming a malleable whole-self property into a durable one. For example, although 'being a thief' is a whole-self property that it may be appropriate to shame someone for, branding an individual makes it impossible to change the property and hence is an inappropriate form of shaming.[9] Lastly, we must be cautious in the forms of shaming that we allow. In what follows, I specify the particular constraints that should limit the form of shame punishments.

The infliction of shame, in the limited circumstances I outline here, is meant to cause positive change in the individual being shamed. Shame, as I defend it, targets malleable whole-self properties that render it impossible for an individual to live peaceably alongside his neighbors. Because the removal of shame requires the removal the of whole-self property targeted, shaming can cause positive change to the individual. Questions about the efficacy of shaming in terms of enacting positive changes in a person are partly empirical and in that domain the answer appears to be that shaming *can* effect positive change in a person if used correctly. For example, shaming appears to reduce recidivism more than traditional guilt-based incarceration (Tangney, Stuewig, and Martinez 2014). Shame, moral or non-moral, must be aimed very specifically only to those whole-self properties that we wish to change.

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[9] In the United States, many states require that any individual convicted of a sex offense list themselves in a 'sex offender registry' for their lifetime and to update this registry whenever they change their home address. This form of shaming may also transform a malleable property ('being a sex offender') into a durable one and hence may also be an inappropriate form of shaming.

Shame must not be used to merely reject a whole-agent as a member of society. Call such shame disintegrative shame. Such disintegrative shaming, insofar as it targets an entire person, unfairly targets durable whole-person properties along with those that are subject to reasonable disagreement. Disintegrative shaming is ineffective at producing positive character change. For example, some have argued that "when individuals are shamed so remorselessly and unforgivingly that they become outcasts...it becomes more rewarding [for them] to associate with others who are perceived in some limited or total way as also at odds with mainstream standards" (Braithwaite 1989, 67). For this reason, I favor appealing to what is known as *reintegrative* shaming in the context of shame punishment (Braithwaite 2002; Morris 2002).

Reintegrative shaming aims to respect the individual while attempting to get him to see one of his particular whole-self properties as negative. Insofar as shame has a purpose, its purpose should be reintegrative. However, I have argued that shaming and shame punishments can be used in several ways. The following examples should clarify the extent to which shame, properly attenuated, has a place in a pluralistic society.

Take the following three cases: Alzheimer's disease, antisocial personality disorder, and gender dysphoria. Mental illness is a notoriously difficult and multifaceted construction with many critics (Maddux 2001; Wakefield 1992). The 400+ list of mental illnesses and disorders classified in the *Diagnostic and Statistical Manual of Mental Disorders* (APA 2013) notoriously bear little relationship with one another in a way that allows for an easy unification of the concept of mental illness (Wakefield 1992). Given the variable nature of particular mental illnesses, individuals with some mental illnesses may be open to shame while others, due to the nature of their illnesses, would not be. This is because the DSM identifies conditions that include whole-self properties over which individuals can exercise significant control along with conditions over which individuals have little to no control.

Alzheimer's disease is a complex disorder arising largely from factors beyond an agent's ability to modify and over which agents are able to exercise little present control. Although "being a person with Alzheimer's disease" is a whole-self property, and hence could be something that a person is ashamed of, I argue that it is not a proper object of personal or social shaming. This is true even though it is understandable why some may feel shamed by the effects and progression of the disease. 'Being a person with Alzheimer's disease' is too durable a property for social shaming. We may additionally argue that taking neurodiversity seriously should lead us to view the value of 'being a person with Alzheimer's disease' as the subject of reasonable disagreement.[10]

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[10] Alexandra Perry and C.D. Herrera (2013) speak broadly on the issue of the commitment to pluralism embedded within the context of neurodiversity movements.

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On the other hand, consider an individual diagnosed with antisocial personality disorder (ASPD). A person with this condition would be an apt candidate for shaming based on my proposed criteria. ASPD is diagnosed largely via reference to a person's harmful antisocial behavior and their emotional character (APA 2013, 476). Both behavior and affectivity are things over which agents are able to exercise at least some control, they are malleable.[11]

Non-moral shame and shame punishment are especially significant for individuals diagnosed with ASPD (and especially the subset of those with ASPD who are also psychopaths under the PCL-R test). This is because some have argued that those with ASPD may not understand moral reasons and thus are constitutively unable to feel guilty about what they do. Insofar as understanding moral wrongness is thought to license retributive punishment, this line of reasoning would suggest that those with ASPD cannot be held responsible for what they do (Levy 2007). Importantly, though individuals with ASPD may not be susceptible to guilt, evidence suggests that they are capable of feeling shame (Morrison & Gilbert 2001).

Insofar as those with ASPD are amenable to non-moral forms of shame, concerns about holding these individuals responsible can be largely circumvented (Ramirez 2013; Ramirez *forthcoming;* Talbert 2008). This is a very real advantage of including non-moral shaming in a theory of shame. So long as a person can be ashamed of a noxious whole-self property, their inability to feel guilty about it (or to understand that what they are doing is *morally* wrong) does not excuse them from accountability. Furthermore, the motivating effects of shame and shame punishment can be used to enact positive behavioral improvement in such individuals in ways that have proven more successful than traditional therapeutic approaches (Tangney, Stuewig, and Martinez 2014). Some have argued that ASPD, along with all 'cluster-B personality disorders,' are better construed as moral disorders given that they are characterized primarily in terms of moral failings (Charland 2007). Because ASPD is malleable and because ASPD is largely defined in terms of antisocial behavioral traits that make it difficult, if not impossible, for someone with ASPD to live peaceably with others, it is permissible, assuming my criteria are met, to target these individuals for shame and shame punishment.

Lastly, I wish to consider the diagnosis currently described as gender dysphoria (GD) in the DSM (APA 2013, 451). Gender dysphoria is described as a persistent and pervasive dissatisfaction or unhappiness (dysphoria) caused by a "marked incongruence between one's experienced/expressed gender and primary and/or secondary sex characteristics" (APA 2013, 452). Gender dysphoria replaced a disorder known as 'Gender Identity Disorder' (GID) in the previous incarnations of the DSM (APA 2000, 581). Gender identity (either under

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[11] Some may have impulse control disorders that transform affectivity into an especially durable trait. Such individuals may be exempt from shaming on that basis.

the GD or GID labels) should not, on my account of shame, be something about which individuals should be made to feel shamed about. Gender identity is a durable property. Additionally, social constructions of sex and gender are topics about which reasonable disagreement is possible. Much as with racialized shame, we can make sense of how individuals who internalize norms that denigrate their identity can come to feel a pervasive sense of shame about this whole-self property. The proper response, in the context of value pluralism, is to prevent the shaming of people over their gender identities and to encourage a shift in perspective so that the shamed individual comes to reject the norms that ground it.

Conclusion

Shame is a powerful reactive attitude that is often associated with the worst aspects of the social world. Shame is unpleasant to feel and, when recalcitrant, can make us doubt our own value and even our identity. It is important, for these reasons, that we better understand the conditions that trigger shame and how this emotion is related to humiliation and anger.

I argue that it is best to think of shame and embarrassment as two faces of the same underlying emotion. Once better understood, I argue that shame, used in the right way, can be an important instrument for positive change in the context of pluralistic liberal societies. Provided that a society targets malleable and unreasonable whole-self properties, shame can be used to reintegrate individuals into society in ways that have been too-long neglected.

Shame is a dangerous tool, however, when used incorrectly and caution must always be exercised to ensure that shame is used in reintegrative not disintegrative ways. Though the dangers of shame and shame punishment have led some to argue in favor of social prohibitions against shame, this conclusion is too strong. Shame, suitably, rehabilitated, can be an important aspect of social progress and social justice.

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Grounds and Structural Realism: A Possible Metaphysical Framework[1]

Bianca-Alexandra Savu

Abstract: This article discusses the proposal of accommodating grounding theories and structural realism, with the aim to provide a metaphysical framework for structural realism (ST). Ontic structural realism (OSR), one of the most accepted metaphysical versions for structural realism, is taken into account here, with the intention of analyzing the framework in which GT and OSR are compatible, and to what extent.

Keywords: abstraction, grounding theories, metaphysics, structural realism, structure.

Introduction

Worrall (1989) introduces structural realism as the best version of scientific realism, a positive answer to the pessimistic meta-induction able to account for the 'realist' label enforced by the '(no) miracles argument.' Scientific realism is the view according to which we should commit ourselves to the existence of the non-observable entities posited by our scientific theories. Thus, the success of science would not appear to be a mere coincidence, but something to be expected, as scientific theories are at least approximately true descriptions of the world. Still, there is this phenomenon of theory change which casts doubt on the realism of our theories – in the history of science one may encounter many examples of theories once considered true, but then dismissed and replaced by other theories which had the same fate. Structural realism, then, is a commitment to the (mathematical) structure of our best theories, not to the unobservable entities they posit, and its roots can be traced back to Poincaré, as Worrall points out:

> There *was* an important element of continuity in the shift form Fresnel to Maxwell – and this was much more than a simple question of carrying over the successful *empirical* content into the new theory. At the same time, it was rather less than a carrying over of the full theoretical content or full theoretical mechanisms (even in 'approximate form') [...] There was continuity or

accumulation in the shift, but the continuity is one of *form* or *structure*, not of content. In fact, this claim was already made and defended by Poincaré. (Worrall 1989, 117)

Worrall's proposal to take into account a structuralist version of scientific realism, in which the main role is to be played by the relations among phenomena that our best (accepted) theories illustrate, would give, then, a glance at how, and not what, we can know. Following Ladyman (1998), in this paper I will call the version of structural realism that Worrall endorsed epistemic structural realism (ESR). Worrall points out that his proposal is no novelty:

> It cannot be said that this is reducing physical theories to simple practical recipes; these equations express relations, and if the equations remain true, it is because the relations preserve their reality. They teach us now, as they did then, that there is such and such a relation between this thing and that; only the something which we then called *motion* we now call *electric current*. But these are merely names of the images we substitute for the real objects which Nature will hide for ever form our eyes. The true relations between these real objects are the only reality we can attain... (Poincaré quoted in Worrall 1989, 118)

Worrall takes into account Hardin and Rosenberg's view according to which, in the case of theory change from Fresnel's to Maxwell's theory on the nature of light, the first one was actually referring to the same entity as the latter and also Boyd's account on theories as better approximation to the truth. His argument is that although the conclusions both parties arrived at are wrong, the intuitions lying behind them are correct – there is continuity in the shift from one theory to the other, not in content, but in form or structure.[2,3] The version of structuralism endorsed by Worrall is considered to be, mainly, an epistemological one, as Ladyman's (1998) analysis points out. Referring to Grover Maxwell and Russell's account, according to which only second order, descriptive, structural properties of objects can be known, Ladyman discusses the problems this form of epistemic structuralism eventually encounters:

> There are serious difficulties with this view, which were originally raised by Newman (1928) [...]. The basic problem is that structure is not sufficient to uniquely pick out any relation in the world. (Ladyman 1998, 412)

In Ladyman's view, Newman's problem could be given a solution in accordance to Benacerraf's observation that objects, in order to be properly named as such, should be treated as individuals in the structure, otherwise there is danger that, given the right setting, any 'object' could occupy the respective position. From this point of view, what structural realism tells us is not about the

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[2] A detailed analysis of the equations from Fresnel and Maxwell's theories is to be found in Worrall 1989.
[3] Worrall in (1989, 122) also states that: "On the structuralist view what Newton really discovered are the relationships between phenomena expressed in the mathematical equations of his theory, the theoretical terms of which should be understood as primitives."

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objects or their properties, but about the relations and the structure the world is made of (Ladyman 1998, 422).

The structural realist demands for a metaphysical framework, able to account for the relation between models and the world, one in which objects can be individuated, thus complying with Benacerraf's observation. The thesis of the present paper is motivated by this request, which I also corroborate with Psillos' critique on the strongly developed ontic structural realism, presented below.

Ontic Structural Realism

One of the most extensively discussed solution to the demand for a metaphysical framework is ontic structural realism (OSR), developed initially by French and Ladyman (2003). A detailed exposure is to be found in Ladyman and Ross (2007, chapter 3). I will briefly characterize it here as the commitment to the idea of the world having an objective modal structure, described by our best scientific theories and independent of our epistemic states. Ladyman and Ross advise the understanding of the term 'modal' as 'nomological,' in the case of fundamental physics,[4] which is at the center of their discussion, thus saving the no-miracles argument for realism in science. Objects are considered to be "pragmatic devices used by agents to orient themselves in regions of spacetime, and to construct approximate representations of the world" (Ladyman and Ross 2007, 130), whose identity and individuality is to be defined in terms of the world's structure. Moreover, as they specify,

> [...] This is the sense in which our view is eliminative; there are objects in our metaphysics but they have been purged of their intrinsic natures, identity and individuality, and they are not metaphysically fundamental. (Ladyman and Ross 2007, 131)

Structure becomes, thus, ontologically (more) fundamental, in comparison to objects which are to be identified, on the new terms, via group theoretic structure, following Weyl (Ladyman and Ross 2007, 145). Individuals become locally focused abstractions from modal structure – the relationships among phenomena to which modality can be ascribed to (necessity, possibility, potentiality and probability).

Modal commitment thus proves to be one of the most important features of scientific realism; in the case of ontic structural realism, natural necessity must be taken into consideration. Psillos criticizes this account, in which modality generates structure, all being reflected in the retainment of the mathematical structure of our best accepted theories, and notes that mathematical structure is abstract, and abstractions do not have causal powers. Should structural realism be abstract enough to enable discussion of structure, and also concrete enough to be instantiated by physical systems, as French

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[4] For special physics, as they mention, causal structuralism could be the best available option.

requires, Psillos asks the question of priority – to whom are structures prior to, if they are all that there is? The positive side of Psillos's critique is built on the assessment of a version of OSR, M-OSR, due to Michael Esfeld, which incorporates Causal (hypo)Structuralism and leads the way in bringing into attention properties *qua* universals. According to M-OSR, physical structures consist in concrete relations among objects whose identity is given by the relations they engage into, CS' contribution denying *quiddities* to properties – that is, properties ought to be identified only *via* their causal profile. One of the problems of CS is that it replaces *quiddity* with *totalitas*:

> All it will succeed in identifying is the whole network of properties [that satisfy the Ramsified lawbook], without identifying any of them in particular. Here, at best, we get a *totalitas* (the Ramsified lawbook) and a specification of properties in relation to it. [...] this relative specification will leave us in the dark as to what property is what. (Psillos 2012, 175)

The solution to this puzzle is that some of the properties get their identification by some other process, and this leads straight to causal hypostructuralism, where causality itself has to be identified *via* something independent of its function in the web. However the path of causal (hypo)structuralism might seem misleading, CS seems to promise to ground the idea that physical structures are "genuinely causal, their essence being their power to produce certain effects." (Psillos 2012, 176) Psillos advocates for a version of structural universals admitting spatial universals able to account for both features that structures seem to require for OSR: abstraction, as they are repeatable and shareable, and modality – bearing the force to produce effects in the phenomenal world (Psillos 2012, 184).

OSR possesses the feature of a very promising account for our scientific theories – it is able to sustain the no-miracles argument and to defend realism against pessimistic meta-induction; it also has metaphysical implications. However, the last dimension remains to be explored – as we have seen, this view has to explain how structures, though abstract, can have modal, physical effects. In what follows, I offer another interpretation for this matter, one in which the starting point is the object, not the structure. I describe another way of reaching structures, *via* objects, and discuss some of the contributions this account can bring to (O)SR.

Theories of Ground

The theory of ground I will refer to is the one advocated by Kit Fine, according to which the notion of ground is the metaphysical counterpart of 'essence.' One important aspect in the family of ground is related to ontological dependence, one of the virtues acquired by adopting Fine's view on essence.

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Ancestors of Ground: A Finean Account on Essence

Traditionally, the pair necessity-essence was given the form of reduction of the latter to the former. This relation is expressed, in (philosophical) logic, by using *de re* statements and the necessity operator, such that in assessing the sentence's truth value, one should be committed to the necessary attribution of a given property in all the possible worlds the object we are referring to exists. According to this view, an essential property is a property the object has in all the possible worlds – in other words, there is no way we can conceive of the object not having that very property. Conditions have been imposed on the type of property discussed here – it should not be a trivial one (such as self-identity or existence), it should not be possessed in virtue of some other property, belonging to another category (for instance, Socrates' humanity is not essential in virtue of the identity between 2 and 2) and so on.

However, difficulties arise from this account. The most prominent criticist of *de re* statements is Quine, who dismisses the analogy in treatment of modal and temporal logic, arguing that although they seem similar, preservation of identity across possible worlds or by continuity in time, in the same world, are different matters (Quine 1976). In fact, only the latter is plausible, – for the transworld identity, we have no warrants, as the objects' *quiddities,* should they exist, are not accessible to us. Admitting *de re* statements is committing oneself to the "jungle of Aristotelian essentialism" (Quine 1953), and it should be avoided, even if the price is to give up this kind of statements.[5]

Another challenge was raised by Roderick Chisholm (1967): suppose we have a set of possible worlds W and the actual world is 'w*.' Some of our objects are Adam and Noah. We can exchange their properties, one by one, slightly, such that in consecutive worlds, no differences can be observed. In the final world, let's call it 'u,' the role played by Adam will belong to a person presenting all of Noah's [w*] properties and vice versa. It is also important to note that adjustments are to be made also to the other objects whose properties are related to Adam and Noah. The puzzle then arises: by transitivity of identity, Adam [w*] and Adam [u] are identical. Still, the properties of Adam [w*] correspond to those of Noah [u] and, and Adam [u] has all and only the properties of Noah [w*]. This example shows us that we do not have a means by which to determine the objects' *quiddities*. Also, there seems to be a problem with *de re* statements, which actually imply we can talk about essential properties, in terms of necessity.

However, Kit Fine objects, in a series of articles, to this traditional account on essence and suggests that instead we should treat necessity in terms of essence[6]. Should we have a property F, and a statement A, then $\Box_F A$, read "A is

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[5] According to Quine, should modal logic contain only *de dicto* statements, there would be no concern about its legitimacy.

[6] For more details, see Fine 1994.

true *in virtue of* the nature of the objects which F."[7] The statement is obtained by prefixing A with the essentialist operator $\square_F$, 'in virtue of the objects that F,' which has been formed by specifying the property F to the essentialist operator. The logic thus developed, E5$^{(+)}$ incorporates S5, the standard modal logic system and some other axioms that describe its characteristics. In what follows, its metaphysical implications will be taken into account. The statement A, in the above example, attributes essential properties to an object; its truth-value is determined in relation with a class of objects sharing a certain property – F. How was this class obtained? Fine's answer would be: by using the λ-abstraction on the property F – thus creating a cloud containing all the objects that F. The nature of the objects that F is in question here, and this very nature establishes the truth of statement A.

Reformulating the issues raised by CP can bring us one step closer to the issues that the finean account on essence aims to solve. CP questions our common intuitions on the relation between objects and properties – who is identical to whom, in the above-mentioned example? Is Adam [w*] identical with Adam [u] in virtue of the role they play in the 'structure' of the respective possible worlds, or the former is identical to Noah [u] because of the properties they share? Is it essential for one object to stand in the relations it stands, or its properties are the ones that help us identify it? The core of this problem seems to be the notion of ontological dependence between objects and properties: objects are given to us fully loaded with their properties and the relations they stand in – objects are ontologically dependent of the properties they have, and the properties are also dependent on the objects instantiating them. The finean notion of essence promises to be free of ontological dependence: a property F is abstracted from an object and the class of all objects that have this property is then obtained. Then, in virtue of the nature of that cloud of objects, statements receive their evaluation. The dependence chain is broken once through λ-abstraction and then by the instantiation of the property in some object, about which the statement is about.

Grounds in Metaphysics

Ground, if you like, stands to philosophy as cause stands to science. (Fine 2012)

A similar relation to that between essence and necessity is the one between grounds and explanation. Ground is considered to be the ultimate, fundamental form of explanation; it belongs to the metaphysical level and it links entities of the same kind: facts or statements. It borrows a traditional form and consists of grounding and grounded entities, and presents many varieties, according to the criteria taken into consideration. Thus, it can be (non)/factive, plural or singular, full or partial, (im)/mediate, weak or strict, (non)/distributive.

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[7] See Fine 1995, 241-242.

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For example, we can talk about a fact C grounded in the fact A and some other ground B, which is not factive[8]. Let us consider B to be a moral judgment; then, C is non-factively (because of B), plurally (because of A and B grounding together C) grounded. On the other side, A and B are each partial (non-distributive) grounds for C.

The image I try to picture about grounds goes as follows: they belong, in a theoretical account, to the species of explanation. In the world, they are facts that produce effects. They cannot replicate (they are non-reflexive), but support transitivity (because of the mediate type allowed) and are not symmetrical (because of non-reflexivity and in order to avoid circularity – a grounded fact cannot ground its ground(s)). They can be encountered at all levels of the physical world, up to the fundamental one, where we should or could be talking about the ungrounded. A grounding fact can thus have its own grounds, as long as it is not circular; also, there is a limit where the chain ends.[9]

Grounds also prove to be a strong and useful resource for realism – they are is, as Fine advocates, the starting point for a discussion about what is real:

> I come to two main conclusions: first, that there is a primitive metaphysical concept of reality, one that cannot be understood in fundamentally different terms; and second, that questions of what is real are to be settled upon the basis of considerations of *ground*. (Fine 2001, 1)

Fine argues that determining which propositions are factual requires an inquiry on the grounds of the entities in question, as real/fundamental propositions are factual, and propositions grounded in the real are factual (Fine 2001, 28). The approach he favors consists in a continuous search of grounds for propositions, until we reach to what is (grounded in the) real, as "any basic *factual* proposition will be real. For any true factual proposition is real or grounded in what is real; and so the proposition, if basic, will be real." (Fine 1002, 26). If such a point is reached, then another real/existing fact/entity has been determined. Realism, then, starts gaining force.

This is one of the applications of the theories of ground. Another step, closer to the philosophy of science, has been made by Shamik Dasgupta. His works on grounds and structural realism seem to support my intuition that the former can play an important role in providing the metaphysical framework that philosophers of science require from structuralism. According to Dasgupta (2014), the logical structure of grounds allows for structuralist hypotheses and ground is irreducibly plural. The plurality, symbolized by Γ, is a list, not a conjunction of grounds, and this is also the form of the grounded, let us say Δ. Grounds metaphysically necessitate the grounded and each member of Γ has to be relevant with respect to Δ, they can be transitive (derivative ground), certain

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[8] That is, itself a fact.

[9] For a detailed presentation of the types of ground and the interaction between the members of this relation, see Fine 2012.

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conditions being met. The qualitativist view of the world Dasgupta adheres to is an explanatory relation; hence the challenge of showing that the *explanantia* are sufficient for the *explanans*, to whom he argues that it can be met if one adopts plural grounds. Structuralism is a version of qualitativism and the plural requirement that accompanies it leads us to the idea that, since the world is made of purely qualitative facts, then the individualistic ones are to be explained only following the plural grounds schema – that is, when they are explained simultaneously (Dasgupta 2014).[10]

For example, let us consider a unity of measurement – Dasgupta's choice is for quantity. The manner in which the reference unit is established is more or less arbitrary, but subsequently, quantities are to be determined by reference to this unit. The relations established among objects possessing the property of having mass are structural – they cannot account for how bodies in the actual world can be related to others in some other possible world (given the arbitrariness of the reference unit choice). Our most plausible account on the given, real world is then a qualitativist, structural, comparativist and plurally grounded one.

Grounds and Structures. Possible Metaphysical Frameworks

In philosophy of science, structural realism has two main branches: the epistemological one, which gives an account on how and why we get our scientific theories, and the metaphysical one, which is supposed to shed light on the 'furniture of the world.' One of the most viable candidates to the latter proves to be OSR, which nonetheless encounters difficulties, one of them being that is has to be abstract enough as to enable talking about structures, but also concrete enough to explain instantiation by the physical systems.

My proposal is to take into consideration the grounding theories. As we have seen, steps towards giving an account of structuralism and realism in terms of grounds have been made (Fine 2001), (Dasgupta 2013 and 2014). However, the possibility that they could positively contribute to OSR's difficulties seems unexplored, and my suggestion is to draw attention to that direction. Should we take into consideration a finean ancestry of the notion, we could consider these relations as being able to account for both of Psillos' requirements. If necessity and essence stand in the same type of relation as the pair causation-ground, we can then discuss about causation as expressible/reducible to a certain type of ground.

Is the theory of ground, as presented above, compatible with OSR? I am inclined to answer affirmatively – in my view, the *Weltanschauung* grounds offer has modal powers, because they allow discussion about necessity, possibility and face similar difficulties with OSR. What would then be the benefits of adopting it?

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[10] It could be interesting to compare this result to the *totalitas* objection formulated by Psillos (see above).

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The strongest point I can find is that it can be an answer to the challenge of explaining how a structure that is abstract in nature can have concrete, physical influences. Should we follow Fine's advice, then grounds and causation stand in the same relation as essence and necessity – the second can be, and is expressed by means of the former. Moreover, grounds are the fundamental form of explanation, located at the metaphysical level. Causation, instead, belongs to the reign of phenomena; we are thus able to offer a metaphysical explanation of a concrete, more or less observable relation.

Conclusions

In the light of this argumentation, then, we can conceive of the theory of ground as being a meta-metaphysical[11] theory with respect to structural realism or, particularly, OSR, with which I have not identified, for the moment, any incompatibility. Grounding should not be, in my view, a replacement for OSR; instead, since OSR concerns a part of the world, namely our scientific theories of fundamental research, and the grounding theory could be thought of as accounting for the world as a totality, perhaps the natural move is to consider OSR to be under ground's range, explaining thus why I advance it as a meta-metaphysical theory (with respect to OSR which already has been included in the kingdom of metaphysics).

However, it would be interesting to compare the issues both theories encounter with respect to individuation and identity. And also, to my mind, the relation between abstract and modal/concrete could be subject to further investigation.

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[11] I chose to propose grounds as a meta-theory because they are able to account for more than phenomena/ facts of interest to science; there is nothing counterintuitive in an attempt to ground moral statements, for example.

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Questioning Technological Determinism through Empirical Research

Mark David Webster

Abstract: Using qualitative methods, the author sought to better understand how philosophical assumptions about technology affect the thinking, and influence the decision making, of educational technology leaders in their professional practice. One of the research questions focused on examining whether assumptions of technological determinism were present in thinking and influenced the decisions that leaders make. The core category that emerged from data analysis, *Keep up with technology (or be left behind)*, was interpreted to be a manifestation of the technological imperative, an assumption associated with the philosophical perspective of technological determinism. The article presents a literature review and critique of philosophical issues surrounding technological determinism. Data analysis led to the conclusion that technology leaders working in K-12 education place weighted priority on the technological imperative, and there is philosophical tension between *Keep up with technology (or be left behind)*, and a concurrently held perspective based on the logic of the instrumental view of technology. The findings suggest that different accounts of technological determinism, including Bimber's three accounts of normative, nomological, and unintended consequences, are significant in the thinking of participants. School technology leaders placed priority on embracing technological change, sometimes adopting technology for its own sake.

Keywords: instrumental view of technology, *Keep up with technology (or be left behind),* philosophy of technology, technological determinism, technological imperative.

1. Introduction

In reflecting on what paths philosophy of technology may take in the future, Michelfelder predicted that "the trend toward empirical-based, interdisciplinary research within the philosophy of technology will continue to expand and flourish" (2010, 64). In the spirit of this type of inquiry, the author became interested in conducting an empirical study that investigated educational technology leadership, and how philosophy of technology may be influential in the thinking and decision making of practitioners working in K-12 education. A full treatment of the qualitative research methods employed in this grounded theory study was previously published (Webster 2016). A separate article was published that covered the implications of the research findings for the field of educational technology (Webster 2017). The purpose of this current article is to explore the philosophical implications that arose from the study, with special focus on examining how philosophy of technology assumptions characterized by

technological determinism were discovered to be influential. While the empirical study was open to any philosophy of technology assumptions present in the thinking of participants, the third research question that guided the study focused on questioning whether assumptions of technological determinism were operative in technology leaders' thinking and decision making.

In order not to duplicate previously published work, this article will only summarize the grounded theory methods and analysis that were used in research, while sharing a condensed treatment of the findings, with emphasis on examining the core category that emerged and its relationship to technological determinism. Subjects in the qualitative study involved 31 technology directors and instructional technology specialists from K-12 school districts working in the state of Virginia in the USA. Data collection involved interviews following a semi-structured protocol, and a written questionnaire with open-ended questions. The research design aligned with Corbin and Strauss (2008) grounded theory methods and employed purposive and theoretical sampling, open and axial coding, constant comparative analysis, and theoretical saturation of categories.

The core category in grounded theory research involves the concept that emerges during data analysis with the greatest explanatory relevance, which is placed at the center of an axis with other concepts related to it (Corbin and Strauss 2008). The core category and central phenomenon that emerged from the study, *Keep up with technology (or be left behind)*, was interpreted to be a manifestation of the technological imperative (see definition below), an assumption connected with the philosophical perspective of technological determinism.

The author will present a review of literature that critiques philosophical issues and concerns surrounding technological determinism. Included is an examination of the technological imperative, which involves rhetoric and underlying assumptions that technology has a controlling influence (Hofmann 2006) that is inevitable and unstoppable (Chandler 1995, Cukier, Ngwenyama, Bauer, and Middleton 2009, Leonardi 2008) and creates an imperative to keep up with technological developments (Strobel and Tillberg-Webb 2009). The review will emphasize discussion of assumptions regarding the perceived inevitability of technological development. An overview of various theories or accounts of technological determinism will be discussed, including the framework of the categories of hard and soft technological determinism, and the Bimber (1994) conceptual framework for technological determinism.

We will discuss how the research findings suggest that Bimber's three accounts of technological determinism, normative, nomological, and unintended consequences, were significant in the thinking of participants. Important for our investigation will be analyzing pertinent issues surrounding technological determinism including the dilemma regarding human agency and responsibility for technology in a deterministic context, while considering the thought of

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philosophers including Ellul, Heidegger, and Hofmann. We will also consider the insights of educational researchers on issues related to technological determinism. Lastly, we'll discuss the researcher's conclusion that assumptions connected with *Keep up with technology (or be left behind)* were of such persuasive force that this philosophical approach to technology was given the greatest weight by technology leaders in making decisions about technology.

2. Critique of Technological Determinism

Misa (2009) asserted that technological determinism is a scholarly and practical problem that has merited philosophical reflection and critique for decades. Although technological determinism is often criticized and few serious thinkers seem eager to lay claim to the view (Hofmann 2006), scholars often observe that technological determinist assumptions persist in the popular mindset and common discourse (Best 2009, Burnett, Senker, and Walker 2008, Carr-Chellman 2006, Friesen 2008, Hofmann 2006, Leonardi 2008, Lievrouw 2006, Selwyn 2010b, Wyatt 2008, Yang 2009). Broadly, technological determinism is the philosophical perspective that assumes that technology causes inevitable change in society (Leonardi 2008, Leonardi 2009), exerting a control over human society with technology considered in some way to be an autonomous force operating outside of social control (Feenberg 2010, Hofmann 2006, Leonardi 2009).

2.1 The Technological Imperative and Assumptions of the Inevitability of Technology

We will examine different accounts of technological determinism, but a view often associated with technological determinism is the technological imperative. The technological imperative involves rhetoric and underlying assumptions that technology has a controlling influence (Hofmann 2006) that is inevitable and unstoppable (Chandler 1995, Cukier et al. 2009, Leonardi 2008) and creates an imperative to keep up with technological developments (Strobel and Tillberg-Webb 2009). The logic of following the technological imperative means users should learn to cope with technological developments (Chandler 1995) and cannot help but use technology (Leonardi 2008).

Influenced by assumptions of technological determinism, the technological imperative accepts that if a technology can be developed it ought to be developed, and will be developed, without regard for ethical considerations or making value judgments about the technology (Martin 2008, Poser 2009). Scholars have observed that the technological imperative implies the suspension of ethical judgment, with technology exercising a type of control and becoming an end in itself (Chandler 1995, Ellul [1964] 2010, Hofmann 2006, Martin 2008). The technological imperative may consider

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the pursuit of technology as an end in itself to such an extent, that we continually adapt our lives to technology (Hofmann 2006). For Ellul ([1964] 2010) the autonomy and power of technology is of such force that technology can distort the ends that are intended for it, and bend the will of its users. If technological development proceeds in such a way that ethical judgments are suspended, and we fail to recognize the human impacts of present and future technologies, does technology then become not only an end in itself, but our master, and we the servant of technology (Ellul [1964] 2010)? Ellul as a philosopher of technology saw his mission to be one of calling mankind to become the master of technology, and also of diagnosing a disease, although Ellul was uncertain of what treatment was necessary (Smith 1994). Although Heidegger saw danger in a domination of technology (Dreyfus 2009), he argued the essence of technology does not equate to a technological imperative (Heidegger [1977] 2009). For Heidegger, technology may be our destiny, but it is not an inevitable fate that compels us to obey it (Dreyfus, 2009, Heidegger [1977] 2009).

From a historical perspective, the technological imperative may seem reasonable. As technological progress has relentlessly marched forward, even technology pioneers have underestimated the pace of technological change (Selwyn 2010a, Selwyn 2010b). Within education, advocates for educational technology may tend to focus eagerly on the next wave of technological development, while hesitating to reflect critically on the appropriate role for present technologies, and becoming forgetful of past technologies that have come and gone (Selwyn 2010a).

The introduction of new technologies has often been accompanied by rhetorical promises and hype that it will transform education (Canole 2007). Scholars have argued that rhetoric characterized by assumptions of technological determinism can be a powerful discursive strategy for advancing interests or marginalizing dissenting opinions (Cukier et al. 2009, Leonardi and Jackson 2004, Leonardi 2008). Selwyn (2010b) held that optimistic rhetoric concerning instructional technology has been a characteristic feature of some educational technology scholarship for decades. Selwyn (2010b) argued that educational technologists, and their academic research influenced by the technological imperative, generally proceed from the assumption that technology will inevitably change education for the better. Discourse characterized by the technological imperative and presenting technological change as inevitable can be employed to persuade others, with the rhetoric creating within a culture an ideological orientation toward technological change (Webster 2013, Webster 2017, Cukier et al. 2009, Leonardi, 2008).

Rhetoric of the inevitability of technological development does not adequately take into account how educators can be guided by practical wisdom and good pedagogy in shaping the implementation of innovative technology, or in envisioning instructional alternatives (Clegg, Hudson, and Steel 2003). Fisher

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(2006) observed in the UK a tendency for educational discourse about educational technology to be framed in technological determinist rhetoric that ascribed to technology the power to inevitably cause transformation in schools. Similarly, Clegg et al. (2003) critically examined higher education policy documents in the UK, and found that the dominant discourse was characterized by technological determinism along with a passive acceptance of the premise that globalization is inevitable. Cukier et al. (2009) examined media discourse surrounding a university funded student laptop initiative at an institution in Canada, and found that hyperbole evoking a technological determinist viewpoint was present in both academic and non-academic literature, and rhetoric of the technological imperative was a dominant metaphor in discourse. These researchers argued that such rhetoric can distort discourse by making positive claims for technology that may not be supported by sufficient evidence, or marginalize dissenting opinions by portraying technology initiatives as inevitable (Cukier et al. 2009). Discourse dominated by technological determinism can create anxiety and place pressure on individuals and organizations to uncritically pursue technological change for fear of failing to keep pace with it (Clegg et al. 2003).

Empirical research studies provide evidence that technological determinist assumptions about the inevitability of technology can influence the decisions and actions that leaders make on behalf of their organizations (Webster 2013, Webster 2016, Webster 2017, Grant, Hall, Wailes, and Wright 2006, Jackson and Philip 2010, Leonardi 2008, Leonardi and Jackson 2004, Prakash and Sinha 2008). Individuals, including those in leadership roles, faced with an uncertain future or pressures to keep pace with technological change may treat technology as if it were inevitable for cognitive relief (Webster 2013, Leonardi 2008). Discourse characterized by technological determinism and the inevitability of technology can become a powerful element of the organizational narrative (Leonardi and Jackson 2004). Managers may rely on technological determinist rhetoric to shield their decisions, suppress controversy and deflect opinions of the opposition, and portray their actions as uncontestable and inevitable because of technology, rather than take ownership of their decisions (Leonardi and Jackson 2004). Leonardi (2008) concluded that despite the importance of social factors in affecting change, when technology managers employed technological determinist discourse, the tendency was to make the indeterminate state of things appear to be determined because of the perceived inevitability of technological change. Consequences of technological determinist assumptions can include the tendency to dismiss social factors that impact technological outcomes, and pursuing courses of action that may inhibit the social adjustments associated with technology that would otherwise naturally occur (Leonardi 2008).

Fisher (2006) examined discourse and rhetoric about educational transformation in the United Kingdom, including advertising, official discourse in

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educational policy documents, and public comments by education officials. The researcher observed a tendency for discourse about educational technology to be framed in technological determinist rhetoric that ascribed to technology the power to inevitably cause transformation in schools (Fisher 2006). Such technological determinist assumptions and rhetoric are problematic because by ascribing change to autonomous technology, the perspective shortchanges the hard work that educators must undertake to improve and transform education (Fisher 2006). Another problem is that the technological determinist assumptions may influence educators to focus on how schools should adapt to technology, rather than shaping the technology to suit unique educational needs and requirements (Jones and Czerniewicz 2010).

There may be a tendency for technology advocates to eagerly embrace technology trends because of their enthusiasm that new developments will improve education (Kanuka 2008, Mason and Rennie 2010). On the one hand, anticipating technology trends can be a proactive approach to technology leadership (Battistella and De Toni 2011). A strategy oriented toward forecasting technological trends, and aligning decision making with the trends can be proactive and effective for organizations so that they stand ready in advance for the future (Battistella and De Toni 2011). However, based on discussions with technology leaders, Adomavicius, Bockstedt, Gupta, and Kauffman (2008) cautioned that forecasting technology trends can be difficult, and pursing the wrong trend by miscalculating technological developments can waste organizational resources including money and time. Gabberty and Vambery (2008) held that technological determinist assumptions of the inevitability of technology influenced companies in the late nineties to rush to invest in technological development, leading to the dot com bust. If educators assume a commercial technology is inevitable, they tend to focus on how schools should adapt to technology, rather than shape the technology to meet curriculum requirements, or the needs of faculty and students (Jones and Czerniewicz 2010).

2.2 Theoretical Interpretations and Accounts of Technological Determinism

Various accounts and theories have been proposed to explain the degree to which technology is purported to drive society and history. The debate typically focuses on whether or not autonomy can be imputed to technology itself, independent of social constraints, or whether technology's supposed agency occurs within a complex interaction of social factors (Marx and Smith 1994, Smith 1994). A common framework for technological determinism involves the categories of hard and soft determinism (Marx and Smith 1994, Strobel and Tillberg-Webb 2009). The perspective of hard technological determinism attributes agency to technology itself (Marx and Smith 1994) and asserts that technology has a dominant autonomy of its own to cause social change, independent of social constraints (Smith 1994, Strobel and Tillberg-Webb 2009). The view of soft technological determinism also asserts that technology can

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drive social change (Smith 1994), but sees technology as one influence among others, occurring alongside a complex interaction of social, economic, political, and cultural factors (Marx and Smith 1994, Strobel and Tillberg-Webb 2009).

Another theoretical interpretation for technological determinism is Bimber's conceptual framework. Bimber (1994) argued that the term technological determinism had been utilized in the literature in imprecise ways to explain the impact of technology, and proposed an alternate conceptual framework made up of three categories. Bimber's nomological account of technological determinism makes an ontological claim about technology, and is essentially an interpretation of hard technological determinism. The nomological account sees technology acting as the primary cause of social change according to the laws of nature, with technology exercising causal influence and one development leading inevitably to another (Bimber 1994, Wyatt 2008). According to the nomological account, technology is autonomous and advances according to the internal laws of science and technological development independent of the social context (Vermaas, Kroes, van de Poel, Franssen, and Houkes 2011).

Bimber's normative account of technological determinism is different in that rather than making a strictly ontological claim about the impact of technology on society, the account is primarily concerned with cultural or ethical matters and human attitudes (Bimber 1994). Bimber (1994) asserted that the normative account is the most common interpretation of technological determinism. The normative account holds that if the norms of practice or attitudes of those who create and employ technology become disconnected from broader ethical criteria, accountability to society, or consideration of means and ends, technology can be understood to have a dominance or autonomy over society (Bimber 1994, Wyatt 2008). In the normative account of technological determinism, technological norms such as function and efficiency take precedence over other values such as ethical or social norms (Vermaas et al. 2011).

Thirdly, the unintended consequences interpretation according to the Bimber framework observes that technology causes inadvertent consequences that were not intended or anticipated (Bimber 1994, Vermaas et al. 2011). The unintended consequences view holds that technology is partially autonomous, because even when human decision makers willfully approach technology in deliberate and responsible ways, technology causes inadvertent consequences that we did not predict and cannot control (Bimber 1994, Vermaas et al. 2011). Scholars have observed that the implementation of technology can result in unforeseen consequences and risks that were not originally intended (Canole 2007, Jonas [1974] 2009, Vermaas et al. 2011).

With regard to education the unintended consequences account can provide insights pertaining to technology integration in schools. Nworie and Haughton (2008) examined the adoption and implementation of innovative

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technology for both traditional face-to-face instruction and virtual learning environments, and described the instructional benefits, challenges, and unintended consequences of digital innovations. The researchers concluded that along with the instructional merits afforded by technology there can be unintended consequences such as ease of cheating, and distractions from learning such as games, inappropriate content, and off task web surfing (Nworie and Haughton 2008). Instructional disparities may widen for students who are without sufficient access to technology at home (Nworie and Haughton 2008). The possibility of unintended consequences underscores the importance that educators and technology leaders should pause for considered judgment, and approach technology integration in a reflective way (Canole 2007).

In his analysis of these three interpretations of technological determinism, Bimber (1994) argued that the term technological determinism should be reserved for the nomological account. Bimber (1994) asserted that only this view makes the strict claim that technology causes social change in a determined way, apart from any social context. While Bimber may be technically accurate in making his point, his argument seems to beg the question arising from the dilemma of technology being considered to have any autonomy of its own. Beyond the question of strict causality, Slack and Wise (2006) emphasized that regardless of actual cause and effect, our attitudes toward technology make a difference. For Braman (2004), philosophical differences regarding technology are largely differences in attitude toward technology, and these differences matter from a policy and decision making standpoint and affect our perception of risks and opportunities. Slack and Wise considered the question of whether, if we become so dependent on our technology tools, we create a "de facto technological determinism" (2006, 2). Day (2010) discussed how our predictions of technological futures can become real, and a self-fulfilling prophecy, if we believe them to be true.

2.3 Human Agency and Responsibility for Technology

Even if hard technological determinism is rejected such that technology is not imputed to act as an autonomous agent, the soft technological determinist view, or similar accounts that emphasize that technological power is a secondary change agent, still present a dilemma for human responsibility. If technology operates with any determinative efficacy, driving historical events and society, does this not limit free human agency (Marx and Smith 1994, Kritt and Winegar 2010)? Any claim that we do not control technology, but are controlled by it seems in some way to be a renunciation of human responsibility for technology (Hofmann 2006, Slack and Wise 2006, Wyatt 2008). Granting a control or determined autonomy to technology, apart from purposeful human control and direction, would present a dilemma by limiting human agency and responsibility for technology (Webster 2013, Fisher 2006, Hofmann 2006, Jonas [1974] 2009, Jonas, [1979] 2010, Kritt and Winegar 2010, Slack and Wise 2006, Strobel and

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Tillberg-Webb 2009, Wyatt 2008). Wyatt asserted that technological determinism presents a dilemma for human responsibility because perceiving autonomy in technology leaves little room for human decision making, and "absolves us from responsibility for the technologies we make and use" (2008, 169).

Within the field of education, Strobel and Tillberg-Webb (2009) held that if technology is assumed to be driving change and this influences the decision making of educators, it leaves less room for the agency of the human actors involved, who perceive the world as run by technology. Kritt and Winegar (2010) emphasized the importance of human agency and our responsibility to direct the future evolution of educational technology. Hofmann (2006) discussed the implications of technological determinism for persons with responsibilities for technology, and argued that when assessing technology in a context such as education, we need to examine whether technology controls us, or whether we control technology.

For Hofmann, technology as an end in itself results in a type of technological enslavement, and he argues that the deterministic logic of the technological imperative is a reverse adaptation that results in the reduction of human autonomy and responsibility, and undermines ethical accountability (Hofmann 2006). If human society is driven by the inevitability of technology, such logic implies we are not fully in control of technology, and we can only be held to account for actions and situations we can actually do something about (Hofmann 2006). Hofmann held that a proper focus should remain on human responsibility, with technology as a means to achieve other external ends that benefit humanity, rather than viewing technology as an end in itself.

3. Empirical Findings and Technological Determinism

The qualitative study was guided by three research questions. Question 1 was designed to capture any philosophy of technology assumptions: "What broad philosophy of technology assumptions are present in the thinking of K-12 technology directors and instructional technology specialists?" Question 2 was designed to link thinking with action: "How do philosophy of technology assumptions influence the decisions that leaders make about educational technology?" Discussion of the implications of the findings for these two research questions was covered previously in other published works (Webster 2016, Webster 2017). This article focuses on the third research question, which was open to assumptions characterized by technological determinism: "What assumptions characterized by technological determinism may be present in leaders' thinking or decision making?"

Before focusing on how significant technological determinism was found to be present in the research findings, let's first briefly examine the extent to which many technology leaders viewed technology through the common lens of the instrumental view of technology. The instrumental view of technology

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considers technology as a tool, as means put to use by users for their purposeful ends (Berger 2011, Feenberg 1991, Heidegger [1977] 2009). Following from this parent philosophy that views technology as a tool, was the prevalent approach to technology decision making, represented by the category *Educational goals and curriculum should drive technology*. The important point to make is that under the instrumental view of technology, technology is not considered to be an end in itself, but rather a means to achieve purposeful ends (such as educational goals).

In describing their philosophy that *Educational goals and curriculum should drive technology*, several technology leaders asserted that technology should not be pursued for the sake of technology. For example, Technology Director 6 stated, "Technological change for the sake of change is not always the best way to go. Others can go there first, and we can learn from their experiences or even mistakes." Technology Director 4 explained, "I'm not a fan of technology for its own sake, and as a decision maker I like to see reasons for implementing technology." Some technology leaders lamented that technology can be considered by some to be a panacea. Technology Specialist 5 shared that, "More times than not I think some look for the silver bullet and jump for a trend when we have not adequately explored our true needs." Participants expressed how there are pressures to keep up with technological change. For example, Technology Specialist 9 explained, "If our goal is to implement the latest and greatest technology, we'd be chasing our tails and both the teachers and students would never truly become comfortable with these technologies."

The findings suggest technology leaders place great importance on viewing technology in an instrumental way, as something not adopted for its own sake but as a tool, as a means to end. In making decisions about technology, the category *Educational goals and curriculum should drive technology* follows from this parent philosophy of the instrumental view. However, things got interesting during data analysis because based on coding instances in the data, the viewpoint *Technological change is inevitable* was also found to be prevalent, present in the thinking of 30 out of the 31 participants. The philosophical perspective that technology causes inevitable change in society is an assumption associated with technological determinism (Leonardi 2008; Leonardi 2009).

Despite the logic of the instrumental view of technology being so widespread among participants, the findings show that the perspective *Technological change is inevitable* influenced the thinking of leaders in a compelling way. The philosophy *Keep up with technology (or be left behind)* emerged as something both prevalent and highly significant, with coding instances from all 31 participants. This concept began to appear at the beginning of the process of data collection and analysis, and continued to grow in explanatory power as the study progressed. *Keep up with technology (or be left behind)* reappeared in-vivo in transcript narratives in various forms, often expressed in those words, or variations of them. This category was closely linked in the data with viewing technological change as inevitable, and a perceived

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imperative within schools to keep up with technological change. *Keep up with technology (or be left behind)* emerged as the core category in the study, with the greatest explanatory relevance (Corbin and Strauss 2008). The following table displays dimensionalized examples from the interviews and written questionnaire transcripts for the category *Keep up with technology (or be left behind)*. The 31 participants included 15 technology directors and 16 instructional technology specialists from Virginia school districts, and the table uses TD to represent technology director, and TS for instructional technology specialist.

Table1
Dimensionalized Examples of Keep Up With Technology (Or Be Left Behind)

Category	Participant	Dimensionalized Examples
Keep up with technology (or be left behind)	TD3	"Technology is always changing and you must change with it or you will be left behind."
Keep up with technology (or be left behind)	TS1	"Schools should adapt to broader technological trends because we always seem to be behind."
Keep up with technology (or be left behind)	TS1	"Adapting to broader technological trends will prepare our students for college and for working in the 21st century. Resistance to technological change will keep us behind."
Keep up with technology (or be left behind)	TS2	"All the time you have to keep up with technology, it's a constant challenge."
Keep up with technology (or be left behind)	TS2	"The game has changed and research cannot keep up with the changing tide, and I don't want my students left behind."
Keep up with technology (or be left behind)	TS4	"People who are unfamiliar with technology need to embrace it and keep up with it to be successful."
Keep up with technology (or be left behind)	TD5	"Teachers think we're moving too fast, but technology doesn't slow down. We need to keep up or be left behind."
Keep up with technology (or be left behind)	TS9	"Sometimes when we are ready to proceed forward, we're already behind, but we do a good job trying to keep up."
Keep up with technology (or be left behind)	TS11	"As fast as technology changes, in education we should keep up with it or be one step ahead, but we're usually one step behind."
Keep up with technology (or be left behind)	TS11	"I'm a little afraid. I'm in technology and I get to play with it. But you have to always keep up with it. If you let any time go buy you'll get behind and be lost."
Keep up with technology (or be left behind)	TD7	"I embrace technological change because it's going to come, and I want to get ahead of it."
Keep up with technology (or be left behind)	TD9	"Students need to keep up with technology to be prepared."
Keep up with technology (or be left behind)	TD12	"As we continue to pay attention to technology outside of our education bubble, we need to continue to pull those things in from the consumer

		market, and find ways to apply them in education and include them in lessons that our digital native students will identify with. We stand to gain from this, but if we ignore what's going on in the larger sphere our students won't be able to fully prepare for the future."
Keep up with technology (or be left behind)	TD14	"We should be moving forward and doing as many trials with technology as possible. Schools should never be behind with technology."
Keep up with technology (or be left behind)	TS13	"Schools need to keep up on technological trends."
Keep up with technology (or be left behind)	TD13	"As a leader in the state, I am a risk taker but can implement things with ease, so I have a lot of school divisions replicating what we do. My thinking is and has always been why not try it. We do not want our students to be left behind."
Keep up with technology (or be left behind)	TS16	"How do we balance technological change knowing the new things are coming out, how do we balance with the instructional value? We often feel we're one step behind, not on the cusp of what is available, we're learning about emerging technologies after the rest of the world has learned about them."

After data analysis, the core category was interpreted by the researcher to be a manifestation of the technological imperative (see Section 2.1). Weighted priority is placed by educational technology leaders on keeping up with technological change, and the irony is that the data suggests there is some cognitive dissonance or conflict with the prevalent but competing philosophy of technology, the instrumental view of technology. Technological optimism showed itself to influence technology leaders as they approach technology as a solution for education with an optimistic attitude. This optimism affects their emotional response to dealing with pressures to keep pace with technological change, and dealing with the resistance to technological change often found in schools. Technology leaders, breathing the air of technological optimism, under pressure to keep up with technological change, and influenced by an ideological orientation toward technological change, may place priority on embracing technology, sometimes adopting it for its own sake.

The phenomenon of *Keep up with technology (or be left behind)* emerging as the core category is an empirical example of what Bimber considered to be normative technological determinism. As noted above, the normative account of technological determinism holds that if the norms of practice or attitudes of those who create and employ technology become disconnected from broader ethical criteria, accountability to society, or consideration of means and ends, technology can considered to have a type of dominance or autonomy of its own (Bimber 1994; Wyatt 2008). If leaders pursue the adoption of a specific technology under pressure to keep up with the pace of technological change,

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without its implementation being aligned with educational or business ends, such an adoption of technology for its own sake would arguably be normative technological determinism.

There were also examples in the data whereby the pursuit of technology implementation seemed disconnected from broader ethical criteria and norms of practice. One property of the core category was *technology takes precedence over other values or norms*, for which there were coding instances from 13 of the 31 participants. Dimensions of this property included *risks to students should not stop technological change in schools*, *implement technology without sufficient evidence from academic research*, *rapid technological change can make it difficult to focus on educational needs*, and *ethical norms changing because of technological change*.

The category *Technology causes social change*, associated with 17 of the 31 participants, involved coding instances when participants held the perspective that technology causes social change. This category was interpreted by the researcher as aligning with the nomological account in Bimber's conceptual framework for technological determinism. Technology Director 9 asserted, "Technology drives change. Education doesn't change technology." During the interview, Technology Specialist 9 stated, "I think that once technology is in place, it causes social change, we're texting or emailing or Facebooking instead of communicating face-to-face." Technology Director 3 observed, "Society has changed because of technology," and stated, "Fewer kids are playing outside, they're inside playing games on tech devices, playing by themselves more, and social skills don't develop as quickly." Properties associated with the category *Technology causes social change* included *causing people to avoid face-to-face interactions*, *technology accelerates social change*, *social networking or social media causes social change*, and *more isolation because of technology*.

The findings also suggest that Bimber's unintended consequences account of technological determinism was present in participants' thinking in a significant way. There were coding instances for the category *Technology causes unintended consequences* from 25 of 31 participants, when participants described that technology can cause consequences that were not anticipated or which are difficult to control. Several participants described how technology may dehumanize a situation with people saying things or behaving in ways that might not occur in person. For example, Technology Director 14 stated, "When using technology, some are more likely to offend or cyber bully someone if there's no face-to-face interaction, they feel the other person isn't real, they perceive it as working with a machine." Participants described other unintended consequences of technology including exposing children to inappropriate content on the Internet, increasing the risk of sexual predators, amplifying problems including information security issues, and increased cheating and ease of plagiarism. Technology Specialist 2 stated, "In these days of cut and paste, it seems that every school needs to invest in plagiarism detection subscriptions. Students need

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to know before they get to college that stealing someone else's information is illegal and immoral."

4. Conclusion and Implications for Philosophy of Technology

In examining the philosophy of technology of school technology leaders, the researcher found that technological determinist assumptions and the technological imperative were alive and well. Our discussion has observed that empirical findings suggest Bimber's three accounts of technological determinism, normative, nomological, and unintended consequences, were all significant in the thinking of participants. Perhaps the most interesting philosophical implication of the research is that the author argues there is philosophical tension in technology leaders' thinking between the instrumental view of technology, and a perceived imperative to keep up with the pace of technological change. On the one hand, participants seemed committed to the principle that technology is a means to an end, an instrumental means to accomplish goals related to the business of education. Thus, technology is a tool and we should not pursue technology for the sake of technology. On the other hand, however, the researcher concluded that technology leaders placed weighted priority on *Keep up with technology (or be left behind)*, which was the core category that emerged in the grounded theory study.

The findings provide evidence that technological determinist assumptions, especially underlying assumptions about the perceived inevitability of technological change, and the imperative to keep up with technological change, can influence the thinking of leaders and their perceived agency in shaping technological change. In seeking to understand why this is the case, the researcher found there is pressure in schools to keep up with technological change, and as discussed elsewhere (Webster 2017), the author has concluded that educational technology leaders have an ideological orientation to technological change. The data also suggests that leaders are concerned about preparing students for what they assume will be a technological future. Leaders expressed a sense of responsibility for exercising leadership, and making decisions about technology, that was cognizant of a need to educate students and prepare them with skills and technology competencies to be successful in the future. For example, Technology Director 3 explained, "As a leader I am trying to make it better for students, so they'll have access to the resources that will prepare them for life, college, or the work force; technology is the key to that."

In short, we see the technological imperative operative in technology leaders' thinking and decision making. Within the field of educational technology the researcher argues there is a strong ideological orientation to technological change. These reasons, taken together with leaders' concern for preparing students for a technological future, are the key to understanding why technology leaders give technology the benefit of the doubt, even if pursuing it might mean adopting technology for the sake of technology.

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In conclusion, in questioning technological determinism, the answer that we hear is that technology leaders in a real sense do see technology as having a certain autonomy, as being in charge, technology is considered something that must be given the benefit of the doubt. In pursuing this study, one issue believed by the researcher to be important for inquiry concerned the relationship between human agency and responsibility for technology and its implementation, particularly in an educational context. While proceeding into the research study by attempting to bracket out his prior assumptions as much as possible (Husserl [1935] 1965), it should be confessed that the researcher generally believes that human beings have responsibility for technology in society and education (Hofmann 2006, Kritt and Winegar 2010), especially those charged with leadership decisions. In reflecting on this issue of responsibility for technology, the empirical study found that school technology directors and technology specialists, focused on student concerns, give priority to the technological imperative in their professional response as leaders in the field of education. It can still be argued that to assume that technology determines our choices presents a dilemma for responsible leadership, because "if we really are determined by technology in one way or another, it must mean that we have less responsibility for technology" (Hofmann 2006, 2). Questioning technological determinism through empirical research does seem to leave us on the horns of a dilemma.

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DISCUSSION NOTES/ DEBATE

Reply to Gennaro

Fred Adams and Charlotte Shreve

Abstract: Last year Charlotte Shreve and I (Adams and Shreve 2016) presented an argument that synesthesia contains evidence against higher order thought theories of consciousness. Rocco Gennaro (2016) took up the challenge and argued that H.O.T. theories like his could handle the example and dismiss the argument. Below we suggest otherwise. We think the traditional versions of H.O.T. theory are still vulnerable to our argument and we maintain that Gennaro's version is as well.

Keywords: autism, consciousness, Dretske, Gennaro, Higher-Order Thought Theories, Rosenthal, synesthesia.

Introduction

Last year Charlotte Shreve and I (Adams and Shreve 2016) presented an argument that synesthesia contains evidence against higher order thought theories of consciousness. Rocco Gennaro (2016) took up the challenge and argued that H.O.T. theories like his could handle the example and dismiss the argument. Below we suggest otherwise. We think the traditional versions of H.O.T. theory are still vulnerable to our argument and we maintain that Gennaro's version is as well.

1. Introspection

Gennaro (2016) takes issue with our seat-pressure case. In that case we say that, on the H.O.T. theory, the H.O.T. is supposed to make one's experience of the pressure being exerted conscious. He says this is an appeal to 'introspection' and, on his view, it is not introspection. He claims that on his view an experience is 'intrinsically conscious' because there is an element within it that is directed on that very state (Gennaro 2012, 55). For him, if there were an H.O.T. that lay outside the experience and that made the state conscious, then that would be a kind of introspection.

First, we didn't claim this was introspection. Indeed, it is a kind of 'extrospection' upon the pressure being exerted on the seat. Attention is directed at least partially outwardly. Turning one's attention on something is not

necessarily introspecting (which even Gennaro's view of experience's inner self-referential element must accept).[1]

Second, it is true that we were thinking mainly of Rosenthal's traditional H.O.T. theory and not Gennaro's particular version of it. Yet his view has many of the same elements. He does admit that there are non-conscious mental states. And he does admit that they can be made conscious by H.O.T.s. So we are sure that there are sufficient similarities between Rosenthal's and Gennaro's view that allow them both to be classified as H.O.T. theories. On both views, there is one thing that is not conscious and another thing that may or may not be conscious, and when the latter takes the former as its content, it makes the former conscious. The main difference is that for Gennaro an experience has both parts in its internal structure – so that he can claim experiences are 'intrinsically conscious' because they are made so by elements of their internal structure (that he calls 'a metapsychological thought').

So we think Gennaro wants to use the term 'introspection' only when an H.O.T. outside a state (extrinsic to the state) makes the state conscious. And that is why he objects to our example of the experience of the pressure on the seat becoming conscious via an H.O.T. For us, there is still a structural similarity. As we say, there is one part of an experience that is not conscious but makes the other part of the experience conscious by being 'directed' at it. The structure is the same. The only difference is where things are in relation to the experience itself (inside or outside).

Even if limiting our claim to just Rosenthal's H.O.T. theory, we would be satisfied that synesthesia presents a problem for the theory. But we think it presents a problem for Gennaro's version as well.

And by the way, Gennaro accepts the TP principle. TP says "A conscious state is a state whose subject is, in some way, aware of being in it." (Rosenthal 2005) To us that sounds a lot like introspection.

2. Conscious Experiences One is Not Conscious of Having

Lastly, Gennaro asserts:

> For example, if I am having a conscious desire or pain, I am aware of having that desire or pain. Conversely, the idea that I could have a conscious state while totally unaware of being in that state seems very odd (if not an outright contradiction). (Gennaro 2016, 444)

There are alternative views to H.O.T. theories on which this is not only not contradictory, but quite plausible. As Gennaro knows, Dretske's (1993) view of conscious experience makes it possible to be in a conscious state (state of seeing something) and not know one is in that state. Dretske gives several examples of

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[1] "According to the WIV, what makes mental states conscious is intrinsic to conscious states, but a kind of inner self-referential and relational element is also present within the structure of such states" (Gennaro 2012, 55).

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'change blindness,' where one is presented with a visual array and later presented with another different array. One consciously peruses all items visually presented in the array, and therefore experiences the thing which is different between the presentations. It could be a missing dot or even a missing engine on Boeing 747. One has a conscious experience of the item which constitutes the difference between the presentations, but one does not have a higher order thought that one is experiencing the difference. Even on Gennaro's (2012) theory of 'WIV' (Wide Intrinsicality), one part of someon's experience would be directed at the part of the experience that was 'of the world' but the 'metapsychological thought' part of the experience would not tell you that the other world-directed part was your experiencing of the difference in arrays. So you can be in a state which is the conscious experience of the difference in arrays, but not be conscious that it is *the difference* that you are experiencing. You are in a conscious state that you are not conscious that you are in. This is not introspection. And there is no H.O.T. making your experience of the difference conscious.

Some H.O.T. theorists, such as Rosenthal (2002, 408) would respond that when one is consciously experiencing the item in the array, one must be having an H.O.T. about it (applying some concept) to one's experience. But it seems to us that there are cases where one has a conscious experience of a kind of thing for which one lacks a concept. Indeed, Gennaro himself (2012, 157) gives us this kind of case. He admits that one can see a whistle without seeing at as a whistle.[2] Thus, one can have a basic visual perceptual experience of a whistle without applying the concept of a whistle. One can know what it (the whistle) looks like, even though one would not describe it as having the look of a whistle, because one lacks the concept of whistle or the concept of look of a whistle. Nonetheless, one would be able to have the conscious visual presentation of the visual look of a whistle without applying an H.O.T. or 'metapsychological thought' about whistles. He cannot shake this off by appealing to more 'coarse-grained' concepts (2012, 170), because you might actually have a presentation of the whistle-making parts but still not know it is a whistle.

Similarly, an infant in a crib can experience the mobile above its head but not apply an H.O.T. of any kind that has the concept 'mobile' or 'experience of mobile.' So no higher order anything is involved in producing the infant's conscious visual presentation of the mobile. Yet it is having a conscious visual experience of the mobile.

We know Gennaro disagrees (2012, 220-224). He believes that infants can recognize agents (self-caused behavior), can form thoughts about themselves (but as causers, not necessarily as minds). They engage in joint attention, and recognize goal-directed behavior. We say that this still doesn't show infants have concepts of their own experiences which are needed for H.O.T.s.

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[2] Gennaro discusses this case of someone with associative agnosia.

Lastly, when one looks briefly at the words on a page one may have a visual presentation of each of the words. One consciously experiences them all. But one does not apply the concept 'word' to each and every single word on the page. Nonetheless, one consciously experiences every word. No higher order thought is required to generate the conscious visual presentation of the words on the page. There are too many words and too little time for higher order thoughts to produce each conscious element.

3. H.O.T.s Sub-Personal and Higher Order?

Another point of opposition that Gennaro raises to our paper is his claim that H.O.T.s can be sub-personal, unconscious, and higher-order. To begin, we don't see how this can be true. They might be able to be non-conscious. Most versions of H.O.T. theory allow for non-conscious H.O.T.s. This is one of our problems with them, viz. how can something non-conscious bestow something it doesn't have (consciousness) on something else (an experience or thought) that also lacks it?

Gennaro also maintains that H.O.T.s are somehow 'presupposed' by any experience or conscious mental state. This is partly why he thinks that every experience is conscious and why he thinks the contrary view makes no sense. We have already explained above, why the contrary view makes sense to us, so we are still struggling with the idea that every experience or conscious state 'presupposes' H.O.T.s. We just don't understand the view.

We also don't understand his response that H.O.T.s can be both sub-personal and higher-order. In his explanation he appeals to the processes of 'higher-brain' areas (feed forward and feedback loops and the like). However, H.O.T.s are not equivalent to events in higher brain areas. There can be many events in so-called 'higher brain areas' that have nothing to do with consciousness or thoughts of any kind (higher or not). Indeed, much processing of information is below personal level of processing. And by that we mean, much information never makes it into experiences or thoughts of the person of any kind (conscious or not). An H.O.T. has to have some conceptual resources. If it is about a thought or an experience, it has to activate the concept of a thought or experience. Not all events in higher brain areas activate concepts (much less concepts of other mental states). So it will take more work to explain how a mental state can be both higher-order and sub-personal at the same time.[3]

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[3] Brain scans of second language learners show from initial activations patterns, changes over time prior to the subject understanding of the new language (White, Genesee, and Steinhauer 2012). During these changes, the subject reports still not understanding and things sounding 'the same.' Nonetheless the scans tell a different story. One can detect changes in firing patterns in higher areas of the brain. None of this makes it into the subject's person-level thoughts. There are no H.O.T.s because the processing is sub-personal. When subjects hear the new language the first time and the second time, they say it 'sounds the same,' but again their brains tell a different story because wave patterns are different the second time.

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4. Concept Acquisition and Autism

We will close with two problems we see for his view: concept acquisition and autism. On Gennaro's view, when one consciously experiences X, one must have an H.O.T. of the form 'I'm experiencing X.' But this raises the problem of how can one acquire new concepts? Dretske (1993) gives the example of the first time he saw an armadillo. He had a conscious visual presentation of the armadillo, but didn't know what it was. He used the incoming information about armadillos to form the concept of an armadillo. Gennaro's view will require that to have a conscious experience of the look of an armadillo, one knows already what an armadillo is. Otherwise, one will consciously experience only an animal with a certain shape and moving in a certain way. But nothing specific to what it is to be an armadillo will be consciously experienced – because one doesn't yet have the concept of what an armadillo is. So one can't have an H.O.T. that one is having a visual experience of an armadillo (only of a creature or an animal or some such). So how does one ever consciously learn what an armadillo is or looks like? It seems to us this makes concept learning impossible for new empirical concepts. On our view, one must be able to receive new information about Xs and consciously experience Xs and their looks (perceptible properties) in order to form the concept of an X.

Gennaro's view might rely on some innate concepts (2012, 191-197), but none of those is going to be specific to what makes something an armadillo (as opposed to something else). So none of those innate concepts will generate the new empirical concept – armadillo.

Lastly, we think autism will be a problem for Gennaro. Why? Because subjects with severe forms of autism are susceptible to pop-out synesthesia of the kind that we described in our initial paper (Adams and Shreve 2016, Baron-Cohen et al. 2013). Now a hallmark of severe autism is what Baron-Cohen (1997) called 'mind-blindness.' This is the inability to apply mental concepts to self or others. People with severe autism have no trouble understanding people as physical systems with physical properties that are explicable in terms of natural physical laws. But when it comes to beliefs, desires, intentions, hopes, fears, wishes and other mental causes, severely autistic individuals simply do not understand behavior originating from these causes. Such purposive behavior is a complete mystery to them. Thus, they do not engage in applying mental concepts to themselves or others.

Consequently, when a person with severe autism consciously experiences the pop-out of synesthesia, it cannot be the result of applying an H.O.T. to their experience because they don't employ H.O.T.s about mental states (of self or others).[4]

An autistic person may see the red circle or triangle hidden among the black numbers and figures in a pop-out experiment. The colored shape pops out to them consciously and they experience it. But how can they be having an H.O.T. about *their experience* if that requires a concept they lack (of an experience itself)? They can't! So an H.O.T. theory lacks the tools to explain how these pop-outs can be conscious experiences in severely autistic individuals.

5. Conclusion

So in conclusion, we think synesthesia is still a problem for H.O.T. theory and even for Gennaro's particular version of it. We still don't understand his view that an H.O.T. can be 'sub-personal' and 'higher-order' at the same time. We've given reasons against his appeal to explaining this in terms of processing in 'higher brain areas.' That alone does not distinguish processing that is an H.O.T. from processing that is not. What is more, we think Gennaro's own version of H.O.T. has problems with the explanation of how concept acquisition is possible. And we maintain that he will not be able to explain the conscious 'pop-out' experiences of persons with autism.[5]

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it is not reflective and self-aware? They must have something to make a thought self-referential.

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Information about Authors

Fred Adams is Professor of Linguistics and Cognitive Science and Professor of Philosophy at the University of Delaware. He has published well over 100 articles and chapters on cognitive science, epistemology, philosophy of language, philosophy of action, and related topics. He is also co-author of *The Bounds of Cognition* (Wiley-Blackwell, 2008, with Ken Aizawa) and of *An Introduction to the Philosophy of Psychology* (Cambridge University Press, 2015, with Daniel Weiskopf). Contact: fa@udel.edu.

J. Angelo Corlett is Professor of Philosophy and Ethics at San Diego State University and Editor-in-Chief of *The Journal of Ethics: An International Philosophical Review* (Springer). He is the author of more than 100 books and articles in philosophy. His books include *Analyzing Social Knowledge* (1996); *The Errors of Atheism* (2010); *Heirs of Oppression* (2010); *Interpreting Plato's Dialogues* (2005); *Race, Racism, and Reparations* (2003); *Race, Rights, and Justice* (2009); *Responsibility and Punishment* (2014); and *Terrorism: A Philosophical Analysis* (2003). His articles have been published in such journals as *American Philosophical Quarterly*; *Analysis; International Journal for the Philosophy of Religion*; *Journal of Social Philosophy*; *Philosophy*; and *Public Affairs Quarterly*. Contact: acorlett@mail.sdsu.edu.

Arnold Cusmariu is an artist and independent scholar. He holds a Ph.D. in philosophy from Brown University and has published articles in metaphysics, epistemology, logic, the philosophy of language, and the philosophy of mind. He has also published articles in aesthetics explaining the philosophical foundations of his work as a sculptor. To date he has produced over fifty sculptures in all media, though alabaster and soapstone are his preferred materials. Contact: bravo323@gmail.com.

Paul Gomberg is Research Associate in the Department of Philosophy at the University of California at Davis, having retired as Professor of Philosophy at Chicago State University in 2014 after teaching there for twenty-nine years. His book *How to Make Opportunity Equal* was published by Wiley-Blackwell in 2007. "Workers without Rights" is based on a chapter draft from his current project, *American Racial Injustice: How It Arose, Why It Persists, How It May End*. Contact: pgomberg@earthlink.net.

Erick Jose Ramirez is Assistant Professor of Philosophy at Santa Clara University, Santa Clara, CA. He received his Ph.D. from the University of California, San Diego in 2012. He specializes in the philosophy of mind and

mental illness with a special interest in emotion, psychopathy, and autistic agency. His recent publications have appeared in the *American Journal of Bioethics: Neuroscience*, *Philosophical Explorations*, *Philosophical Psychology*, and *Ethics and Neurodiversity*. He is also the author of the *Internet Encyclopedia of Philosophy* entry for "Mental Illness." Contact: ejramirez@scu.edu.

Bianca-Alexandra Savu is a philosophy graduate of the University of Bucharest. In December 2016 she has defended her PhD thesis on a subject at the encounter of philosophical logic, metaphysics and philosophy of science, her main research interests pertaining to modal logic metaphysics. Contact: bianca.a.savu@gmail.com.

Charlotte Shreve is a UTA (Undergraduate Teaching Assistant) studying Philosophy and Cognitive Science at the University of Delaware. She can be reached at Cshreve@udel.edu.

Mark D. Webster serves as Vice President of Technology and Chief Information Officer for J. Sargeant Reynolds Community College in Virginia, USA, with the rank of Professor. He holds a PhD in Education Technology Management from Northcentral University, and has a research interest in the connection between philosophy, technology, and leadership. Within philosophy, his main area of focus is on the philosophy of technology, with specific work related to wrestling with the problem of technological determinism. Longer term projects include using phenomenological research methods to investigate philosophy of technology, and completing work on a book, *Dominion over Technology*. Contact: mwebster@reynolds.edu or mark_webster@outlook.com.

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