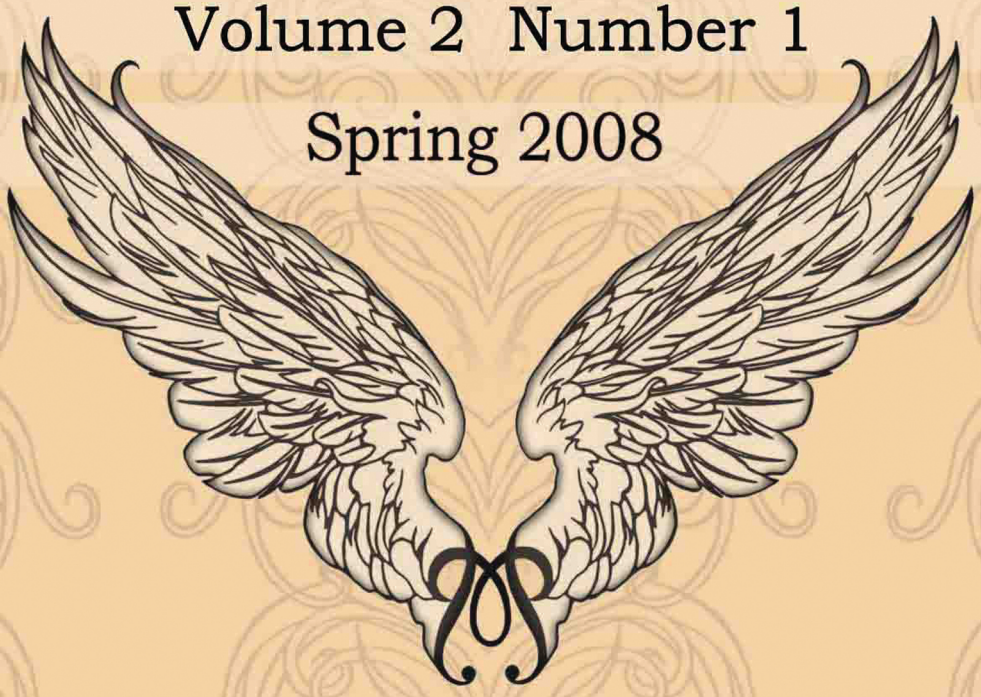
THE ORACLE

York University's
Undergraduate Philosophical Review

Volume 2 Number 1

Spring 2008



York University, Toronto, Ontario

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A journal published by Philosophia,
York University's Undergraduate
Philosophical Association

ISSN: 1916-6370

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Introduction

Sisyphus, the mythological character who was eternally condemned by the gods to repeatedly roll a boulder to the top of a hill only to have it roll down every time, is one figure that practically every student of philosophy is familiar with. As portrayed and interpreted by Albert Camus, Sisyphus is an absurd hero because in all of his tragically futile labour, he dares to negate the gods, claims his fate as his own, and achieves happiness. Underlying this achievement and making it possible is a uniform and heroic spirit of *perseverance.*

This year's issue of the *Oracle* is the outcome of perseverance manifested not by one person, but by many. The challenges that Philosophia, particularly the executive council, have encountered this year have, at times, felt not unlike that Sisyphean burden. With an entirely new slate of executives this year, the council was left to its own creativity and determination to ensure the club's active presence in the York community. Because of our commitment to our studies, some of us found it very difficult to dedicate full attention to the association. And, yes, as a result we did have to make some sacrifices (like cancelling the annual alumni workshop), but we did remain devoted to the journal. If there was one project each of us valued and believed would demand the full exercise of our potential and creativity and would call upon the participation of students as well as faculty, it was this year's issue of the *Oracle.* That you are reading these pages is validation of Philosophia's perseverance.

Of course, this journal is — more than anything — the fruit of the perseverance of each of the writers showcased here. The five essays featured are written by five of York University's undergraduate students who represent almost fully the different year-levels of study. And this selection also happens to be quite rich in the range of themes explored — ethics, aesthetics, philosophy of sex, Presocratic philosophy, and philosophy of law. I think they will not only make for a thought-provoking

read but will serve as great examples of how professional philosophical essays are written. The structure, tone, diction, and research in these papers have been given careful attention by their authors. And each of these students are further admired not for the mere commitment to the exercise of philosophy but to the humbling task of practicing philosophy in the open, like here, in this journal. It is no easy project, but a courageous and risky one, to sincerely inquire into life's mysteries while in full view of those with a more critical eye and to share the journey with others.

Alongside the commitment of the writers to their philosophical inquiry and of Philosophia to its aim of providing students with a forum outside of the classroom in which to engage in philosophy, we have witnessed the great support of a few significant bodies of York University. Philosophia acknowledeges the York Federation of Students (YFS) and the Vanier College Council for their financial support and Vanier College for providing us with office space. Perseverance on Philosophia's part and, therefore, this journal are hardly possible without this kind of support. I also would like to thank the editors for all of their work, including their great and timely assistance in the selection of the manuscripts. Thank you to those professors and faculty members, including Professors Idil Boran, Gerard Naddaf, and Michael Gilbert, for assisting Philosophia to promote the journal and to acquire submissions.

Finally, if philosophy is not reserved for just the student of philosophy and the professional philosopher, but is a healthy exercise for everyone, and if philosophy requires a spirit of perseverance, then this trait is one each would do well to cultivate by practice.

So, continue. Reading, writing, inquiring.

Turn the page and enjoy this philosophical journey.

Geeta Raghunanan
Editor-in-Chief, the *Oracle*
York University, 2008

Do We Need Moral Facts?

JONATHAN PAYTON

In this article I answer Gilbert Harman's objection to the possibility of objectivity in the field of ethics, namely, that there is no such thing as a "moral fact." I analyze the argument using terminology from G. E. Moore's Principia Ethica *and try to apply it to utilitarian moral theory. After demonstrating that utilitarianism does not, in fact, make any appeal to moral facts, I then consider the implications of Harman's theory for the field of ethics as a whole. I conclude that his argument is based on a misunderstanding of ethics and that values are not to be found in the world, but are to be found in us. I then give some closing remarks about one possibility for the construction of an objective system of ethics which finds its basis in the subject.*

In *The Nature of Morality*, Gilbert Harman provides an argument against the possibility of objectivity in the field of ethics. He bases his argument on the idea of moral facts, that rightness and wrongness exist out in the world for our observation. He thinks that without these kinds of moral facts, there is no hope for objectivity in ethics. The purpose of this essay is to pose two questions: *To which ethical theory is Harman's argument directed?* And, *do we actually need moral facts?* We will begin our analysis by investigating the status of moral facts in the doctrine of utilitarianism, using terminology provided by G. E. Moore in his *Principia Ethica*. This will give us the insight necessary to apply Harman's argument to ethics in general and to move on to

the second of our questions. We will see that the objection that Harman raises is the result of a misunderstanding of what ethics is. As a result, we will be able to conclude that we do not, in fact, require moral facts for objectivity in ethics.

OUTLINE OF THE PROBLEM

The problem that Harman outlines in his essay is epistemological: It is a problem of observation. Attacking the notion of moral facts, Harman asks us to examine the relationship between our moral principles and the events in the world. Are there such things as moral facts? Are rightness and wrongness things which we can observe in the world? Harman concludes, quite rightly, that they are not. He compares two different kinds of situations in which observation and theory play important roles. The first situation involves a scientist trying to observe protons in a cloud chamber. If the scientist sees a vapour trail, this is seen as evidence in conformity with the predictions the theory makes; the observation tells us something about the world, and the validity of the scientist's theory (Harman 2006, 267). This is contrasted with a situation in which an individual turns a corner, sees a group of children about to set a cat on fire and concludes that he is seeing something *wrong*. The difference in this situation is that the observation-theory link is severed in a way it is not in the case of the scientist. Harman asks us, where is the wrongness in the situation with the cat? Is it in the fire? In the gasoline? Even the observation of the pain the cat is feeling would not count as a moral fact because there is nothing observed that tells you that inflicting pain is *wrong*.

Because we cannot observe the wrongness in the situation, or in any situation, Harman concludes that there are no such things as moral facts. Right and wrong are not things out there in the world, and as a result, our declarations such as, "Burning cats is wrong," can never tell us anything about the world. Observations cannot verify or falsify our moral theories; they can only tell us about the moral principles of the observer. As Harman puts it, "[t]he fact that you made a particular moral observation when you did does not seem to be evidence about moral facts, only evidence about you and your moral sensibility" (627). The question of the grounding of our moral theories always remains open.

What are the consequences of this argument for the field of ethics? This is obviously an important problem, but it is one which seems too large to handle within the confines of this essay. We will have to restrict our analysis and pay close attention to only one ethical theory. Is there a particular theory that reflects best what Harman means by an appeal to moral facts?

UTILITARIANISM AND THE *PRINCIPIA ETHICA*

One theory that would seem to be impinged by Harman's thesis does come to mind: the doctrine of utilitarianism. Indeed, one of the hallmarks of utilitarian theory is that it is aggregative: It consists in a calculation of pleasure and pain, which are capable of being observed in the world. We will, in our analysis, want to keep Harman's distinction between theory and observation always in mind. This terminology, however, tends to become clunky when put into use, so we will substitute for it some terms used by G. E. Moore in his *Principia Ethica*. This is not

meant to imply that Moore's and Harman's theses are the same, or even that the terms would mean *exactly* the same thing in either context; Moore's terminology is simply easier to use, and accurately reflects the distinction which must be made if we are to make a useful analysis of our problem.

Moore makes a distinction between what he calls 'good' and 'the Good'. The term 'good', for Moore, is a simple, indescribable notion. He makes the comparison to the colour yellow. You would be hard-pressed to define 'yellow', and you would not be able to explain it to anyone who had never seen it before. In the same way, what is meant by 'good' cannot be explained to anyone who does not already know what it means (Moore 2006, 414). The concept of 'good' is a simple notion that we use to construct further, more complex notions which we *would* be able to define, but only in terms of simpler notions. We can see that Moore's description of 'good' matches up quite nicely with the idea of a moral fact: an indescribable quality which is observable in the world. 'The Good', by contrast, is a complex, definable notion. Specifically, it is the collection of things which produce the most 'good' in the world; that is, those things that we actually take to be valuable. For example, we might say that compassion is "good," so comforting someone in times of sorrow would become part of 'the Good'. How can we apply this to utilitarianism?

As has been said above, utilitarianism seems to be a prime target of Harman's argument. Jeremy Bentham sought to build an entire ethical system on the balancing of pleasure and pain — two things that can actually be observed in the world. He declares that humans are essentially "under the governance of two sovereign

masters, *pain* and *pleasure.*[1] It is for them alone to point out what we ought to do, as well as to determine what we shall do" (Bentham 2006, 309). That is, humans desire nothing for its own sake other than pleasure, and, hence, the balance of pleasure and pain are at the root of all of our moral sentiments. An act is to be measured by its consequences, that is, "according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question" (309). Everyone's happiness is weighed equally, and actions that result in greater pleasure over pain are said to be right actions. Thus, the proper aim of a moral system is the promotion of *general* utility.

Moore's distinction between 'good' and 'the Good' becomes important at this point in our analysis. Recall that 'good' is an indefinable notion, so we cannot make sense of the sentence "Pleasure is good" if the word 'good' is used in this way. Indeed, it would amount to nothing more than saying, "Pleasure is pleasure" (Moore 2006, 417). So, the question now becomes, "Are Bentham and the utilitarians making a claim for a kind of moral fact?" Are they trying to define 'good' — in which case utilitarianism falls under the scrutiny of Harman's thesis — or 'the Good' — which leads us to question whether utilitarianism does, in fact, make reference to moral facts?

THE STATUS OF MORAL FACTS IN UTILITARIAN THEORY

It is clear, upon reading Bentham or Mill, that they are attempting to define 'the Good', rather than 'good'. Mill writes, in *Utilitarianism*, that while certain things can be

1. Original italics.

proved to be good by virtue of promoting pleasure, it is impossible to prove that pleasure itself is good (Mill 2006, 319). Moore's terminology can help make the point clearer. If we cannot prove that something is good, it is because we cannot equate 'goodness' with any other ideas, such as 'pleasure' or 'knowledge'. Indeed, as Moore points out, when I say, "I am pleased," I am not equating the concept of myself with the concept of pleasure. In the same way, when Bentham and Mill say, "Pleasure is good," they do not mean that these two concepts are one and the same (which would mean that "Pleasure is good" is the same as "Pleasure is pleasure") (Moore 2006, 417). So what are they really saying?

At first it seems as though the utilitarians are arguing for a kind of moral fact. By saying that one cannot demonstrate that pleasure is good, Mill seems to be making the case that the goodness of pleasure is something which one simply has to observe for oneself; it cannot be demonstrated to anyone who does not already appreciate that pleasure is good in itself. We seem to have all the components necessary for Harman's argument to apply — the moral fact and the moral theory, or, as we have put it, 'good' and 'the Good'. However, we must consider Bentham's original argument for the principle of utility. Bentham does not try to prove that utilitarianism is true; he only argues that his readers are already utilitarians — that humans are naturally governed by the principles of pleasure and pain (Bentham 2006, 309, 310). Thus, the value of pleasure is not an observable fact, but an element of psychology: 'Goodness' is something that we, as agents, bring to a given situation. It is not that pleasure and pain are moral facts. Rather, according to Bentham and Mill, humans simply attach values to these phenomena, which

can then be used to construct a more complex ethical system. So, it is not even the case that utilitarianism begins with a moral fact out in the world and then proceeds to construct an ethical system. Rather, utilitarianism begins with psychology — with 'the Good' — and makes no reference to goodness in a metaphysical sense at all.

We can now see the value in using Moore's terms. They have allowed us to demonstrate the distinction that Harman wants to make, and we have shown that one of the two terms — 'good' — can actually be removed from utilitarian moral theory. Bentham and Mill do not claim that pleasure is good in some intrinsic, metaphysical sense; rather, they claim only that we, as humans, happen to value it.

So, with the theory to which Harman's argument seemed most obviously directed now proven to be exempt from his complaint about moral facts, what are we to make of its application to the field of ethics in general?

Harman seems to think that he has provided an argument against the possibility of objectivity in the field of ethics, but if this is the case, then he is wrong. We have seen that utilitarianism — arguably the only moral system to make anything which could be misconstrued as an appeal to moral facts — does not, in fact, fall under the scrutiny of Harman's argument. The utilitarians do not argue that pleasure is 'good' in the sense in which G. E. Moore uses the word. Rather, they simply argue for an ethical theory based on what we happen to value, on human psychology. The other two major ethical theories — deontology and virtue ethics — seem similarly immune, as goodness is grounded within a rational will or a human conception of the "good life." Harman's argument only applies to a very specific kind of ethical theory, and one

which does not seem at all prevalent from an (admittedly) cursory reading of the literature. So, why is the argument supposed to be significant? We saw earlier that Moore made the distinction between 'good' and 'the Good' because of what he saw as a confusion that has a hold on moral discourse. This distinction itself and Harman's distinction between moral facts and facts of psychology appear to be based on a similar confusion.

PROPOSAL FOR A METHOD

It may be argued that there is no basis for ethics if we adopt a God's eye view of the world, but this argument is clearly faulty. The "revelation" that there are no such things as moral facts out there in the world is only damaging if we adopt a skewed vision of what ethics is in the first place. Rather than acting as a reflection of the world as it is, ethics is a statement of the world as we want it to be. What does this mean, and what significance does it have for our question?

Proponents of Harman's argument sometimes use the above-mentioned God's eye view argument. If we attempt to place ourselves above the realm of human interests, and take a view of the world in purely scientific terms, then all bases for morality seem to disappear. Rightness and wrongness cannot be observed, from this perspective, in any objects in the world. This development should not surprise us, however. After all, what are we really saying when we make an ethical claim? If we say that the boys ought not to light the cat on fire, this is clearly not a statement about the world *as it is*. Rather, we are invoking a sense of a different world, a world where the cat is safe. It is a statement about the way we wish the world to be; by

saying, "You ought not to light cats on fire," we are making an appeal: We are saying that a world in which cats are burned is worse than a world in which cats are safe. Similarly, when we offer praise for a moral act, we are making a statement that this world, as a result of the actions of our moral interlocutor, is better than an alternative world in which they did not act as they did. Rather than describing the world as it is, ethical statements suspend the world and invoke the sense of another one.

It should be obvious from the preceding analysis that we are not using the word 'world' to refer to the earth in any value-free scientific way. Rather, we are referring to the phenomenological life-world in which values are initially encountered. This is why values disappear when the world is viewed from "above" the human experience; values are an aspect of the purely human interaction with the world. This is also why observations do not play the same role in ethics as they would in science; ethics cannot take a scientific view of the world. Values are not "out there" in the world, but rather, they are an aspect of the human encounter with the world that occurs before any theoretical knowledge can be gained. Once we begin analyzing our experience, we are justified in breaking it up into smaller, more manageable parts. Science deals with the world as it is and as it would be without any human interaction. Ethics, on the other hand, is based on values which only exist in the human encounter with reality; they form a part of the life-world. This is why the realization that there are no moral facts is not an argument against the pursuit of moral knowledge: The fact that values are not to be found in the world simply means that they must be found in the subject.

Thus, values cannot be observed from the God's eye view because they are a purely human aspect of the world. We initially encounter a world in which human projects and values are already wrapped up. To bracket this aspect of the world, which science must do in order to provide us with knowledge of the world as an object, is to bracket the entire field in which ethics can take place. Harman's observation that moral statements can only tell us about an individual's psychology is, therefore, not a refutation, but rather a reiteration, of the purpose of ethics.

It may be argued that we are approaching a kind of moral relativism. What kind of objective basis could ethics have if it is dependent on us for its intelligibility? Our initial reaction is to once again make the point that this objection is based on a misunderstanding of morality. Moral statements are not purely descriptive statements about the way the world is; therefore, it is absurd to expect to find a basis for ethics after removing any reference to humans, or those things we happen to value. It is we who experience values in the world, and we who can project the vision of a world different from this one.

But are we not committing a fallacy if we say that something is valuable just because, as a matter of contingency, humans happen to value it? Surely, "It is valuable to me" does not equate to "It is valuable." This objection only works if we assume that all people are fundamentally different and that there are no things that we value in common. Certainly there are differences between people and cultures, but once we realize that values form a part of our pre-theoretical understanding, we are in a position to provide a phenomenological basis for ethics. It may be the case that disagreements about morality are the result of mistakes that are made during

the transition from pre-theoretical experience to theoretical knowledge. As a result, what we must do is re-assess values as we experience them, and search for consistencies between cultures and times. Once these values have been isolated, we can then move on to theoretical construction, which can only take place in the subject, that is, through reflection and logical analysis, rather than a scientific investigation of the world. Through careful analysis and even more careful categorization, we may be able to construct a system of ethics based on those things that humans value first and foremost. The place of theoretical investigation and logical adjudication in this process is secured, but it can only take place after phenomenological insight. This seems to be the most objective ethical system we can hope for. If, after all, basing ethics on those things that we as humans do, in fact, value is to fall into relativism, then it is a relativism which we can live with. However, I do not believe this is the case.

CONCLUSION

Thus, through our analysis of utilitarianism, we have seen that the very concept of a moral fact seems to come from a fundamental misunderstanding of ethics. Ethics does not rely on observation of the world, but rather the invocation of another better world. As such, ethics is centered in the subject. This is, of course, exactly Harman's problem, but does it really eliminate the possibility of objectivity? I, for one, believe that this realization only leads to relativism if we make a certain assumption about humans — that we all, whether as individuals or in a given cultural context, experience the world in fundamentally different ways. If, however, we can find those values that we all experience

and share, then we are in a position to construct an objective system of ethics. This is obviously a very large task to set ourselves, but I see no reason why it should not be attempted, or why it could not be achieved.

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The End of Art: A Hegelian Conception of the Postmodern Paradigm

LISHAI PEEL

This essay will use the Hegelian understanding of dialectical history as a model for the history of art. Through this model it will be shown that postmodern art is the actualization of artistic freedom whereby greater artistic autonomy has enabled artists to conceptualize, philosophize and theorize about the world around them to a much greater extent than at any other point in history. The result of this artistic autonomy is that art has now taken on a dual identity of both art and philosophy. Consequently, art, as it is historically known, is a thing of the past.

Contemporary art galleries are seen as the realm for higher art form and intellectual consideration — the paradigm of artistic creation. Yet as one walks through a postmodern art exhibition, what meets the eyes is an array of works that are so deeply ingrained in abstraction that, unless the story behind a particular piece of work is known, what is present is as disconnected and absurd to us as quantum physics was for Einstein. This disconnectedness we experience towards a postmodern piece of art is cause for contemplation, as we are unable to enter the inner realm of the artist's mind to understand the form as well as the content of what the artist is trying to convey. The core question is, most simply put, *what makes this art?* A postmodern piece of art can take the form of a canvas

splattered in paint, a single brushstroke circumscribed by an empty background, a photograph of a photograph of a photograph, a mundane and ordinary object thrust under the harsh lighting of an art gallery — the possibilities are endless. Take, for example, the work of Marcel Duchamp's *In Advance of the Broken Arm*. In true postmodern spirit, this piece of art retains the identity of a perfectly ordinary snow shovel.[1] This "ready made" is an accepted piece of art, and it reportedly sold for $600,000 in a private sale. So what artistic attribute does this snow shovel have that distinguishes it from other snow shovels that sell for a fraction of that price in a regular hardware store? What, indeed, captures the essential characteristics of a piece of art?

Further complications arise when we try to differentiate between the art of appropriation and "original" art. Such is the case with conceptual artist and photographer, Sherrie Levine, who re-photographed famous Walker Evans photographs and presented them — without further manipulation — in her 1981 solo exhibition. Within the polemics that surround the art of appropriation and optical duplication emerges the all too real question of what constitutes a piece of art when the rules of postmodern photography are so obscure. Indeed, the whole art industry seems to lack the cohesion and systemization that it had formerly professed. The former order was replaced with an art form of seemingly no constraints, where anything and everything goes. For example, when you juxtapose Da Vinci's *Mona Lisa* with Duchamp's *L.H.O.O.Q.*, it appears, as art critic and philosopher Arthur

1. Arthur C. Danto, *The Philosophical Disenfranchisement of Art* (Columbia University Press, 1986), 82. In actuality, Duchamp is associated with the Dada movement that preceded postmodernism.

C. Danto reflects, "a certain extraordinary adventure had run its course and that all that lay ahead was cycle upon cycle of repetition of much the same options…that meant the end, in disorder, of a closed system of energy everyone up to then had believed open."[2] However, a close analysis of postmodern art theory reveals that it is not so much a question of whether artistic energy really had withered away, but a question of *why* art had transformed so dramatically over the course of the twentieth century, and to what end.

What becomes evident is that our former method of critiquing, analyzing and ranking art had exhausted itself. This is because up until the innovation of motion picture technology, the progress of the history of art was largely characterized in terms of the ability of an artist to produce a work of art that simulated optical duplication.[3] So with the coming of new technology which depicted moving things, representational art began to disintegrate. Moreover, the way we conceptualized perceptual reality was jolted to the extent that the inevitable, daunting question arose and reverberated throughout the entire art world: *Where does art go from here*? It was not until this change in our exposure to a different sort of perceptual reality that artists were freed from the framework of representational art and able to pursue their own agendas. This new found autonomy rapidly reshaped the art world in a sense that the art that was being created began raising questions about its own nature and, in doing so, was, as Danto claims, "raising from within itself the question of its

2. Arthur C. Danto, *Encounters and Reflections: Art in the Historical Present* (Prometheus Books, 1986), 331. *L.H.O.O.Q.,* a reproduction of Da Vinci's *Mona Lisa,* is adorned with a comical moustache and goatee.
3. Danto, *Disenfranchisement of Art,* 86.

philosophical identity — was *doing* philosophy…."[4] This philosophical metamorphosis thus facilitated, through the channeling of artistic creativity, what G.W.F. Hegel would identify as another mode of Absolute Spirit.[5] According to Hegel, history is the unfolding of the idea of freedom. In the same respect, one can see the history of art as a progressive movement of the development of the idea of artistic freedom, which culminates in the postmodern era. This actualization of artistic freedom thus marks the end of a certain historical narrative that is known as the history of art. Understanding the full weight of this view requires an analysis of Hegel's philosophy of history and a closer look at the progression of art history until the explosion of the postmodern art era.

Hegel's much quoted statement in his introduction to *The Philosophy of History* reads, "The History of the world is none other than the progress of the consciousness of Freedom…the Eastern nations knew only that *one* is free; the Greek and Roman world only that *some* are free; while *we* know that all men absolutely (man as *man*) are free."[6] This passage is especially telling because it triangulates three key notions. First, Hegel's philosophy of history is a progressive model whereby the history of the world is driven by our consciousness of the idea of human freedom.

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4. Danto, *Art in the Historical Present*, 333. (Emphasis added.)
5. Ibid. Hegel uses the technical term *Spirit* (or *Geist)* to explain the unfolding of freedom. According to Hegel, Spirit is a life force that is manifested in philosophy, art, religion, the human mind and social institutions. The history of the world, for Hegel, is the unfolding of Spirit through all of these different conduits.
6. Georg W.F. Hegel, *The Philosophy of History* (Prometheus Books, 1990), 19. Original italics.

To put this point in other terms, the criterion by which we can understand progress in history is the realization that human beings are intrinsically free. Second, his summed up epigram of ancient to modern history, in the context of who was free, alludes to his dialectical theory of history, which I will discuss further on. Finally, by stating that *"we"* know that all men are free, in accordance with the premise that the history of the world is none other than the process of the consciousness of freedom, Hegel commits himself to two controversial claims, namely, (A) in *his* contemporary world, the realization of freedom was actually achieved and (B) if it is in fact true that the idea of freedom had been realized, then this implies that this realization of freedom marks the *end of history*. I will now look at each key notion individually to further explain these theories.

In order to understand Hegel's progressive model of human history, we must first understand his concept of categories. Throughout his writing, Hegel places emphasis on his view that we cannot ever simply perceive the reality within which we function without preconditions or presuppositions. [7] This is because, according to the interpretation of author and philosopher Stephen Houlgate, "all human consciousness is informed by categories of thought which mediate everything we experience" [FTH.5]. This can be understood to mean that the world as it is known is experienced through a framework of categories which determines our modes of thought [FTH.6]. I interpret Hegel here not as rejecting the

7. Stephen Houlgate, *An Introduction to Hegel: Freedom, Truth and History* (Blackwell publishing, 1991), 5. Hereafter, all references to Houlgate will appear in text as [FTH. Page number].

range of emotions that play an important role in the way we perceive the world. Rather, he is stating that those emotional, physical and practical stimuli are themselves determined and directed by categories of thought [FTH.6].

For Hegel, these categories do *not* place limitations on conceptual understanding of what *is*. On the contrary, it is through these categories that the structure of the world is disclosed, as individuals are born into the world, and so share the essential character of it [FTH.8].[8] Furthermore, it is because our minds are conceptually prepared for the truth that, through these categories, there is the ability to access genuine consciousness of reality as we know it [FTH.8].

Hegel also stresses that categories of thought are *not* fixed. The full weight of this claim can be felt when comparing Hegel's view of categories with Plato's view of the forms. Plato's view of knowledge consists in the realm of forms. So, to reach absolute truth, one must contemplate the forms, which exist independently of the realm of the senses and experience. Whereas, for Hegel, categories of truth are not fixed eternal forms that remain unchanged throughout history. Rather, categories of truth are dependent upon human experience, i.e., what is experienced corresponds with the reality within which one lives and the time period within which one is born [FTH.9]. Thus, categories facilitate the changing nature of meaning in history and constitute, as Houlgate maintains,

8. Hegel's view on categories differs from that of his predecessor the German Enlightenment thinker, Immanuel Kant. It was Kant's belief that we create categories to make sense of our perceptions. Therefore, the world as we know it is compiled of layer upon layer of human interpretation, whereas, for Hegel, the structure of our conceptual categories is innately linked with the world itself.

"the changing *historical* preconditions of knowledge" [FTH.9]. [9] Those historical changes in conceptual presuppositions — albeit they perpetually alter the way one finds meaning in the world — are what allow the truth to become gradually more apparent and accessible [FTH.9].

It follows that if the way one gains access to the truth is through our ever changing conceptual categories, significant changes within civilizations (such as major shifts in thinking, revolutions and uprisings or new ideologies taking root within a society) can be seen not just as contingent occurrences that historically arise, but as the result of fundamental changes in our conceptual categories. Accordingly, all major differences between civilizations are reducible to the differences in the categories they employ, which directly affect the way they govern their lives [FTH.10].

Following immediately from this, one understands that *all of history is the history of thought*, insofar as historical events are determined by human *acts*.[10] Historical events and political struggles can be understood, not by examining what historical figures did, but by analyzing what they thought.[11] R.G. Collingwood, in his book *The Idea of History*, attributes to Hegel the proposition that the history of the world consists only of the history of human life, more specifically that of rational life, the life of thinking beings.[12] By this, Hegel means that everything that happened in history takes place in conjunction with

9. Original italics.
10. Robin G. Collingwood, *The Idea of History* (Oxford University Press, 1956), 115.
11. Ibid.
12. Ibid., 116.

the will of man.[13] So, if history is filled with human actions, the "will of man" can be seen as man's thought expressing itself outwardly in action.[14] Collingwood's interpretation of Hegel continues: "Thinking…is always done by a determinate person in a determinate situation; and every historical character in every historical situation thinks and acts as rationally as that person in that situation *can* think and act."[15] Collingwood's interpretation speaks for itself, so I will add just a few comments. Hegel reduces human beings to nothing but the activity of producing and determining their identity and themselves [FTH.21]. While the geographical and historical contexts into which an individual is born facilitate the conditions from which one must start, they do not necessarily fix what a person can become [FTH.21]. What does change, though, is the development of self-understanding. As human beings become more conscious of themselves as self-determining beings, then the very nature of social, political and cultural spheres, which as determinate beings we create and inhabit, is transformed [FTH.21]. Therefore, fundamental historical advancements, according to Hegel, can be attributed to the growing awareness of potential for self-determination, which in turn enables us to *become* more freely self-determining in history [FTH.21].

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13. Ibid. A distinction should be made here between changes that are determined by humans and changes that are a result of the natural world — the underlying difference being that, according to Hegel, human developments can be attributed to changes in conceptual categories, whereas the natural world is always governed by the same laws.
14. Ibid.
15. Ibid.

What fuels this process forward, within a particular social milieu, is human passions. It is through the desires of people that history is marked with wars, political endeavors and social activities. So, although freedom is perpetually unfolding, maturing and revealing itself, it is not without great sacrifice and loss that this occurs. Hegel uses an analogy of a "slaughter-bench" to illustrate this point: "But even regarding History as the slaughter-bench at which the happiness of peoples, the wisdom of States, and the virtue of individuals have been victimized — the question involuntarily arises — to what principle, to what final aim these enormous sacrifices have offered."[16] From this quotation, it is quite clear that Hegel acknowledged the fact that history does not advance smoothly. However, the atrocities that occurred in history were necessary for the rational advance of freedom. His concern was to show where in historical upheavals and bloodshed progress does actually reveal itself and to what degree revolutions, genocide and war were the horrific, tragic, yet necessary result of advances in political, religious and social self-understanding [FTH.29].

If history can be explained as the unfolding of freedom, then the purpose of the so-called dialectic is to actualize freedom. The Hegelian dialectic has, at its roots, the principle of contradiction. [17] Francis Fukuyama, philosopher and author of *The End of History and the Last Man*, uses the basis of the Socratic dialogue to illustrate this point:

16. Hegel, *Philosophy of History*, 21.
17. Francis Fukuyama, *The End of History and the Last Man* (Free Press, 1992), 61.

> [I]n such discussions…the less self-contradictory side wins, or, if both are found in the course of the conversation to be self-contradictory, then a third position emerges free of the contradictions of the initial two. But this third position may itself contain new, unforeseen contradictions, thereby giving rise to yet another conversation and another resolution.[18]

How are we to understand this passage? First, we must understand Hegel's notion of negation, so that we can see how it plays a role in the Socratic dialogue. Hegel challenged the entire rationalist tradition with his belief that contradictions and negations are necessary conditions for the truth. The rationalist, classical logician discarded contradictions as a means for unearthing the truth, whereas Hegel looked at the whole spectrum, including contradictions, in order to reach any kind of conclusion. It was his belief that contradictions do not bring arguments to a halt; rather, they are the moving force of truth. Returning to Fukuyama's example of a dialogue, one may see history as a dialogue between civilizations, whereby an inherent contradiction within a particular civilization erupts at a certain point in time and is then superseded by another civilization. However, each succeeding civilization retains something from the previous one. Take for example, the progression of Ancient Greece, the Roman Empire and the Middle Ages. While the Roman Empire negated Ancient Greece, it still retained something from Ancient Greece. In turn, the Roman Empire ultimately

18. Ibid.

collapsed because of its internal contradiction, which, according to Hegel, was the establishment of universal equality of all men, without recognition of rights and inner human dignity.[19] The collapse of the Roman Empire paved the way for the rise of the Middle Ages, but by virtue of absorbing the Roman Empire, this period also absorbed Ancient Greece. So, there were Greco-Roman themes, ideals and assumptions inherent in the Middle Ages.[20] This means that every concept, every theory and every state of consciousness contains, within itself, its own contradictions and inner tensions which will eventually play themselves out, making way for new concepts, theories and states of consciousness. In summary, nothing is ever discarded according to this model. Negations are always informing, creating and contributing to a particular time period. When those tensions erupt, we are propelled into a new era, which subsequently preserves both the good and the bad of its predecessor.

According to Hegel, if Spirit's consciousness of its freedom is the driving force of history, it rationally follows that the actualization of this freedom is the final purpose of the world. However, this does not mean that we simply become conscious of Spirit or gain a more accurate picture of our own progression. Rather, it means that the whole process whereby we produce ourselves must be brought into our consciousness [FTH.34]. To reach this full state of consciousness, we must not only recognize the process whereby we produce ourselves, but also recognize that this

19. Ibid.

20. German philosopher Gottlieb Fichte explained Hegel's triad in terms of a thesis, antithesis and synthesis. If the antithesis absorbs what is best in the thesis, then what is left from this is synthesis.

process is *itself* the process of understanding how we produce ourselves [FTH.34]. It is only through retrospective reflection on our history and recognition of what we have *become*, through understanding what we *are*, i.e., self-determining beings, that full consciousness can be achieved [FTH.34].

The terminal point of this continuum of progress and regression is derived from full self-consciousness. According to Fukuyama's interpretation, this terminal point or, to put it in Hegel's language, the *end of history*, was embedded in his belief that the dialectic would come to an end with the achievement of absolute self-consciousness and the implementation of liberal ideals in the world political scene.[21] The principles of equality and liberty, which were at the core of the American Revolution in North America and later in the French Revolution in Europe, ultimately led to the emergence of the modern liberal state. So even if after the battle of Jena in 1806, these principles were not accepted and implemented worldwide, the manifestation of these principles, in concrete form, was nevertheless the climatic point in world history. This is because liberal societies were not bound to the "contradictions" that had been inherent in earlier forms of social organizations; subsequently, the historical dialectic was brought to a close.[22]

By declaring the end of history, Hegel was not claiming that there would be an end to events arising out of our social, political, ideological realities. He was, however, stating that although the future may hold changes, these changes would come without further development in our

21. Fukuyama, *Last Man,* 64.
22. Ibid.

level of rationality and freedom, thus no longer bringing forth any historical significance. Furthermore, history cannot end in the future because the future is a closed book to us; history *must* end in the present because, quite simply, nothing else has happened.[23] "The future is an object not of knowledge but of hopes and fears," as Hegel put it, "and hopes and fears are not history."[24] Consequently, we are all a product of our specific times and places. Although we may appreciate philosophical ideas, aesthetics, values and political ideas from past ages, we can no longer, in our contemporary society, generate that same fundamental impact of these historical attributes [FTH.14]. Houlgate presents us with a telling statement that exemplifies Hegel's view on the matter: "…there can now no longer be any fully-fledged Platonists, Aristotelians, Stoics or Epicureans, because we belong to a different and, in Hegel's opinion, freer and more sophisticated age" [FTH.14].

The Hegelian conception of history that I have just presented provides a model for understanding the history of art and, particularly, the end of the history of art. In the same respect that history must end in the present because the future is a closed book to us, the history of art *must* end in the present because it is only possible to imagine what the art of the future will be like. Even when we imagine what the future of art holds, our imaginary depiction will be profoundly part of our own time. When we seek to imagine future art forms, what we envision will inevitably take the form of things that *have* come to be, as we only

23. Collingwood, *Idea of History,* 120.
24. Ibid.

have the forms, or in Hegel's language, the categories, we know to give them.[25] This "unintended historical limitation," as Danto refers to it, is further expressed in the following quotation: "The future is a kind of mirror in which we can show only ourselves, though it seems to us a window through which we may see things to come."[26]

To say that the history of art ends in the present because the future is unknown to us, although somewhat obvious, has more significance than it appears. It coincides with the polemical contention that the history of art has, in its truest sense, run its course, that "art, considered in its highest vocation," as Hegel maintained, "is and remains for us a thing of the past."[27] This is not to say that art will no longer continue to be made and celebrated. Art will always continue to be produced, insofar as art is a human activity. However, it can no longer carry the same historical significance that a discipline of its magnitude boasts. Although a certain narrative, namely the history of Western art, has come to an end, the subject of that narrative has not ended.[28] Changes in art can continue, in what Danto unequivocally termed "the post-historical period of art," albeit without development. What constellation of causes brought about this historical

25. Danto, *Disenfranchisement of Art,* 82.
26. Ibid.
27. Danto, *Art in the Historical Present,* 340. Hegel spoke of art as having come to an end in 1828, respectively (with the establishment of the short-lived Nazerene art movement). This, for him, marked the turning point when art began to deal with something outside of itself, thus, transforming itself into something other than conventional art. His prediction, although premature, facilitates the narrative of developing self-consciousness and absolute freedom, which I am putting forth.
28. Arthur C. Danto, *After the End of Art* (Princeton University Press, 1995), 4.

watershed? What paradigmatic shift could lead to such a climactic historical moment in the art world? To answer these questions, one must, retrospectively, evaluate the gradual progression of linear perspective and optical duplication — the changes that came about in the modern art era — and the subversion of whatever artistic boundaries remained, which ultimately caused the postmodern paroxysm.

Throughout every art period in Western civilization, the framework through which art has functioned, both in terms of how artists created art and the way we have understood and accepted art, is through a certain art theory. Art theories hold together the structure through which art operates. Up until the latter part of the nineteenth century, the reigning art theory had been embedded in that of mimesis, which, as Danto remarks, "served the theoretical purposes of art admirably for several centuries."[29] The Imitation Theory of Art (IT) was an exceedingly powerful theory, as it acted as an agent of uniformity and injected clarity into a complex domain by superimposing its rules onto the art world.[30] Both Hamlet and Socrates described art as a mirror held up to nature.[31] What the IT strove for was the verisimilitude of nature as depicted in painting, the simulation of perceptual reality. Consequently, the history of art was a progressive model whereby artists strove for perfection of line, colour, texture, space and perspective to create works of art that

29. Ibid., 29.
30. Arthur C. Danto, "The Artistic Enfranchisement of Real Objects: the Artworld," in *Aesthetics: A Critical Anthology*, ed. George Dickie, Richard Sclafani and Ronald Robin, 171 (New York: St. Martin's Press, 1977).
31. Danto, "Enfranchisement," 171.

corresponded to what reality itself presented. By perfecting and refining artistic methods, artists sought to emulate visual experiences equivalent to those furnished by actual objects and scenes.[32] Artistic progress was marked by the decreasing distance between actual pictorial simulations and what perceptual reality itself would present, and this progress was measured in terms of the extent to which the unaided eye could differentiate between the two.[33]

Referring to the Hegelian dialectic, the history of painting can be understood in terms of a gradual, internal development in representational precision and fidelity whereby advances were made in techniques and different modes of painting by means of the dialectic interplay between different art periods. The history of art took on a didactic nature, as each successive art period appropriated discoveries and innovation from previous periods and further manipulated, improved and utilized them. Artists continuously strove towards the stronger illusion of depth provided by the mastery of mathematics and visual techniques of perspective, realistic representation of light and shadow utilized by the accurate use of colour, and the refining of space to create the illusionistic depictions of three-dimensional spatial world on two-dimensional surfaces. The process of developing and perfecting these artistic elements took centuries, as artists gradually became better and better at constructing works of art that mirrored the world they perceived. Consider the major art eras since the sixteenth century — the Renaissance, which was followed by the baroque, which was followed by rococo,

32. Danto, *Disenfranchisement of Art*, 86.
33. Ibid.

which was followed by neoclassicism, which was followed by the romantic, the modern era and finally the postmodern. Each era developed, to a certain degree, in reaction to its predecessor. This corresponds to Hegel's notion of negations; while each era negated its predecessor, each also retained the artistic achievements of its predecessors.

Crucial to this gradual development was the representational power to depict movement. Even before the arrival of motion picture technology, artists had long since developed methods for depicting things in motion.[34] From the depiction of God extending his arm towards Adam in Michelangelo's *Creation of Adam*, to a young lady flirtatiously kicking off her shoe at a statue of Cupid in Fragonard's *The Swing*, it is clear that a painting can depict a moving thing without there being any movement. For the viewer, there is an awareness that what is presented to the eye is not moving, but on the basis of optical cues in the painting, it can be inferred that the artist is trying to convey movement. The progressive model of representational art was largely oriented around the imperative to replace inference to that which is equivalent to perceptual reality.[35] This inferential bypass is commonly referred to as "fooling the senses," yet it was limited in its ability to complete sensory reproduction. [36] Without the subtle cues, such as perspective implemented in a depiction of movement, there would be no connectivity between the image presented and the action implied. These limitations could only be overcome by the elimination of inference, facilitated by a transformation of

34. Ibid., 87.
35. Ibid., 88.
36. Ibid., 89.

the medium. The transformation in question came about in the late nineteenth and early twentieth centuries with the technological innovation of cinematography, which mapped out the "significant shift in philosophical and representational issues that are coextensive with technological change." [37] In 1895, the first public film screening, from the studios of the Lumière Brothers, consisted mainly of moving images from the scenes of everyday life, thus displaying movement for the sake of movement.[38] Cinerama was the catalyst, which, as Danto exclaimed, "hurled *us* through visual space,"[39] and, in so doing, systematically deconstructed the stable theory of representational art and caused the internal breakdown in the previous order of the art world. The advent of motion-picture technology subverted the capacity for illusion and thus forced artists to rethink the nature of painting or to simply become outmoded.[40] It was at this moment in time when the urgent question of what was left for the artist pressed itself onto the art world and provoked the ultimate question: *What is art?* Once art started dealing reflexively with the question of its own existence, it transformed into something that transcended that of visual representation, into something of a philosophical nature, and in doing so, art, as Hegel put it, "passe[d] from the poetry of imaginative ideas to the prose of thought." [41] This

37 . David Tomas, "An Identity in Crisis: The Artist and New Technologies," in *Theory Rules: Art as Theory; Theory and Art,* ed. Jody Berland, Will Straw and David Tomas, 197 (Toronto: University of Toronto Press and YYZ Books, 1996).

38. Danto, *Disenfranchisement of Art,* 96.

39. Ibid. (Original italics.)

40. Danto, *Art in the Historical Present,* 340.

41. Leon Rosenstein, "The End of Art Theory," *Humanitas* 15, no. 1 (2002): 32–60.

philosophizing of art draws on a certain kind of self-consciousness, not unlike the Hegelian notion of a growing self-awareness of the Idea of freedom. Through the philosophical probing of the question of *what art is*, the eventual emancipation of art became a reality.

The invention of motion-picture technology was the advent that eventually caused the collapse of the old art order. However, other factors within the social milieu of bourgeois encroachment, the failure of the romantic art period to preserve a progressive role for art, and the growing influence of market and mass society on the art world also played a role in the shaping of the modern art theory.[42] While, on the one hand, the modern turn facilitated the growing consciousness of artistic freedom, by breaking free from the rigidity of IT, it also carried within its own theoretical processes contradictions that, from a Hegelian perspective, undermined and further led to its demise. An internal conflict erupted between the modernistic insistence of purifying art of anything external or extraneous to the art object, the medium (in order to avoid contamination with mass society and culture) and the imperative to sell their work for the highest price, thus conforming to the capitalist ideal.[43] In addition, by the twentieth century, modernist art had become even more complex and divided as distinctions between "high art" and "low art" permeated into modernist theory.[44] Exemplified by art critic, Clement Greenberg, conservative elitism became the residual attitude of high modernism. A

42. Steven Best and Douglas Kellner, *The Postmodern Turn,* Critical Perspectives (New York: The Guilford Press, 1997), 126.
43. Ibid.
44. Ibid., 128.

private language and unique artistic style established by those belonging to the former category, among whom a sense of genius and purity of vision often caused feelings of alienation from the masses. [45] High modernist art can be viewed as the pinnacle of the artist — more specifically, the *male* artist, as master, capable of artistic genius and the bastion of refined, elite taste. [46] Furthermore, the avant-garde movements, which advocated experimentalism and repudiated the mimesis model, coexisted in conflict with the bourgeois "institution of art" whereby the commoditization of art as a tool for political legitimation caused much controversy within the splintered spheres of the art world.[47] Division between "high" and "low" art, the competing manifestos, as well as the not-so-subtle exclusion of women served to strengthen the internal contradictions that were so prevalent during this art period.

The philosophical question of the essential nature of art was the driving force of the modern art era.[48] Modern art sought the negation of traditional aesthetic forms in favour of creating new ones.[49] This shift began with the French impressionists who experimented with natural properties of light to focus on the "single moment," thus, severing ties with the mimetic model. The autonomy of art, experimentalism and "art for art's sake" became the focus for modernistic creative modalities, and what ensued was a modernist insurrection, whereby different art

45. Ibid.
46. Ibid., 129.
47. Ibid.
48. The modernist century began (approximately) in the 1850s to the 1950s.
49. Best, *Postmodern Turn*, 126.

movements undertook the task of finding the *essence* of art by exploring the medium itself. Each individual art movement, or "manifesto," as Danto refers to it, tried to define the philosophical truth of art while preeminently rejecting other movements that sought to do the same. Each art movement strove to ascend to a new level of consciousness by building on the experimentalism of previous manifestos, while searching for a kind of stipulated definition of the essence of art.[50] The following quotation elucidates this point clearly: "Each of the movements was driven by a perception of the philosophical truth of art: that art is essentially *X* and that everything other than *X* is not — or is not essentially — art." [51] From this quotation one can understand *X* to indicate what a particular art movement *hoped* was their claim to the essence of art. However, the implosion of the boundaries of art, which reached its apogee in high modernism, proved that none of the boundaries that had previously held the art world together could sustain the onslaught of modernistic art movements. As the boundaries systematically gave way, it became clear that the hope of *X* could not be realized.

The realization of this truth marks the explosive transition into the postmodern era.[52] There was a sense that art, like a steam engine, had run the end of its track and that there was nothing left for the artist to achieve. Subsequently, all that was left for the postmodern artist, in the face of this downsizing and diminishing new era, was to toy and parody the cultural past. While the postmodern turn in the arts maintained some modernist traditions —

50. Danto, *After the End of Art*, 30.
51. Ibid., 28.
52. The postmodern turn occurred (approximately) in the late 1950s.

namely, the rejection of realism, mimesis, and linear forms of narrative — it assailed elitism and integrated both "high" and "low" art in its artistic mosaic.[53] Words such as "creativity" and "unique" were discarded, and a more ironic, playful and satirical attitude was adopted.[54] This was brought about by the apprehension that no language, whether it be the language of science, politics or aesthetics had a superior insight or a higher vantage point on perceptual reality.[55] The idiosyncratic obscurities of modernist artists were replaced by postmodern artists speaking out in the language of the everyday — the most available, public and commodified language.[56] Signification, which was a trademark of modernist art works, also saw its demise with the postmodern turn. Instead, postmodern art became more surface-oriented as it repudiated depth, hidden meaning and interpretation.[57] Reality (or unreality, as such) became viewed as an intertextual, multiperspectival social construction of meaning; it left no room for stipulative definitions of art and the "true" meaning of art.[58] The entire structure of modernistic "manifestos" was abandoned, as a dedifferentiating approach to art gave rise to a pluralistic art culture. Boundaries between artist and spectator and among different artistic forms, genres and styles melted into one another.

The modern project had overseen an entwinement of artist and their respective work: the unique vision of the

53. Best, *Postmodern Turn,* 130.
54. Ibid.
55. Ibid.
56. Ibid., 133.
57. Ibid., 130.
58. Ibid.

artist manifesting in a new form of artistic creativity. Conversely, those who followed the postmodern turn abandoned the modernistic notions of the creative genius, originality, authenticity and themes of selfhood.[59] Instead, they embraced the task of rearranging old art forms while utilizing readily available materials for this undertaking. Not only did postmodern art cease to seek out new materials and "manifestos," it also saw a trend towards the valorization of everyday objects and commercial culture. The utilization of such everyday "life" materials for artistic purposes is exemplified by Robert Rauschenberg, who created art out of a compilation of debris from consumer and media society. Such works included, for example, his *Monogram,* which was essentially a stuffed goat standing in a tire on top of a collage of everyday objects. Similarly, Jasper Johns continued the postmodern assault on high art — in order to integrate mass culture into the art world — by developing themes of distance and detachment in his artwork.[60]

Johns's successor, Andy Warhol, pushed this celebration of noumenality further still. While Johns created representations of objects from everyday life, such as sculpting beer cans out of bronze, Warhol reveled in the art of appropriation. His art tended towards simulacra, representations of representations, effectually causing a ripple of debate among art scholars and artists alike. His most notorious and perplexing work is that of his 1964 *Brillo Box*. The art piece in question was a perfectly ordinary box of soap pads, and, like Duchamp's *In Advance of the Broken Arm*, it does not possess any interesting

59. Ibid., 133.
60. Ibid., 171.

perceptual difference that would render it a piece of art, nor could one distinguish it from any other Brillo box that could be found in a supermarket at the time. Duchamp, in 1917, shocked the art world with his *Fountain*, which was nothing more than an ordinary urinal. In presenting the art world with *Brillo Box,* one can see Warhol following in Duchamp's footsteps. However, Duchamp's *Fountain* raised associations with some of the most heavily defended boundaries in modern society (such as the difference between the sexes), while *Brillo Box*, in contrast, did not tap into such subject matter that was considered "taboo." [61] *Brillo Box* is "public, bland, obvious, and uninteresting"; it was arguably void of signification and hidden meaning.[62] The banality of *Brillo Box* forces us to contemplate what constitutes a work of art and a non–work of art when there are no interesting perceptual differences between them. In order to answer this question, one must address it philosophically, as it is clear that perceptual grounds alone will not suffice. Not only did *Brillo Box* mark the disintegration of distinctions between artist and spectator, artwork and spectator and art and reality, but it also did so without any perceptual cues. The question of its own existence *as an art object* is brought about not by sense experience, but by *thought*. What Warhol illuminates is that there is no specific criterion for art or how it must be. As Danto remarks, "all art is equally and indifferently art."[63]

What stops works of art, such as *Brillo Box* or *Fountain*, from collapsing into the real and mundane objects they are

61. Arthur C. Danto, *Philosophizing Art* (University of California Press, 1999), 75.
62. Danto, *Philosophizing Art,* 75.
63. Danto, *After the End of Art,* 34.

is a particular art theory, namely, postmodern art theory, which examines, explains and theorizes about the current status of art within this postmodern paradigm. The way the audience internalizes and accepts art *as* art is through the framework of this theory. It proclaims that a canvas splattered in paint, a single brushstroke circumscribed by an empty background, a photograph of a photograph of a photograph, a mundane and ordinary object thrust under the harsh lighting of an art gallery are, in actual fact, art. If we reflexively look upon the history of art, it becomes clear that postmodern art theory could not have come about at any other point in history other than now. To imagine a urinal presented as art to the patrons of painters during the Renaissance is absurd. Postmodern theory is only possible given the history of art and the way art has evolved from that of a visual spectacle to that of a philosophical nature.

The true philosophical discovery that emerged in the postmodern paradigm, which enabled full artistic enfranchisement, is that there is no one way art has to be.[64] This discovery came about after the failure of modern art to maintain a definitive, unifying function for art. Modern art can be viewed as *art about art*, and it concerns a philosophical investigation into the very nature of art itself. Postmodern art, on the other hand, can be seen as *art for the sake of art*, and it concerns the acceptance of art as a nothing more or less than art, and thus it is not bound to any definitions, genres, universal rules or progressive history. Although the Hegelian dialectic is called upon to help understand how the postmodern paradigm came

64. Ibid.

about, postmodern art is without a history. In the same respect that Hegel believed that history ended with the coming of self-consciousness (and subsequently the manifestation of freedom), art too ends with the becoming and awareness of its own philosophy.[65] Postmodernism, with all of its chaos, uncertainty, discontinuity, indeterminacy and boundless artistic freedom, marks the beginning of a new narrative of art.

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There Is More than One Way to Do It: Fostering an Interdisciplinary Approach to the Politics of Sexuality

CRISTINA D'AMICO

In this paper, I engage with Michel Foucault's philosophy of sexuality, specifically the discursive method articulated in The History of Sexuality, *Vol.1. Drawing primarily from the work of Sigmund Freud (1905), Antonio Gramsci (1931), Ian Craib (1997), as well as prominent York University scholars John O'Neill (1995) and Loree Erikson (2000), the paper uncovers some of the politically debilitating philosophical assumptions on which Foucault's work is predicated, and which prevent his text (as well as other postmodern theories of sexuality) from producing a radical, inclusive and liberating politics of sexuality. The paper does not seek to discredit the validity, utility or profundity of Foucault's constructionist theories — rather, the main objective of the essay is to encourage psychoanalytic, social constructionist, historical and scientific approaches to sexual theory. I suggest that to understand the complex phenomenon of sexuality and promote an inclusive, radical politics of sexuality, theorists need to approach the study of sexuality from multiple perspectives.*

Social construction theory, in the ongoing effort to wrest sexuality from the clutches of biological determinism, forces sexuality to lose its vital psychoanalytic, scientific

and political appendages. Informed by Michel Foucault's (1976) discursive analysis, current social construction theory posits a politically debilitating theory of sexuality. A re-examination of social constructionism using Ian Craib (1997), Sigmund Freud (1905), Antonio Gramsci (1947) and John O'Neill (1995) exemplifies the political weaknesses of discourse analysis and offers alternative strategies for an active politics of sexuality. Of course, the violent attempts to reclaim sexuality are not without merit, as biological frameworks historically foster patriarchy, androcentrism and privilege heteronormativity. Moreover, social construction theory remains a critical tool for understanding the deployment of sexual oppression within society. The work of Anne Fausto-Sterling (1993) and Anne McClintock (1995) incorporate culture and biology, materialism and psychoanalysis, and are exemplary models of interdisciplinary theory. In order to articulate inclusive, liberating political theories of sexuality, construction theory must curb its destructive tendencies, and instead engage with its "constructed" nemeses — science, psychoanalysis and politics.

As suggested by its definition, sexuality comprises elements of biology and the body as well as social and cultural constituents; however, historically, sexuality has not been interpreted as an interrelated whole. Instead, in philosophical and scientific thought, the subject underwent a split, emphasizing the existence of two separate spheres, sex and gender. Sex remained largely a matter of physiological, scientific inquiry and was perceived as an active determinant of the social aspects of one's gender. Cultural anthropological investigation, for example, Margaret Mead's *Coming of Age in Samoa* (1920), establishes the cultural contingency of gender roles and behaviours.

Certainly, Mead's work (and much of the construction theory which follows it) successfully undermines problematic essentialist arguments which produced an oppressive, exclusionary, heteronormative sexual ideal. However, the current form of social construction theory eradicates and undermines all biological or scientific inquiry in the study of sexuality. For instance, in *The History of Sexuality*, Foucault's reversal of Freud's psychosexual theories undermines the validity of psychoanalysis. Ultimately, Foucault's discourse analysis dissolves into symbolic language games, which have little bearing on material political conditions.

Although the term is not explicitly defined in the given section of the text, in contemporary philosophy the term 'discourse' is commonly understood as a set of ideas and images that structure human thinking and action. Discourse, or the discursive practice, emphasizes the power of language and social institutions to ascribe dominant, hegemonic meanings to certain social or cultural phenomena. According to Foucault, discourse is an active force which possesses the ability to produce knowledge. For example, in *The History of Sexuality*, Foucault's repressive hypothesis critiques the Freudian psychoanalytic theory of repression by arguing that "modern society is perverse" (1976, 47). Foucault argues that the proliferation of numerous discourses of sexuality, namely during the Industrial Revolution, has shaped the ways in which individuals think about sex; therefore, one does not repress sexual desires in the Freudian sense. Rather, one is continuously repressed by social and institutional forces beyond one's control. For Freud, the internal state determines external behavior, and most often he appeals to experiences during infant sexual

development to explain outward manifestations of repression. In opposition, Foucault appeals to the exterior, social forces to explain an individual's perception of sexuality.

Ironically, social constructionists denounce Freudian psychoanalysis as debilitating and resent its ability to make fallacious and deterministic claims under the guise of conclusive and objective science. However, Freudian psychoanalytic theory and the study of the unconscious allow individuals to achieve heightened self-awareness and understanding. Foucault, taking up a pejorative criticism of biology and medicine, implicitly condemns Freudian psychoanalysis and argues that "imbedded in bodies, becoming deeply characteristic of individuals, the oddities of sex relied on a technology of health and pathology [...] sexuality was a medicalizable object" (1976, 44). Foucault dismisses, or perhaps overlooks, the empowering and liberating elements of psychoanalytic theory, including the ability to interrogate, understand and potentially alter one's behaviour; therefore, Foucault's reversal, and his easy dismissal of Freud as "a medicalized discourse" abandons human agency and, consequently, in the same moment, abandons politics (56).

Certainly, it is ironic that postmodern social construction theory, which seeks to dismiss and undermine an entire history of authoritative science and philosophy, should assume a hegemonic, unchallengeable theoretical position in the history of ideas. O'Neill, in his critical text *The Poverty of Post-Modernism,* debunks discourse and discredits Foucault's abandonment of politics and embrace of fleeting, theoretical and symbolic discursive re-articulation (1995, 6–9). O'Neill argues that the decision to jettison political action stems from the

perversion of the coterminous relationship between knowledge and power, where

> in the postmodern scene, power is knowledge of our voluntary servitude. In the Enlightenment scene, our knowledge is the power to end our servitude [...] In the latter sense, the community is a social mirror in which our self is enlarged and enabled through the exchanges of language, labour and communicative exchanges that are ruled by truth, equality and freedom (1995, 35).

Foucault abdicates agency and, consequently, abdicates politics and any potential for social or political transformation. Further, "the post-modern fascination with cultural surfaces and its derision of essence, along with its easy de-constructions of the super/substructure, centre/margin distinctions [...] makes it difficult to resist the power/knowledge trope that now dominates postmodern political thought" (O'Neill 1995, 5). The futility and superficiality of discursive re-articulation does not escape O'Neill's scathing criticism, and he condemns them as passive, apolitical theories which are nihilistic but cannot conceive of newness or inclusive activism.

Postmodern discourse posits ontological and epistemological assumptions which render active political change an impossibility. Foucault and his postmodern politics suggest that ontology, the state of being, is a structuralist fiction and that human beings possess no internal essence. The only changes that occur are the discursive shifts, the changing epistemologies — and

according to Foucault, how we know what we know is not a self-initiated project but, rather, a dictation given by larger social, governmental and medical institutions within society (1976, 23). To completely abandon any form of universal ontology, to wade in random epistemological shifts and merely "play" is an apolitical and elitist articulation (O'Neill 1995, 46–49). Those who are truly disadvantaged by the oppressive, dominant discourses and lack time, money or education necessary to partake in discursive deconstruction are effectively marginalized and cannot participate in playtime.

The shallow, apolitical aspects of postmodern discourse are present in a popular film on gender construction, *A Boy Named Sue*. The film traces the sex change of a young woman named Sue, emphasizing the physical, exterior changes she undergoes in order to become Theo. A friend describes Sue's transformation as a political action, an empowering claim to one's identity and an attempt to express true interiority within the confines of a stifling social framework. How liberating and politicized is Sue's physical transformation? Throughout the film, Theo, claiming that he cannot form any real bonds with other men, expresses feelings of alienation, even though his own internal masculinity now matches his exterior appearance. Theo's discontent and social isolation ultimately lead to the confession that Theo "doesn't really feel like a real man" (2000). Society now reads Theo's body with a different set of false, predetermined cultural discourses that do not describe his own feelings, tastes or desires. The physical transformation is in itself a discursive, symbolic action. The film does not provide complete access to Theo's thoughts and feelings concerning the operation, and it is possible that he is quite

happy today in his new social role. However, as a political statement, Theo's gender transformation is barely an epistemological ripple on the still waters of social discourses of sexuality and gender. Individual discursive re-articulations cannot implode or supersede the discursive framework (O'Neill 1995, 12–14).

Theo's situation articulates the pervasiveness of the masculine versus feminine binary in Western societies. Sexual preference, preferred social roles or leisure activities that do not reflect one's gender norms often incite identification with the opposite gender and produce identity crisis. In opposition to Theo's "atomized" transformation, O'Neill emphasizes mutuality and community as necessary components of political transformation (1995, 6). The possession of community and a sense belonging are invaluable and enabling political assets. Consider, for instance, the role of the male Fafafine in *Paradise Bent: Boys Will be Girls in Samoa.* Samoan culture defines gender roles in terms of one's actions and social roles within the community, and thus the male Fafafine possess fluid, diverse gender roles and behaviours. The maintenance of the community is primary, and identity is achieved through one's place within the larger inclusive framework. When individuals take an active grassroots role in politics and community, society becomes a site of liberation versus a site of subjugation. Further, O'Neill's articulation of communal knowledge speaks to Gramsci's political concept of hegemony.

In *The Prison Notebooks,* Gramsci maintains a theory of radical political transformation that engages with social and cultural discourses. Specifically, his concept of hegemony actively combines society and politics. For Gramsci, hegemony is a relation of force, not a simplistic

relationship of domination and subjugation. The elite, ruling class maintains hegemonic control by asserting political and ideological leadership. Ideology facilitates the assumption that the values of the hegemonic culture are also the "common sense values of everyone," and its maintenance represents the best interests of all groups in society (1946, 53). In this way, the obedience and complaisance of all other social interest groups are secured, and revolutionary action is effectively quashed.

In terms of the politics of sexuality, the heteronormative, moral discourses of sexuality function as the hegemonic ideology in Western society. However, unlike Foucault, Gramsci acknowledges the possibility of active transgression of hegemonic ideologies through the achievement of class-consciousness. The task of achieving new hegemony can only be achieved through "a transformation of popular consciousness" (Gramsci 1946, 36). The notion that an individual could conceive of radical new morals and modes of being contrasts significantly with Foucault's theory. The ability to foster a counter-hegemonic ideology can potentially subvert hegemonic control (36–38). Additionally, he stresses the importance of political alliances between disenfranchised groups in society to achieve political and ideological authority. Therefore, Gramsci, like Foucault, acknowledges the profound influence of social hegemony but also conceives of active theories of resistance. Importantly, Gramsci gives credence to human agency, to the possibility for interior transformation through the development of a new, radical consciousness that can facilitate exterior changes.

In "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality," Gayle Rubin takes up Foucault's discursive analytical framework, with the intention of

contributing to a "radical and liberating body of thought about sexuality" (1995, 9). Unfortunately, she fails to conceive of a radical, liberating politics of sexuality due to a glaring contradiction between her goal of radical politics and her theoretical framework. Rubin articulates the need to end sexual suffering and oppression, which she describes as manifest in real, material terms and consequences, such as "reduced physical and social mobility, economic sanctions, loss of institutional support and criminal charges" (18). Rubin, like Foucault, only engages with the subject of reinventing sexuality in terms of the symbolic, analyzing and deconstructing the ways in which law, language and institutions reproduce hegemonic sexuality. Therefore, Rubin's supposedly "radical" notes retreat into the comfortable apolitical space of theoretical inquiry, and no real material terms for political action or hegemonic transgression are offered. Again, as stated by O'Neill, the discursive framework leaves the reader staring into the reflection of his or her own perpetual servitude.

In a similar, although decidedly radical vein, according to Ian Craib, social construction theory presents an irreconcilable paradox: "[It] is the denial of subjectivity and agency, of the 'I' the speaker has, but which the socially produced person apparently has not" (1997, 56). To further build on Craib's psychoanalytic investigation, perhaps the postmodern tendency towards fragmentation and destruction (in the form of deconstruction and discourse) can be perceived as a manifest form of ego splitting. It is a tendency in children to want to destroy that which they cannot understand or possess, and perhaps the inclination exists within postmodern politics. According to Freud, the ego, when presented with

undesirable and painful reality, attempts, as a strategy of defense, to split the subject. In order to achieve a fallacious reconciliation between the desire for autonomy and reality of servitude, "postmodernists destroy, deconstruct, fragment and abandon the hegemonic, overwhelming political history from whence they came" (Waugh 1992, 189–190). However, "this success is achieved at the expense of a rift in the ego which will never heal," and the majority of postmodern political frameworks expend endless energy articulating humanity's perpetual subjection but never attempt to conceive of its possible emancipation (Freud 1941, 65).

To return to an earlier assertion, a radical, progressive and inclusive politics of sexuality necessitates an interdisciplinary conversation, and there is no real merit in completely eradicating or overlooking the endless contributions that constructionism has made in the study of sexuality. Certainly, the social constructionist's complete dismissal of biology does not justify the complete repudiation of all discursive analysis. Rather, the study of history, social analysis and discourse should be perceived as the preliminary steps towards understanding and articulating a politics of sexuality. Discourse analysis is necessary to an understanding of sexuality, but it need not be the end of political engagement. A brief exploration of the work of Fausto-Sterling, McClintock and Loree Erickson highlights the immense potential of interdisciplinary theoretical approaches.

McClintock approaches the study of sexuality using a psychoanalytic analysis of the historical mindset of imperialism. Her work, revealing and relating the ways in which different discourses of sexual otherness were produced and maintained, argues that psychoanalytic

functions are necessary to understanding the way humans think about sex. Similarly, Fausto-Sterling lobbies for a phenomenological theory of sexuality, one which considers all possible appearances of the human experience, and she thereby temporarily suspends the valued divisions of knowledge into categories of "objective reality" and "subjective experience" (1995, 47). For Fausto-Sterling, understanding the biological in terms of the cultural is the first step towards reclaiming the domain of sex and sexuality studies from problematic essentialist discourse. She envisions a biological and scientific inquiry that is fluid versus deterministic and that serves the greater purpose of inclusive health care. In an attempt to do away with the split subject of sexuality but maintaining elements of both biology and culture, she emphasizes that human beings are "one hundred percent nature and one hundred percent nurture" (1993, 1510).

The appropriation of a more fluid, nuanced biological inquiry appears in Loree Erickson's exploration of disability and sexuality. In *Want,* Erickson reinvents her relationship to medical discourse, which historically has described disabled bodies with negative, degenerate descriptors. For example, through the formation of social bonds with her care-workers and the exploration of her physical sexuality, she creates new and positive meanings between disability and the medical institution. Additionally, she uses medicine and biology to foster a more comprehensive understanding of her physical body, and this knowledge becomes a vital tool for the exploration of her body's sexuality. Each theorist actively engages with historically exclusionary disciplines and reinvents them in an active attempt to alter the dominant consciousness and to create political awareness.

Social construction theory and discourse analysis, although productive, critical tools, cannot transform, explain or articulate a comprehensive understanding of human sexuality. As explicitly or implicitly demonstrated by O'Neill, Gramsci and Freud, Foucault's discursive framework operates on a symbolic and ultimately apolitical level, and so abandons the possibility of transformative politics. Additionally, the interdisciplinary approach of Fausto-Sterling, Erickson and McClintock suggests astounding potential for interdisciplinary critical theory and political invention. Therefore, Rubin's incitement to start "thinking sex" represents a fundamental first step for theorists, philosophers and scientists alike (1995, 3). Not surprisingly, the tenets of a productive interdisciplinary politics of sexuality need to make love, not war. The development of a progressive, transformative and radical politics of sexuality necessitates interdisciplinary conversation and engagement.

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The Principle of Nous in Anaxagoras' Philosophical System

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This paper will provide a detailed explication of Anaxagoras' theory of matter and the role of Mind (or Nous *in Greek) within his philosophical system. The first section will focus on the constituents and principles of Anaxagoras' theory of matter. Following this, the role of nous in Anaxagoras' system will be explicated, with specific focus on the physical and intellectual features of nous. Having outlined the main principles of Anaxagoras' theory of matter and conception of nous, this paper will shift to an examination of Plato's and Aristotle's interpretations of the role of nous within this system. Following a critique of Plato's and Aristotle's criticisms of nous, this paper will then examine several modern interpretations of the role of nous within Anaxagoras' system.*

The Greek investigation of physics, cosmogony and cosmology reached an unprecedented level of sophistication with the philosophical system of Anaxagoras of Clazomenae. In addition to providing an innovative theory of matter, Anaxagoras posited that the *kosmos* was organized and ruled by the physical and intellectual principle of *Nous* (Mind). However, the precise relation of nous to Anaxagoras' theory of matter, and its role in his cosmogonic process and cosmological system has been a matter of controversy since Plato, and

consensus is still lacking in modern scholarship. The fragmentary nature of the extant evidence necessitates a high degree of interpretation when reconstructing Anaxagoras' thought, but several aspects of nous and dimensions of its activity can be gleaned from a close examination of this evidence. To this end, this paper will critically examine the existing evidence in an effort to elucidate the nature of nous and its role within Anaxagoras' philosophical system. Firstly, the basic constituents and principles of Anaxagoras' theory of matter will be explicated with special emphasis on the distinctiveness of his theory from previous systems. Following this, Anaxagoras' conception of nous as a motive force and intellectual agent responsible for change and order in the kosmos will be explained. This paper will then outline Plato's and Aristotle's criticisms of the role of nous within Anaxagoras' system, followed by a critique of their respective interpretations. Lastly, several modern interpretations of Anaxagoras' conception of nous will be provided, as well as comments and critiques of each view.

Anaxagoras accounted for plurality and change in the kosmos by formulating a theory of matter founded on distinct physical units and mechanical principles. The principle unit of this system is the "seed," for Anaxagoras says that there were "seeds of all things" in the primordial, undifferentiated mixture that existed before the formation of the kosmos.[1] He further says that the seeds were "unlimited in amount, in no way like one another," which

1. Richard D. McKirihan, *Philosophy Before Socrates* (Indianapolis: Hackett Publishing Company, Inc., 1994), fragment 13.4. This paper will use McKirihan's translations of Anaxagoras' (and Simplicius') fragments. Hereafter references to these fragments will be cited in the form, Anaxagoras frag. # McKirihan.

suggests that there was an infinite variety and quantity of seeds in the primordial mixture.[2] The latter quote also suggests that a constitutive feature of a seed is its complete uniqueness from any other seed, thus making each type of seed totally distinct.[3] Anaxagoras' claim that seeds have various kinds of basic things such as shapes, colours, and flavours suggests that they embody physical and qualitative attributes.[4] It should be noted that Anaxagoras conceived of both physical substances (such as water)[5] and qualities (such as darkness)[6] as basic things or entities that respectively had corresponding seeds. It is clear, therefore, that Anaxagoras considered the seed to be the physical basis of the basic things that exist in the kosmos.

It is important to note that not every perceptible object in Anaxagoras' developed cosmological system is the product of a corresponding basic thing in the form of a seed, for Anaxagoras says that "humans too were compounded and all the other animals that possess life"; and this suggests that living things are one example of a compound of basic things.[7] A further example of a compound within Anaxagoras' system is the astronomical bodies, for Plato and Hippolytus' claim that Anaxagoras thought the sun and stars were fiery stones suggests that these objects should not be considered basic things but rather compounds of them.[8] It, therefore, seems that

2. Anaxagoras frag. 13.4 McKirihan.
3. Felix M. Cleve, *The Philosophy of Anaxagoras* (The Hague: Martinus Nijhoff, 1973), 11.
4. Anaxagoras frag. 13.4 McKirihan.
5. Anaxagoras frag. 13.16 McKirihan.
6. Anaxagoras frag. 13.12 McKirihan.
7. Anaxagoras frag. 13.4. McKirihan.
8. Plato *Apology* 26d–e, Hippolytus *Refutation* 1.8.6.

Anaxagoras conceived of the seed as capable of existing in isolation and in compounded objects and as the principle physical unit of his system and the primary vehicle of basic things.

The innovative nature of Anaxagoras' theory of matter can be seen in its distinctiveness from other physical systems formulated in the post-Parmenidean stage of Presocratic philosophy. Anaxagoras states that his system does not accept "coming to be and perishing," and he alternatively posits that all such apparent cases of this phenomenon are in fact cases of mixture and separation.[9] This illustrates that Anaxagoras intended to formulate his philosophical system in accordance with Parmenides' argument for the impossibility of absolute generation and destruction. However, similar to Empedocles, [10] Anaxagoras does admit plurality and change into his cosmological system by investing his numerous (possibly infinite) basic things with Parmenidean being. As McKirihan notes, Anaxagoras' system differs from Empedocles' in that the former invests every basic substance with being, whereas the latter only invests the four elements with being.[11] Within Anaxagoras' physical system, it is the seed that is the basic unit possessed of Parmenidean being.

The fundamental constituents of Anaxagoras' theory of matter account for the plurality of the kosmos, but it is the central principles of this system that account for physical

9. Anaxagoras frag. 13.17 McKirihan.

10. Anaxagoras frag. 14.43 McKirihan.

11. Anaxagoras frag. 13.4. McKirihan. Vlastos in "The Physical Theory of Anaxagoras," (327) concurs with McKirihan on this point, and he similarly considers this feature of Anaxagoras' system to be the "revolutionary principle of his physics."

change. An important principle of Anaxagoras' system is the rule that "in everything there is a portion of everything." [12] Simplicius interprets this principle as stating that all things in Anaxagoras' physical system are fundamentally mixed, and he cites several examples of basic things being derived from other basic things. [13] It would also seem that the heterogeneous constitution of matter is a permanent condition of Anaxagoras' system, for he states that nothing is fully separate from everything else (except nous, a topic that will be discussed in the next section of this paper) [14] and nothing can be fully "split apart." [15] It therefore seems that Anaxagoras argued that there is a portion of every basic thing in every portion of every basic thing. This principle grants his physical system remarkable flexibility in explaining the possibility of change: Since everything is in part everything else, absolute generation and destruction are not presupposed when one thing transmutes into another (both things were there all along).

Within this fundamentally heterogeneous theory of matter, Anaxagoras explains the existence of identifiable macroscopic objects (such as a lump of coal) by positing that an object is "most plainly those things of which it contains most." [16] In other words, Anaxagoras states, in this

12. Anaxagoras frag. 13.6 McKirihan.

13. Anaxagoras frag. 13.27 McKirihan. This principle can also be gleaned from the following question posed by Anaxagoras: "For how could hair come to be from not hair or flesh from not flesh?" (Frag. 13.10 McKirihan.) The point that Anaxagoras is trying to make is that both hair and flesh are already present in the things from which they come, for it would be impossible for them to be created otherwise.

14. See p. 6 of this paper.

15. Anaxagoras frag. 13.8 McKirihan.

16. Anaxagoras frag. 13.16 McKirihan.

fragment, that objects become identifiable as specific basic things once a dominant amount of a particular thing becomes present in an object. However, Anaxagoras does not provide an explanation in the extant fragments of the process by which a certain basic thing and/or quality becomes dominant in an object. Anaxagoras' use of the word "most" in this fragment suggests a quantitative interpretation, which means that such an explanation would have to account for how a portion of a particular basic thing comes to be dominant and, further, how the previously dominant basic thing comes to be less present.[17] Despite attempts by modern scholars to reconcile this fragment with Anaxagoras' other physical principles,[18] this problem remains a serious weakness in the latter's theory of matter, for Anaxagoras' inability to account for the process by which a basic thing becomes quantitatively

17. Ibid.

18. Vlastos in "Physical Theory" (337) argues that an identifiable substance in Anaxagoras' system is nothing more than a collection of its dominant qualities. For example, Vlastos posits that there is no such thing as a "flesh" seed in Anaxagoras' physical system, but alternatively argues there are seeds that simply possess a certain combination of qualities which gives one the impression of flesh. On this interpretation, it is the qualitative change in an identifiable object that Anaxagoras needs to explain rather than the quantitative accumulation of particular seed types. McKirihan argues for a more biological or literal interpretation of seeds. He posits that particular seeds in a thing will grow to become dominant when combined with certain ingredients and environments. McKirihan in *Philosophy Before Socrates* (215) therefore argues that seeds are "focal points for accretion from which visible amounts" of particular basic things can grow. Therefore, on McKirihan's interpretation, any explanation for how an object becomes identifiable within Anaxagoras' system must account for both the necessary preconditions for growth and the subsequent process of growth and accretion of seeds.

dominant in an identifiable object may entail a violation of the Parmenidean restriction on absolute generation and destruction.

A second important principle of Anaxagoras' physical system is the view that there is no such thing as a smallest portion of matter. Anaxagoras argues that there is "always a smaller" portion of something no matter how many times it is divided, and he further claims that "there cannot be a smallest" portion of a particular thing.[19] This view ensures that any process of dividing matter will always yield further portions of other things, which means that Anaxagoras argued that his physical system did not have definitive pieces of indivisible matter.[20] Therefore, the theory of matter formulated by Anaxagoras systematically accounted for plurality and change in the kosmos through its innovative constituents and physical principles. However, the most distinctive feature of Anaxagoras' philosophical system is its employment of the motive and intellectual principle of nous.

The original cause of motion and change in Anaxagoras' philosophical system is nous, the only principle within this system that is capable of directly causing movement. The specific type of movement that Anaxagoras says nous caused is a rotation, initiated in the primordial mixture

19. Anaxagoras frag. 13.13, 13.6 McKirihan.

20. Many scholars have interpreted this principle of Anaxagoras' system as a response to Zeno's argument against the indivisibility of matter. Zeno argues that the end products of a process of infinite division will have either some size or no size. If the infinite particles of matter have positive size, then they will occupy an infinite space. If they do not have any size, then they will occupy no space. Anaxagoras evades the paradoxical conclusion of this argument by positing that there are no end products in his theory of matter (McKirihan, *Philosophy Before Socrates*, 218).

and resulting in the formation of the kosmos through the "separating off" of identifiable objects from this mass.[21] Anaxagoras therefore posited nous as the central motive principle of his cosmogonic process and further assigns this principle a unique physical status in relation to his theory of matter. Anaxagoras says that nous is totally unmixed with any other type of matter, which makes it the only exception to the principle that "in everything there is a portion of everything."[22] Nous is also described as being the only thing that is completely "separated off" from other things in the initial cosmogonic stages.[23] The unmixed status of nous is also expressed in terms of its physical purity, for Anaxagoras says that this principle is the "purest" of all things and that all portions of nous are alike.[24] It is therefore clear that Anaxagoras conceived of nous as having an absolutely homogeneous constitution.

It also seems that Anaxagoras considered nous to be spatially extended, for he says that it is the "finest" of all things and, further, that there are larger and smaller quantities of nous.[25] However, the exact nature of the spatial extensiveness of nous is ambiguous, for Anaxagoras claims that nous is both "in some things" and also "where all other things are" in the kosmos.[26] These descriptions seem *prima facie* contradictory, for the former claim indicates that nous occupies particular spaces whereas the latter claim suggests that nous is spatially infinite. Anaxagoras clearly conceived of nous as spatially

21. Anaxagoras frag. 13.13 McKirihan.
22. Anaxagoras frag. 13.11 McKirihan.
23. Anaxagoras frag. 13.12. McKirihan.
24. Anaxagoras frag. 13.12, 13.15 McKirihan.
25. Anaxagoras frag. 13.12, 13.15 McKirihan.
26. Anaxagoras frag. 13.11, 13.14 McKirihan.

infinite, for he describes this principle as being "unlimited" and being present in the "surrounding multitude" of things in the kosmos.[27] Alternatively, Anaxagoras also argued that nous is particularly concentrated in forms of life[28] and, further, that human beings possess the most nous out of all life.[29] A possible solution to this tension then may be that nous, as a physical principle, is capable of existing both in a condensed state in particular things and also in a diffuse state throughout the kosmos as a whole. It is evident, then, that Anaxagoras conceived of nous as having physical attributes such as spatial extensiveness and a homogeneous constitution. The unique physical status of nous within Anaxagoras' philosophical system serves to explain its role as a motive principle. Anaxagoras posits that the pure and unmixed nature of nous is a condition of its motive power, for he claims that anything that could be mixed with nous "would hinder it so that it would rule no thing."[30] It is clear, then, that nous plays a motive role in Anaxagoras' cosmogonic process by virtue of its unique homogeneous constitution and through the indirect means of the mechanical rotation that it initiates.

In addition to its mechanical properties, it seems that Anaxagoras also conceived of nous as an intellectual principle. For example, Anaxagoras says that nous "set in order all things" at the outset of the cosmogonic process by

27. Anaxagoras frag. 13.12, 13.14 McKirihan.

28. Anaxagoras frag. 13.12 McKirihan.

29. Aristotle *Parts of Animals* 687a7.

30. Anaxagoras frag. 13.12 McKirihan. Cleve interprets this passage as meaning that nous could not exert mechanical force on objects that it could physically penetrate. He posits in *Philosophy of Anaxagoras* (28) that the resistance of nous against normal matter, ensured by the impenetrability of the former by the latter, is the primary way in which nous exerts its motive force.

initiating a rotation, which suggests that nous had knowledge of the imperceptible basic things that existed in the primordial mixture.[31] This means that even though it was the rotation that directly caused the "separating off" of things, Anaxagoras' claim that nous "knew all the things that are being mixed together and separated off" suggests that nous was cognizant of the possibilities for the formation of distinct entities.[32] Anaxagoras' claim that nous "has judgment about everything" further suggests that he conceived of nous as an agent whose influence on the separative process was conscious and deliberate.[33]

It is clear that Anaxagoras assigned nous an intellectual aspect, but it is important to note some fundamental limitations to its creative potential within his philosophical system. Firstly, Anaxagoras describes nous as coexisting with normal matter in the primordial mixture, and it is, therefore, not responsible for creating this matter. Nous also did not create the basic things that exist in the kosmos, for he says that nous merely "knew all the things" that are being formed.[34] The wording here, as well as Anaxagoras' theory of seeds, suggests that the various basic things which matter can transmute into are simply separated out by nous rather than created by it. Nous is responsible for organizing the kosmos into the various things that are possible, but it is not responsible for, nor is it capable of,

31. Anaxagoras frag. 13.13 McKirihan. Anaxagoras' further claim in this fragment, namely, that nous set in order "whatever kinds of things were to be" may also suggest that it was cognizant of the various combinatorial possibilities of matter that were subsequently formed in the kosmos.
32. Anaxagoras frag. 13.12 McKirihan.
33. Anaxagoras frag. 13.12 McKirihan.
34. Ibid.

determining these possibilities. It is evident, then, that Anaxagoras conceived of nous as a mechanical and intellectual principle that is responsible for and cognizant of the initiation of the cosmogonic process and the subsequent differentiation of the primordial mixture.

The operation of nous within Anaxagoras' philosophical system is not limited to the initiation of the cosmogonic process, for it also plays a central role in his conception of life. Anaxagoras argued that nous "rules all things that possess life — both the larger and the smaller," which means that he conceived of nous as the animating principle of life at the level of both plants and animals.[35] Further, Aristotle's statement that Anaxagoras "says that man is the most intelligent living being because he has hands" indicates that there is a connection between nous and intelligence.[36] If intelligence is taken to denote a high concentration or quantity of nous in this passage, then it is

35. Ibid.

36. Aristotle *Parts of Animals* 687a7. There seems to be a parallelism between Anaxagoras' conception of nous as an organizing and motive principle and his theory that human beings have the most intelligence because they have hands. The primordial mixture presents nous with various elements and their combinatorial possibilities. Through the use of its motive force, nous initiates the cosmogonic process and subsequently actualizes these possibilities by forming distinct entities (as compounds). Human beings similarly conceptualize the combinatorial possibilities of the various elements that they are presented with and actualize such possibilities primarily through the manipulation afforded them by their hands. Movement therefore enables nous to do what hands enable humans to do, namely to separate and organize. Just as nous orders the kosmos by virtue of its understanding of its various elements and its motive power, so too does the human being order its world through the understanding of its various elements and the subsequent manipulation of these elements with its hands.

clear that Anaxagoras held that the relative intelligence of a kind of life is a function of its portion of nous. Professor Gerard Naddaf, a specialist in ancient Greek philosophy, alternatively interprets this statement as suggesting that Anaxagoras postulated a "correlation between the portion of nous and the structure of a living thing."[37] Anaxagoras therefore posited the influence of nous as the animating principal of life in his developed cosmological system.

It is difficult to determine the extent to which Anaxagoras employed nous as an explanation for natural phenomena other than life. Aristotle criticized Anaxagoras' use of nous as an explanation by charging that the latter arbitrarily "drags in nous" to explain particular natural phenomena.[38] The wording used by Aristotle in this passage[39] suggests that Anaxagoras *repeatedly* used nous as an explanation for natural phenomena, which may indicate that the latter employed nous, in the non-extant sections of his work, as an explanation for natural phenomena other than life.[40] In any case, it is clear that Anaxagoras conceived of nous as a motive force and an intellectual

37. Gerard Naddaf, *The Greek Concept of Nature* (Albany: State University of New York Press, 2005), 150.

38. Aristotle *Metaphysics* 1.4 985a18.

39. Ibid. ("Anaxagoras uses Mind as a *dues ex machina* to account for the creation of the world. When he can not explain why something is necessarily as it is, he drags in Mind, but otherwise he will use anything rather than Mind to explain a particular phenomenon.")

40. The diversity of topics covered by Anaxagoras in the extant fragments, including theories on biology (frag. 13.23 McKirihan), perception (frag. 13.20, 13.21 McKirihan), and astronomy (frag. 13.18 McKirihan), clearly indicate that his work covered a wide array of natural phenomena. Even though the only post-cosmogonic employment of nous in the extent fragments is in reference to life, it is reasonable to suppose on the basis of Aristotle's criticism that nous was used to explain other natural phenomena in addition to life.

agent that exercised a pervasive influence on the cosmogonic process and life within his developed cosmological system.

Many ancient authors put forth interpretations of the various elements of Anaxagoras' philosophical system, but among them it was primarily Plato and Aristotle who criticized the role of nous within this system. In the *Phaedo*, Plato argues that Anaxagoras does not make use to his concept of nous as a final cause. More specifically, he argues that Anaxagoras uses the mechanical forces of his cosmological system, rather than nous, to explain the ordering of the kosmos. In his criticism that Anaxagoras was not able to distinguish "a real cause from the implements necessary to achieve a result," Plato is essentially arguing that the role of nous within the former's philosophical system is non-intentional in that it is restricted solely to the initiation of the cosmogonic process.[41] In addition to criticizing the degree to which nous is responsible for order in the kosmos, Plato also criticizes the manner in which things are formed in Anaxagoras' cosmological system. For example, Socrates says in the *Phaedo* that he was expecting Anaxagoras to account for natural phenomena by explaining that "the way they are is the best way for them to be."[42] Plato thus also objects to the (apparently) non-teleological nature of Anaxagoras' philosophical system, a view that is clearly heavily influenced by Plato's Idealism.

Aristotle criticizes Anaxagoras' philosophical system along the same lines as Plato in arguing that Anaxagoras imports the concept of nous as a convenient motive

41. Plato *Phaedo* 97b8.
42. Ibid.

principle. Aristotle's charge that Anaxagoras, "will use anything rather than nous to explain a particular phenomenon," mirrors Plato's criticism that Anaxagoras uses the purely mechanical, non-necessary elements of his cosmological system to account for its various phenomena.[43] Also similar to Plato, Aristotle argues that Anaxagoras did not associate his principle of nous with teleology, for he complains that Anaxagoras does not state that nous is a perfect final state "towards which physical processes tend."[44]

It is clear therefore that both Plato and Aristotle criticized Anaxagoras' conception of nous on the grounds that it has a limited and non-intentional role within the latter's philosophical system, and further that it does not order the kosmos in a teleological fashion. The charge that Anaxagoras' cosmological system is non-teleological is not serious given that it is based on Plato and Aristotle's shared presumption that any cosmological system must adopt a teleological approach. Anaxagoras explicitly states that the main function of nous is to organize the kosmos in an orderly, rather than ideal, fashion.[45] Anaxagoras' conception of order as the basis of cosmological organization is equally valid to Plato and Aristotle's use of teleology as the basis of the kosmos; the projection of the latter premise on Anaxagoras' system does not simply invalidate the value of the former, as Plato and Aristotle assume. In addition to this, it is clear that idealistic forms are impossible to achieve in principle in Anaxagoras' system, for no matter how much a portion of a particular basic thing dominates an object, there will always be at

43. Aristotle *Metaphysics* 1.4 985a18.
44. Ibid., 988b8.
45. Anaxagoras frag. 13.12 McKirihan.

least some measure of every other basic thing within that object.[46] It is evident, then, that the idea of idealistic forms in Anaxagoras' cosmological system is inconsistent with his fundamentally heterogeneous theory of matter.

Plato and Aristotle's further criticism that nous is a non-intentional motive principle limited to initiating the cosmogonic process fails to take account of several central features of nous. Firstly, given the intellectual aspects of nous (as outlined above)[47] such as the cognitive faculties of possessing knowledge and judgment, it is clear that this principle should be considered an autonomous agent in addition to a motive force. It is also clear that the influence of nous extends beyond the cosmogonic process and throughout his cosmological system given that it is the animating principle of life.[48] It should also be noted that nous, according to Anaxagoras' theory, initiated a specific type of motion at the outset of the cosmogonic process — a rotation.[49] There is therefore no reason to assume that nous was limited to initiating this specific type of motion, especially when it is clear that nous enables life to move in all kinds of different ways.[50] It is reasonable to suppose that nous may have been able to initiate a different type of motion, one that potentially would have caused the

46. Ibid. In other words, the principle that "in everything there is a portion of everything" precludes the possibility of ideal forms. In an idealistic sense nous is perfect, a fact noticed by Aristotle (*Metaphysics* 1.7 988b8), but Anaxagoras' fundamentally heterogeneous theory of matter makes it impossible for anything else to achieve the perfection of nous.

47. See p. 8 of this paper.

48. Anaxagoras frag. 13.12 McKirihan. See also p. 9 of this paper.

49. Anaxagoras frag. 13.12 McKirihan.

50. Ibid.

formation of different elemental combinations.[51] There is therefore no reason to assume that the rotational motive force nous used to initiate the cosmogonic process was not an intentional choice, among other possible types of motive forces, made by nous.

Plato and Aristotle's observation that nous initiated change through the indirect means of mechanical physical processes is correct. However, their criticism that nous influences the kosmos in a non-intentional manner fails to take account of the intelligent and autonomous nature of this principle, an omission that may have led to an undue emphasis on the motive capabilities of nous. It is clear, then, that Plato and Aristotle interpreted nous as a non-intentional motive principle that influenced the kosmos in a non-teleological fashion, a view that did not take into account many central features of Anaxagoras' philosophical system and one that was ultimately coloured by the shared teleological perspective of these philosophers.

The ambiguous nature of nous and its role within Anaxagoras' philosophical system has also produced many interpretations by modern scholars. A recent interpretation offered by Naddaf holds that Anaxagoras' philosophical system represents a political model. On the basis of a fragment of Euripides stating that Anaxagoras

51. André Laks, "Mind's Crisis. On Anaxagoras' NOUS," *The Southern Journal of Philosophy* 31 (1993): 30. Laks mentions this as one possible way of analyzing the relationship between nous and the initial cosmogonic rotation. If nous intentionally chose a rotation among other movements, as Laks notes, it can be thought of as completing a "vast hypothetical syllogism; *if* the initial mixture is given a circular or whirling movement, *then* things will be separated out in a way" that will produce the present kosmos.

believed nature should be followed as "the standard of goodness," Naddaf argues that Anaxagoras' cosmological system represents a socio-political model.[52] Naddaf reinforces his argument by situating Anaxagoras in his political context: He was a resident of a Persian province for two extended periods of his life, and he was a friend of the prominent Athenian politician Pericles. Naddaf also argues that Anaxagoras' use of the word *autokrates* to describe the power of nous may be a reference to the Great King of Persia.[53] Based on this evidence that Anaxagoras had a political inspiration for his philosophical system, Naddaf conjectures that Anaxagoras' conception of nous represents the equality of each citizen's individual mind. He further argues that Anaxagoras' cosmological model represents the peace and harmony that can be achieved by submitting to nous, or as interpreted by Naddaf, the rule of law.[54]

One problem with Naddaf's interpretation is his view that Anaxagoras' use of the word autokrates suggests a political inspiration for the latter's system. Anaxagoras' use of such a word may alternatively be due to the tendency of Presocratic philosophers, in general, to use political terminology to describe their philosophical systems. For example, in his one extant fragment Anaximander describes generation and destruction in terms of penalty, retribution and injustice.[55] A further problem with Naddaf's political interpretation is that Anaxagoras does not say that each individual mind is equal in terms of its relative quantity of nous. Anaxagoras

52. Naddaf, *Concept of Nature*, 151.
53. Ibid.
54. Ibid., 152.
55. Anaximander frag. 5.19 McKirihan.

does say that humans have the most nous out of all life, but he does not say that each individual human has an equal portion of nous. In fact, since the relative portion of nous in a life form determines its intelligence,[56] it is reasonable to suppose that the varying levels of intelligence among individual human beings can be explained by their possession of unequal portions of nous. Therefore, it is unclear whether political and ethical considerations were central to Anaxagoras' philosophical system. It is important, however, to note the influence that the politically involved life of Anaxagoras may have had on his thinking.

A further interpretation of the role of nous within Anaxagoras' system is offered by Laks, who posits that the principle identity between the cosmic nous and the nous in animal life is "distinction or discernment."[57] It is the critical nature of nous, rather than its motive capability, at the animal and cosmic level that Laks interprets as central to the overall activity of this principle. Laks interprets the process of separation that nous initiates through a rotation of the primordial mixture as an attempt by this principle to make everything similar to itself or, in other words, to separate (as far as possible) distinct identities that mirror the pure identity of nous.[58] Laks therefore argues that the activity of nous is designed to bring out the identity of every basic thing. However, Laks correctly points out that this process of identification through separation is ultimately doomed to failure given Anaxagoras' principle

56. Aristotle *Parts of Animals* 687a7. See also p. 9 of this paper.
57. André Laks, "Mind's Crisis," 29.
58. Ibid., 31.

that nothing can become completely separate or unmixed.[59]

One major problem with this interpretation is that it does not account for the nous present in plant life. The premise of this argument, that the identity between cosmic and animal nous is "distinction or discernment,"[60] totally excludes any consideration of a possible identity between cosmic and plant nous. Anaxagoras explicitly states that nous controls "all things that possess life," so it is clear that any identity drawn between the cosmic nous and the nous that operates at the level of life must take into account both plant and animal life.[61] Since plants are obviously not capable of distinction or discernment, Laks's argument is an inadequate explanation for the activity of nous in general. Further, Laks's argument that the main activity of nous is the separation of distinct identities does not account for the fact that its most concentrated substantiations are present in life, which are essentially compounds of basic things. If the nature of nous is simply to separate then it is strange that it would operate, and indeed become most concentrated in the compounded forms of life that often themselves (in the case of humans) create further compounds.[62] Laks's interpretation does account for many of the cognitive aspects of both nous and

59. Anaximander frag. 13.8 McKirihan.

60. André Laks, "Mind's Crisis," 29.

61. Anaxagoras frag. 13.12 McKirihan.

62. Axaxagoras frag. 13.4. Anaxagoras himself mentions compounds such as "inhabited cities and cultivated fields"—translated as "inhabited cities and artificial works" by Kathleen Freeman in *Ancilla to the Pre-Socratic Philosophers* (83) —created by human beings. Indeed, Anaxagoras even considers the creative potential of human beings as a survival advantage that we possess over animals (Anaxagoras frag. 13.22 McKirihan).

animals, but it is clear that it neither takes account of the full range of life nor the presence of high concentrations of *nous* in compounds.

Therefore, it is clear from the various and divergent interpretations of Anaxagoras' conception of nous that a definitive and comprehensive account of its role within his system has not yet been presented. However, the fragmentary and, hence, limited nature of our evidence necessitates interpretive attempts to reconstruct Anaxagoras' thought. The lack of scholarly consensus can be most probably ascribed to the inherent ambiguity of the role of nous in Anaxagoras' philosophical system. Compounding the problem of inadequate evidence is Anaxagoras' lack of a developed philosophical vocabulary, a problem that, while common to all Presocratic philosophers, may further explain this lack of consensus.

While a full account of the role of nous in Anaxagoras' philosophical system has not been presented, this paper has outlined several features and activities of this principle. The first section of this paper explicated the constituents and principles of Anaxagoras' physical system. The role of nous as a motive, intellectual and physical principle in Anaxagoras' philosophical system was then outlined, as well as its central role as the animating principle of life. Following this, Plato and Aristotle's criticisms of the role of nous in Anaxagoras' system were outlined and critiqued. In the final section of this paper the interpretations of Naddaf and Laks regarding the role of nous were outlined, and it was demonstrated that a definitive and comprehensive explanation of this question has not yet been formulated. However, that both the ancient and modern interpretations are possible reconstructions of Anaxagoras' thought and,

indeed, that they are all supported in part by the existing evidence, clearly highlights the complex and systematic nature of his philosophical system.

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Public Apologies: A Combined Perspective

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Discourses on differing conceptions of justice frequently presuppose that retributive justice and restorative justice are mutually exclusive in their applicability. Given this divide, it is not surprising that there is considerable debate concerning the conception of justice that obtains in a successful public apology. This paper defends the position that, as it relates to a public apology, one specific understanding of restorative justice — namely, Elizabeth Kiss's — and another specific understanding of retributive justice — namely, Jean Hampton's — can actually obtain together in a single act. As a paradigm case for such an apology, this paper will consider Willy Brandt's Kniefall.

I

There seems to be considerable debate in the philosophical literature about the nature of public apologies as it relates to certain conceptions of justice. In her work entitled "Moral Ambition Within and Beyond Political Constraints: Reflections on Restorative Justice," Elizabeth Kiss suggests that successful public apologies support her conception of restorative justice, in that they act as a morally ambitious alternative to retributive justice.[1] However, there are

1. Elizabeth Kiss, "Moral Ambition Within and Beyond Political Constrains: Reflections on Restorative Justice," in *Truth v. Justice: The*

others — like Hampton — who claim that rather than being an alternative to retributive justice, apologies are essentially retributive (in her understanding of the term) in that the wrongdoer is demanded to "make amends."[2] This of course raises the question of which conception, Kiss's restorative justice or Hampton's retributive justice, is the fuller or more complete conception of what is achievable in a successful public apology. To my mind, the answer to this question is that in *some* public apologies, it is quite possible for *both* Hampton's retributive justice *and* Kiss's restorative justice to obtain together. In this essay, I will defend this compatibilist position in order to bring a deeper appreciation for what can occur in a successful public apology and will pave the way for criteria defining successful instances of such apologies based on this philosophical terrain.

As a framework for this essay, I will first present a working definition of private and public apologies, as well as state Hampton's account of retributive and Kiss's account of restorative justice. Then I will look at the conceptual structure of both Hampton's and Kiss's conceptions of justice and argue that they are not necessarily mutually exclusive. From there, I will demonstrate how some public apologies are able to achieve Hampton's retributive justice. Next, I will try to show how these public apologies can also achieve, at the same time, a level of Kiss's restorative justice. Finally, I will address the question of how these kinds of apologies

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Morality of Truth Commissions, ed. Robert I. Rotberg & Dennis Thompson, 71 (Princeton: Princeton University Press, 2000).

2. Jean Hampton, "Correcting Harms Versus Righting Wrongs: the Goal of Retribution," *UCLA Law Review* 39, no. 6 (August 1992): 1697.

respond to criticisms applied against them. To support my thesis, I will be using Willy Brandt's *Kniefall* (his particular act of genuflection as an expression of penance) as a paradigm case.

II

First, I wish to look at the *bare minimum* notion of an apology so that I may leave room for the prospect of an apology being unsuccessful. I will look at apologies in two spheres, a private sphere and a public sphere, using the former to serve as a basis of comparison for the latter. To serve as a working definition for what counts as a private apology, I envision a relatively small-scale, interpersonal exchange whereby a wrongdoer — or relatively small group of wrongdoers — communicate to the wronged regret for a wrong action that the wrongdoer(s) committed. Apologies are *private* in that they are usually narrow in scope and are rarely meant to be witnessed by more than the few who were directly involved. For example, consider the instance of a CEO sending an unofficial memo to a specific department and expressing regret for a decision on her part that adversely affected them. In this case, although the scope is wider than the typical example of an apology by one person to another, this apology is private because it is still sufficiently small in scale to forego the attention of the entire community of moral agents.

By contrast, I take public apologies (and thus the focus of this paper) to refer to larger, official exchanges whereby a nation or group or representative of these communicates to another group or nation or representative of these, at the

very least, acknowledgement of the wrong committed.[3] These wrongs are characteristically larger in scope in terms of those affected than that of private apologies and therefore *do* demand the attention of the moral community as a whole. As such, their intended scope is the wider community; the apology is seen as a way to re-establish the legitimacy of the rules broken and to reconcile the wrongdoers back to the moral community. In these cases, those wronged can be symbolic of a whole group of people or whole nation, or they can be represented by others.[4] Examples include Willy Brandt's Kniefall, which as a *silent* act of humility, internationally reaffirmed peace and friendship.[5]

For the purposes of this paper, retribution will be understood in Jean Hampton's terms. According to Hampton, retribution is "a response to a wrong that is intended to vindicate the value of the victim denied by the wrongdoer's action through the construction of an event that not only repudiates the action's message of superiority over the victim but does so in a way that confirms them as equal by virtue of their humanity."[6] In this regard,

3. Marguerite La Caze, "The Asymmetry between Apology and Forgiveness," *Contemporary Political Theory* 5, no. 4 (November 1, 2006): 450.

4. Michael R. Marrus, *Official Apologies and the Quest for Historical Justice*, Controversies in Global Politics & Societies (Toronto: Munk Centre for International Studies, 2006), 11.

5. John Borneman, "Public Apologies as Performative Redress," *SAIS Review* 25, no. 2 (Summer/Fall 2005): 54–55. Brandt's Kniefall was a spontaneous gesture of humility that took place on December 7, 1970, when he visited a monument to the Warsaw Ghetto Uprising. After laying a wreath at the monument, Brandt knelt to commemorate all the lives taken there during the Nazi regime.

6. Hampton, "Correcting Harms," 1686.

retribution tries to ensure mutual respect for value by responding to wrongs in a way that renews the victim's proper understanding of their worth, by countering the "message of superiority" done by the perpetrator's action; this results in their being placed on an equal footing. Commonly, retribution finds expression in punishment, whereby an authority, like the state, counters the immoral message by lowering or humbling the wrongdoer through the imposition of proportional pain. Such retribution cancels the effects or evidence of the immoral message of the perpetrator and vindicates the victim's value.[7]

This proportionality, articulated in the formal legal principle of *lex talionis*, is important morally, for, if the wrongdoer is served a disproportionately lenient response to her crime, it might be said that she "got away with it," or it likely will be thought that the state does not consider such actions to be reprehensible. Conversely, if a wrongdoer is given a disproportionately harsh response, the wrongdoer could be considered the wronged, since, despite her wrongdoing, she would be coerced to carry a burden that is more than what is rightfully hers to carry. In imposing this illegitimate burden onto her, the punishment violates her rights, and commits an act that is morally unacceptable to redress the wrong that she committed.[8]

I have decided to utilize Hampton's conception of retribution because she provides the most complete view

7. Ibid., 1686–7.

8. Ibid., 1690–1691. It is important to note, however, that Hampton does not endorse *lex talionis,* as such, but does hold to a kind of *lex talionis* that limits the kind of punishment inflicted to those that will in no way demean the value of wrongdoer below the level of humanity (Murphy and Hampton, *Forgiveness and Mercy,* 133–7).

of retribution in all its manifestations. Although much of Hampton's thoughts on retribution have specific application in the legal sphere of punishment, Hampton notes that this is not the only place where retribution exists; it is applicable in the non-legal sphere as well as in the non-punitive sphere.[9] Hampton also acknowledges the indirect capabilities or retribution in moral education.[10] Other authors like Christopher Bennett, J. L. Mackie, and Michael Moore simply fail to offer a view of retribution that is applicable to such a broad scope of cases and, therefore, fail to recognize retributive elements in certain non-traditional forms where its presence is valuable (for example, as I hope to show, the apology).[11] I will soon return and add this conception of retribution in my

9. Ibid., 1693, 1694.

10. Jean Hampton, "The Message of Punishment," from "The Moral Education Theory of Punishment," in *What is Justice?: Classic and Contemporary Readings*, 2nd ed., ed. Robert C. Solomon and Mark C. Murphy, 245–251 (Oxford: Oxford University Press, 2000). It is important to note that, at the time this work was written, Hampton believed that moral education was the only purpose in punishment. She, however, later gave up that view and instead held that "denying the false claim of relative value" was the ultimate goal (Murphy and Hampton, *Forgiveness and Mercy*, 133). However, having said that, she is still able to assert that moral education can still have a residual effect in punishment despite the fact that it does not play a primary role (Hampton, "Correcting Harms," 1659; see her second note).

11. Christopher Bennett, "The Varieties of Retributive Experience," *The Philosophical Quarterly* 52, no. 207 (April 2002): 145–163. See also J. L. Mackie, "Morality and the Retributive Emotions," *Criminal Justice Ethics* 1 (Winter/Spring 1982): 3–9 and Michael Moore, "A Defense of the Retributivist View," from "The Moral Worth of Retribution" (1987) in *What is Justice?: Classic and Contemporary Readings*, 2nd ed., ed. Robert C. Solomon and Mark C. Murphy, 236–245 (Oxford: Oxford University Press, 2000).

examination of its compatibility to Kiss's idea of restorative justice.

For the purposes of this essay, restorative justice will be understood in Elizabeth Kiss's terms, as a commitment to four principles: "(1) to affirm and restore the dignity of those whose human rights have been violated; (2) to hold perpetrators accountable, emphasizing the harm that they have done to individual human beings; and (3) to create social conditions in which human rights will be respected … [and; (4) a] commitment to reconciliation."[12] According to Kiss, this commitment to reconciliation is the key factor that distinguishes her version of restorative justice from retribution and is therefore what I must demonstrate is congruent, if my thesis will stand.

III

I will now demonstrate that, while there are understandable conflicts of commitment between these two conceptions of justice, both forms of justice as articulated by Kiss and Hampton respectively are at least potentially compatible in a specific range of cases. I will take as my example the practice of public apologies and will demonstrate that these can exemplify the principles of Hampton's retributive justice *and* Kiss's restorative justice. As one analyzes the definitions presented, it might be easy to conceive of them as, in some way, mutually exclusive. It would seem strange to argue, for example, that it is a moral obligation to seek proportional retribution, while at the same time arguing for an obligation to show the "softer" traits in restorative justice. However, I believe that

12. Kiss, "Moral Ambition," 79. (Square brackets added).

this present understanding of retribution is incomplete and that it may be possible, on closer inspection, to realize that Hampton's proportional retribution and Kiss's reconciliatory restoration are not incompatible. As an indication of this fact, I take Hampton's suggestion that retribution need not only be a punitive response delivered by the state, but also can come via individual agents or groups that inflict non-legal retributive responses on one another when appropriate.[13] To illustrate this form of retribution consider practices of child discipline within families or the case in which, after telling a crude joke about a girl being in the shower, the boy who contrived the story was drawn, by the girl, to an eye washer in a science class and sprayed in front of the whole class. Here the response fits with the crime, and the boy who humiliated the girl by spreading the story about her is humiliated in turn.

In addition to non-legal responses, Hampton also argues for the recognition of non-punitive retributive responses, whereby the wrongdoer faces a humbling experience to reassert the value of the victim, *not* by means of pain or punishment, but by means of other actions that confer humility to the wrongdoer. Hampton suggests that a wrongdoer can sometimes even receive gracious treatment in response to a wrong and, by so doing, humble the wrongdoer into shame and regret. This is done by letting the wrongdoer see a good deed in relation to his or her wrongdoing. To illustrate this, Hampton cites Romans 12:20 where Paul encourages returning good actions for evil, for when this is done we "heap burning coals on

13. Hampton, "Correcting Harms," 1693.

someone's head."[14] Now it may be argued that these forms of retribution are problematic in that they are not proportional to the crime. How can non-punitive responses properly be retributive if they do not deal proportionally with the wrong?

I think this objection underestimates just how powerful an act of grace can be in humbling a person to the extent to which it is *like* painfully punishing the individual. According to Hampton, punishment serves to humble the wrongdoer to counter the false message of superiority over the victim. Punishment is proportional when it effectively serves to humble the wrongdoer, no more and no less, to a point of equality thereby annulling the *false evidence of superiority implied by the crime*. [15] To this end, Hampton argues that although pain is an effective medium of humility in that it can "symbolize the idea that the wrongdoer is not one's superior," pain need not be the only means to achieve these ends. [16] This suggests that in some cases, another medium can be used — one that need not be so negative. I argue that, in some cases, an act of grace may also serve this purpose in accordance with the moral demands of proportionality.

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14. Ibid., 1695.

15. Jeffrie G. Murphy and Jean Hampton, *Forgiveness and Mercy*, (Cambridge: Cambridge University Press, 1988), 131, 142–3.

16. Ibid., 143. Here, Hampton allows for some cases, where non-coercive forms of retribution are used to establish moral value. I think it is this point that takes much of the rhetorical force out of the arguments posed by some of Hampton's critics, who claim that Hampton's theory of punishment relies on the "offensive premise" that coercive use of force is all that is required as evidence for moral value; cf. H. J. Gert, L. Radzik, and M. Hand, "Hampton on the Expressive Power of Punishment," *Journal of Social Philosophy* 35, no. 1 (Spring 2004): 86.

Consider an example that I experienced with my father many years ago. During a rebellious period of my life, my father and I had been arguing, and I had disrespected him greatly. One night when the conflict was especially heated, he, noticing that I was hungry, prepared a meal for me. That was the single worst meal of my life! I could not shake the fact that, although I had mistreated him, he still cared enough to not let me go to bed hungry. During that meal, I saw my wrongdoing in light of his kindness and I was, as Hampton says, "chastened, just as surely as if [I] had been punished."[17] That night proved to be a turning point both in my life, and in my relationship with my father. The apology that resulted achieved a sufficient humbling outcome that annulled my wrong and restored my father and I to a proper standing in relation to one another.

In understanding retribution in this way, we can also see non-punitive retribution as a way to vindicate the value of the victim through requiring the wrongdoer to make amends. Often times, people think that making amends is a function of restorative justice rather than retributive justice; however, Hampton contends that

> the demand for a wrongdoer to "make amends" to his victim is a retributive idea, arising from the retributive claim that repairing diminishment requires, among other things, repairing the wrongdoer's damage to the victim's entitlements (generated by their value). A punishment can have built into it actions or services that

17. Hampton, "Correcting Harms," 1695.

> constitute such amends; otherwise, these amends can be conceived as separate from the punishment, for example understood as restitution or as a civil remedy, in which case the retributive response would have to be understood as including not only the punishment … but also these remedies. [18]

Hampton attributes the demand for amends *to* retribution by saying that such demands extend from the need to annul the diminishment that occurred to the victim's sense of worth because of the wrongdoer's actions. A retributive response may address this diminishment as part of a punishment, or in such a way that includes *both* punishment *and* restoration as separate entities conjoined in a single retributive act. Surely, this was the case in the example I gave about my father and I: Not only did I feel as though I had been punished, but I was also required (by my mother) to get in the habit of treating my father with the respect that he deserved. I think this conception of retribution lends important insight into the reality of mutual interaction of retribution and restoration because we can see it manifest itself in common everyday interactions. Ordinary people, not just the state, inflict retribution that humble the wrongdoer in a variety of forms and may demand, at the same time and in the same act, some form of restoration.

Once seen in this light, Hampton's theory of retribution may begin to seem compatible with Kiss's notion of restorative justice. Kiss herself admits that as it concerns her first three commitments, "all of these features are

18. Ibid., 1697.

perfectly compatible with retributive justice."[19] However, as it concerns her final commitment, that of reconciliation, she suggests that it is the commitment upon which *the* real tension exists. She says, "while retributive justice demands that the guilty be punished, restorative justice … 'is concerned not so much with punishment as with correcting imbalances, restoring broken relationships — with healing, harmony and reconciliation.' Thus, a key defining element of restorative justice is its privileging of reconciliation over retribution."[20] If I understand the implications of this idea to Hampton's thought, this means that, insofar as one is committed to restorative justice and reconciliation, one would not, given appropriate circumstances, choose to also embrace retributive justice even when it is possible. Kiss goes on to justify this position by saying, "proponents of restorative justice tend to privilege forgiveness or reconciliation over punishment, to emphasize the humanity of both victim and offender, and to seek personal and institutional transformation ahead of retribution."[21] Thus, it would seem to me that, in the interest of valuing the equality of both parties, and to bring about a just state of affairs for people and society, the proponent of restorative justice would refrain from using any kind of retributive response.

However, one should note that, although Kiss does refer to Hampton in her article, Kiss is not working with Hampton's notion of retributive justice as a basis for comparison. Given this, Kiss mistakenly assumes that retribution necessarily excludes reconciliation, and she is unsympathetic to the "humanity" and the

19. Kiss, "Moral Ambition," 79.
20. Ibid.
21. Ibid., 80.

"transformation" that restorative justice seeks to privilege. However, it does not appear that this assumption holds. Insofar that one accepts Hampton's idea of retribution generally, and non-punitive retributive responses more specifically, one will see no problem in accepting that Hampton's retributivism is sympathetic to the humanity of both parties and does not exclude reconciliation. According to Hampton, retribution is the demand of morality to correct the false message of superiority implied in a wrongdoer's action. Reconciliation, on the other hand, involves, after the dropping of bitter emotions, a pro-attitude or a reconciliatory disposition on the part of the victims towards the wrongdoer. Given this separation, a victim may demand retribution to vindicate one's value while still offering forgiveness and reconciliation to the offender.[22] In this way, therefore, Hampton's notion of retribution and Kiss's notion of restorative justice are compatible.

IV

I will now demonstrate how some public apologies are able to achieve this dual function. To do this, I will begin with an exposition of Hampton's theory of retribution in private apologies. According to Hampton, the most prevalent form of *non-punitive retributive* response that occurs among individuals is the one that individuals often inflict upon themselves when they are guilty of wrongdoing — apologies.[23] Hampton says that when a wrongdoer apologizes, he or she does two things: First,

22. Murphy and Hampton, *Forgiveness and Mercy*, 157, 85–86.
23. Hampton, "Correcting Harms," 1697.

one humbles him or herself before the wronged and thereby counters the message of the act both in terms of the diminishment caused to the victim and in terms of the apparent elevation implied in the act. Second, one tries to "make it up" or repair the damage that the act had on the victim. If done successfully, these measures will cancel the evidence of injury caused and make reconciliation possible.[24]

Using this as a base, one can see that, at least as it relates to private apologies, Hampton sees all apologies as essentially retributive in nature. This seems plausible to me — that many successful *private* apologies in fact align themselves to this model. Typically, in such apologies a *self-directed retributive response* is displayed chiefly in the wrongdoer's expression of humility or in his or her authenticity in "making it up." This is expressed either in the words he or she uses to describe what has happened — by his or her saying, "I'm sorry," "I was wrong," "I shouldn't have done what I did"; or it may be expressed in silent displays of authentic humility. It also may tangibly manifest in the actions he or she takes to make amends and repay for the wrong committed. Once the victim recognizes the wrongdoer as bringing himself or herself low in an authentic and sufficient manner, the wronged individual can recognize this as an act of repentance, and, with the victim's value reaffirmed, the private apology can be said to have achieved its retributive purpose.

In applying Hampton's non-punitive retributive idea to *public* apologies, Borneman says: "[a]pologies are a form of performative redress that link the fate of the wrongdoers and the victim in a public event, which seeks to *defeat the*

24. Ibid., 1698.

wrongdoer's claim to mastery over the victim.…[S]uch public events that acknowledge the wrong, confirm the victim and wrongdoer 'as equal by virtue of their humanity.'"[25] Thus, the key issue in a public apology, as Borneman sees it, is whether proportionality is achievable in the self-inflicted, non-punitive retributive response of the one apologizing. For only in achieving proportionality is the annulling of the wrong possible, especially as it concerns apologies directed to the moral community at large for *past* wrongs — as it would in a public apology. The retributive response must often take on a much more symbolic role, as the person doing the apologizing may not have been involved in committing the wrong but is merely representing one, or others who did.

The most famous example of such a public apology is West German Chancellor Willy Brandt's Kniefall, his action of kneeling in remembrance of Jewish victims at the Warsaw memorial in Poland. In trying to express adequately the magnitude of what occurred at the Warsaw ghetto, Brandt felt compelled to make some kind of gesture that would in some way redress the wrongs of his people. When words could not be uttered, "he, who need not have, fell to his knees, for those who do not fall to their knees, but who need to — because they dared not or could not or could not dare."[26] Borneman comments that in this act, Brandt, as the highest representative of the German country that was himself blameless of any wrong, invoked the wrong of the entire German people in the person of himself, and then, by kneeling, signified his "categorical unworthiness." In so doing, Brandt, *symbolically* humbled

25. Borneman, "Public Apologies," 54. (Emphasis added.)
26. Ibid., 55.

the entire German population in front of their Jewish and Polish victims, and made them "as a void in need of the recognition by the 'Other.'"[27]

This is significant, I believe, when we consider just what went on during the Nazi regime. The Jews and Poles had been denied their personhood, so to redress this wrong and thereby separate themselves from that identity, Brandt, representing the German people, humbled himself so low as to *forfeit* their personhood and to become "a void" before Nazi victims. In apologizing this way, Brandt, I argue, symbolically achieved a proportional infliction of a non-punitive retributive response. In effect, implicit in this act was tremendous communication — "We denied *your* personhood, so to counter and reaffirm your lost identity, we humbly offer to you *our own, allowing you to shape and form our new national identity."* Thus, Brandt's act was able to meet Hampton's first requirement of an apology that one must humble himself or herself and so counter the message of superiority implied in the immoral act.

In like fashion, Borneman brings out a second feature that can be likened to Hampton's description of non-punitive responses through interpersonal apologies. With this act of humility, Brandt also symbolically made amends by publicly affirming the value of the victims and elevating them to their proper moral status. In offering German identity into the hands of the "Other," he allowed those victimized to redefine the identity of not only those who had mistreated them, but also themselves. Borneman says, "Brandt constituted the German people not as presence but as lack thereof … [and], instead of asserting that the German nation could determine its own identity,

27. Ibid., 62, 63.

Brandt acknowledged the essential role of the 'Other' — Jew and Pole — in redefining German identity."[28] In restoring the victims' personhood in this way, as well as in many other ways like compensation, for example, Brandt was able to make amends, thereby meeting Hampton's second requirement of an apology.

It is evident that many present at the memorial accepted Brandt's humble act of expiation as a successful apology. Borneman writes that "[t]he immediate Polish reaction was surprise and silence….Within days, the Polish press praised him and welcomed Brandt's sincerity, a sign of improvement in Polish-German relations."[29] Further, given that this act was a public act, in the sense that Brandt intended this act to be a communication to the moral community of West Germany and its victims, Brandt's apologetic Kniefall can, thus, also be seen as a public symbolic form of non-punitive retribution in Hampton's sense.

V

Now that we have demonstrated that some public apologies achieve a form of retribution, I will now show that this particular example of an apology also achieves a level of Kiss's restorative justice. This will require Brandt's act to meet Kiss's four conditions of restorative justice, as well as to fit the model of a non-punitive retributive apology as outlined above. Returning to Brandt's Kniefall, it is evident from the previous description that the dignity of those whose rights were violated was indeed restored.

28. Ibid., 63.
29. Ibid., 55.

By symbolically embodying the wrongs of his entire people and then communicating his penance in front of Nazi victims, Brandt separated German identity from Nazi identity, and placed a new developing German identity in the hands of the "Other." This act revitalized the diminished life of Polish and Jewish victims and affirmed their personhood as being a part of a select group of people who could help build a new national identity.[30]

Next, as the highest representative of the German people Brandt, humbled himself, setting a public standard to which all wrongdoers he represented would henceforth be held accountable. This is especially clear given a *Hamptonian* interpretation of Brandt's act: This act of humility publically communicated the moral truth of Jewish and Polish equality with their German wrongdoers. The victims internalized this communication as a means of reaffirming their worth; furthermore, through this communication, society received a moral message that served as a form of moral education to perpetrators. Brandt's act demonstrated the proper evaluative worth of both parties and showed that no longer would anyone be able to surmise, due to little or no legal reaction, that such heinous acts were acceptable.[31] In addition, it is undoubtedly clear that Brant's apologetic gesture created conditions that sought to establish the respect of all citizens. The very point of this gesture was to redress past wrongs, and with this act he established a norm of equality within German society and ingrained it deeply into the fabric of German identity.[32] Lastly, reconciliation was

30. Ibid.

31 . Murphy and Hampton, *Forgiveness and Mercy*, 141–142. (Cf. Hampton, "The Message of Punishment," 249.)

32. Borneman, "Public Apologies," 63.

achieved in renewed relations between Poland and Germany. So here, in Brandt's Kniefall, Hampton's retribution and Kiss's restoration occur together in a single apologetic act.

VI

I will now examine two objections posed against public apologies. The first objection I will consider suggests that public apologies are not good because they "promote collective guilt and self-doubt — seen as unhealthy for national unity."[33] In response to this objection, I would say that, although the first conjunct about collective guilt and self-doubt is certainly true, the suggestion that this is nationally unhealthy is simply false. Brandt's Kniefall embodied collective guilt and self-doubt; yet, in symbolically sacrificing Germany's past Nazi identity and symbolically reaffirming those victimized by allowing them to thereafter mould their national image, national unity was formed afresh. In fact, Brandt's apology has been made part of the high school curriculum and is discussed frequently on talk shows; in addition, "members of the first postwar generation, the '68ers,' … identify the apology as one of the first times they were either proud of a German statesman or even proud to be German."[34]

The next objection I wish to address is one that strikes more to the core of my thesis; it is the thought that apologies are a mere "means to evade sterner forms of justice."[35] I think this objection, as it is applied to my thesis, underestimates the extent to which a wrongdoer or

33. Marrus, "Official Apologies," 28.
34. Borneman, "Public Apologies," 63.
35. Marrus, "Official Apologies," 28.

a representative must humble himself or herself for an apology to be acceptable to the victim. Often, a sincere person, independently —that is, uncoerced by an external state — may produce a more successful work of Hampton's conception of retribution than a trial or jail time may ever produce. It certainly makes sense to expect that those who are truly repentant and *sincerely* humble themselves after a wrong will vary rarely commit the same wrong over again. Further, as Zalaquett says in Kiss's article, the moral benefits of restorative justice are seen in that "it opens up moral possibilities for reconstructing a just society that are harder to achieve via the path of punishment."[36] Thus, I contend that there can be no sterner form of punishment than the kind inflicted on the self of a truly sincere person, especially when wrongdoers are not shielded by representatives. The wrongdoer who can sufficiently humble himself or herself in a way that is acceptable to the wronged and achieve both Hampton's retributive as well as Kiss's restorative justice, I argue, would be considerably more on his or her way to moral regeneration than if he or she received external punishment alone.

VII

In closing, I have attempted to defend the claim that, in some cases of successful public apologies, both Hampton's retributive justice and Kiss's restorative justice are achievable together. I have done this by first providing definitions for these terms. From there, I argued that at least one set of plausible interpretations of both retributive

36. Kiss, "Moral Ambition," 81.

justice and restorative justice are not mutually exclusive but can function together. Then I tried to demonstrate this compatibility within the context of public apologies by showing that Brandt's public apology conforms to Hampton's understanding of retributive justice as well as to Kiss's view of restorative justice. Finally, I addressed some of the objections to the role of apologies in public interactions and exchanges. With this analysis, I believe the doors open for a deeper appreciation of public apologies generally, and, specifically, the way is paved for further work on defining successful instances of public apologies on the basis of Kiss's and Hampton's philosophical foundations.

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