Erasmus Universiteit Rotterdam

Dutch Research School of Philosophy

OZSW 2013 conference

15 en 16 November 2013
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Organization committee

The organisation committee for this conference consisted of the following people from Erasmus University Rotterdam:

- Prof. dr. Ingrid Robeyns – conference co-chair (& director OZSW)
- Prof. dr. Han van Ruler – conference co-chair
- Dr. Ir. Ilse Oosterlaken – conference manager (& assistant director OZSW)
- Catalina Peeters – conference administrator (& OZSW administrator)

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- Uitgeverij Boom
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The OZSW would like to thank the following people for making a very important contribution to the conference by reviewing abstracts.

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## Programme

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<td>1:00pm - 1:15pm</td>
<td>Welcome: OPENING CONFERENCE by Ingrid Robeyns, director OZSW</td>
<td>Forum (M3-15)</td>
<td>Han van Ruler</td>
</tr>
<tr>
<td>1:15pm - 2:30pm</td>
<td>Keynote1: Keynote prof. John Cottingham</td>
<td>Forum (M3-15)</td>
<td>Han van Ruler</td>
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<tr>
<td>2:30pm - 3:00pm</td>
<td>Coffee break</td>
<td>Restaurant I</td>
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<td>groot (M3-09)</td>
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<tr>
<td>3:00pm - 5:00pm</td>
<td>Parallel 1a: A Panel on Early Modern Aristotelianism: 4 lectures</td>
<td>Galway (M2-06)</td>
<td>Wiep van Bunge</td>
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<tr>
<td>Location</td>
<td>Parallel Session</td>
<td>Session Chair</td>
<td>Notes</td>
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<tr>
<td>Basel (M2-07)</td>
<td>Parallel 1b: Ancient &amp; medieval philosophy</td>
<td>Carlo Ierna</td>
<td>Only 2 papers, so session ends at 4:00!</td>
</tr>
<tr>
<td>Harvard (M2-08)</td>
<td>Parallel 1c: Early Modern Practical Philosophy: Hobbes, Spinoza, Hume</td>
<td>Johan Olsthoorn</td>
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<tr>
<td>Melbourne (M2-09)</td>
<td>Parallel 1d: Philosophical anthropology / continental philosophy (I)</td>
<td>Andrew Smith</td>
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<tr>
<td>Rochester (M2-10)</td>
<td>Parallel 1e: (1) Cultural philosophy &amp; feminism / (2) legal philosophy</td>
<td>Sem de Maagt</td>
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<tr>
<td>Santander (M2-11)</td>
<td>Parallel 1f: The Future of Animal Ethics in Theory and Practice</td>
<td>Clemens Driessen</td>
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<tr>
<td>Shanghai (M2-12)</td>
<td>Parallel 1g: Judgment in Practical Philosophy</td>
<td>Constanze Binder</td>
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<tr>
<td>Aberdeen (M3-03)</td>
<td>Parallel 1h: Human rights</td>
<td>Katrien Schaubroeck</td>
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<tr>
<td>Auckland (M3-04)</td>
<td>Parallel 1i: Philosophy of science (&amp; epistemology)</td>
<td>Jan Willem Wieland</td>
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<tr>
<td>Praag (M3-05)</td>
<td>Parallel 1j: Philosophy of science (I)</td>
<td>Conrad Heilmann</td>
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<tr>
<td>Lund (M1-18)</td>
<td>Parallel 1k: Bio-ethics / health</td>
<td>Sander Voerman</td>
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<tr>
<td>Heidelberg (M1-16)</td>
<td>Parallel 1l: Wellbeing / hapiness / meaning / the good life</td>
<td>Patrick Delaere</td>
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<tr>
<td>Galway (M2-06)</td>
<td>Parallel 2a: Early modern / modern philosophy</td>
<td>Han van Ruler</td>
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<tr>
<td>Basel (M2-07)</td>
<td>Parallel 2b: Idealism, realism, empiricism - Approaches to early post-Kantian philosophy</td>
<td>Paul Ziche</td>
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<tr>
<td>Harvard (M2-08)</td>
<td>Parallel 2c: Logic (I)</td>
<td>Janine Reinert</td>
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<tr>
<td>Melbourne (M2-09)</td>
<td>Parallel 2d: Epistemology meets ethics</td>
<td>Rafaela Hillerbrand</td>
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<tr>
<td>Rochester (M2-10)</td>
<td>Parallel 2e: Self-management and illness</td>
<td>An Ravelingien</td>
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<tr>
<td>Santander (M2-11)</td>
<td>Parallel 2f: Moral psychology (I)</td>
<td>Peter Timmerman</td>
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<tr>
<td>Shanghai (M2-12)</td>
<td>Parallel 2g: Democracy / Collective Decision Making</td>
<td>Caroline Harnacke</td>
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5:00pm - 5:15pm  | Break |
5:15pm - 6:45pm  |
<table>
<thead>
<tr>
<th>Location</th>
<th>Session Title</th>
<th>Chair(s)</th>
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<tbody>
<tr>
<td>Aberdeen (M3-03)</td>
<td>Parallel 2h: Metaphysics</td>
<td>F.A. Muller</td>
</tr>
<tr>
<td>Auckland (M3-04)</td>
<td>Parallel 2i: Aesthetics / philosophy of art meets ethics / political philosophy</td>
<td>Rob van Gerwen</td>
</tr>
<tr>
<td>Praag (M3-05)</td>
<td>Parallel 2j: Business Ethics Panel - the Metaphor of Corporate Citizenship</td>
<td>Ronald Jeurissen</td>
</tr>
<tr>
<td>Lund (M1-18)</td>
<td>Parallel 2k: Ethics of technology</td>
<td>Sven Diekmann</td>
</tr>
<tr>
<td>Heidelberg (M1-16)</td>
<td>Parallel 2l: Political &amp; social philosophy (I)</td>
<td>Annemarie Kalis</td>
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<tr>
<td>6:45pm – 7:00pm</td>
<td>Break</td>
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<tr>
<td>Forum (M3-15)</td>
<td>Plenary OZSW session</td>
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<td></td>
<td>This is a meeting for all OZSW members, in which the new organisation will be briefly introduced and members can ask questions. The meeting includes the award ceremony for the ‘Best Supervisor Award 2013’, initiated by the OZSW PhD council.</td>
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<tr>
<td>7:30pm - 9:30pm</td>
<td>Conference dinner</td>
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<td></td>
<td>* With dessert buffet at 8.30 pm</td>
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<td></td>
<td>* Coffee and tea around 9.00 pm</td>
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<td>Date: Saturday, 16/Nov/2013</td>
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<tr>
<td>10:00am - 11:15am</td>
<td>Keynote2: Keynote prof. Jenny Slatman</td>
<td>Ilse Oosterlaken</td>
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<td></td>
<td>Session Chair: Ilse Oosterlaken</td>
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<tr>
<td>11:15am - 11:45am</td>
<td>Coffee break</td>
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<tr>
<td>11:45am - 1:15pm</td>
<td>Parallel 3a: Remediing Descartes: Spinoza, Desgabets and Digby</td>
<td>Han Thomas Adriaenssen</td>
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<td>Session Chair: Han Thomas Adriaenssen</td>
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<tr>
<td>11:45am - 1:15pm</td>
<td>Parallel 3b: Logic (II)</td>
<td>Sander Beckers</td>
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<td></td>
<td>Session Chair: Sander Beckers</td>
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<tr>
<td>11:45am - 1:15pm</td>
<td>Parallel 3c: Logic (II)</td>
<td>Stefan Koller</td>
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<td>Session Chair: Stefan Koller</td>
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<tr>
<td>11:45am - 1:15pm</td>
<td>Parallel 3d: Metaphysics / philosophy of science</td>
<td>Thomas Wells</td>
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<td></td>
<td>Session Chair: Thomas Wells</td>
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<tr>
<td>11:45am - 1:15pm</td>
<td>Parallel 3e: Political &amp; social philosophy (II)</td>
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<td></td>
<td>Session Chair: Thomas Wells</td>
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<tr>
<td>Location</td>
<td>Parallel Session</td>
<td>Details</td>
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<tr>
<td>Santander (M2-11)</td>
<td><strong>Parallel 3f: Moral psychology (II)</strong></td>
<td>Session Chair: Filippo Santoni de Sio. Only 2 papers, so session ends at 12:45!</td>
</tr>
<tr>
<td>Shanghai (M2-12)</td>
<td><strong>Parallel 3g: Meta-ethics (I)</strong></td>
<td>Session Chair: Maureen Sie</td>
</tr>
<tr>
<td>Aberdeen (M3-03)</td>
<td><strong>Parallel 3h: Applied ethics</strong></td>
<td>Session Chair: Jona Specker</td>
</tr>
<tr>
<td>Auckland (M3-04)</td>
<td><strong>Parallel 3i: Aesthetics/philosophy of art</strong></td>
<td>Session Chair: Josef Früchtl</td>
</tr>
<tr>
<td>Praag (M3-05)</td>
<td><strong>Parallel 3j: Epistemology (I)</strong></td>
<td>Session Chair: Guido Melchior</td>
</tr>
<tr>
<td>Lund (M1-18)</td>
<td><strong>Parallel 3k: Philosophy of mind (I)</strong></td>
<td>Session Chair: Marc Slors</td>
</tr>
<tr>
<td>Heidelberg (M1-16)</td>
<td><strong>Parallel 3l: Justice</strong></td>
<td>Session Chair: Ingrid Robeyns</td>
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</table>

**1:15pm - 2:45pm**

**Restaurant I groot**

**Lunch**

From 13.30 to 14.30 the three OZSW sections will hold a member meeting. These will take place in the following rooms (you can bring your lunch - but please bring your waste and plates/cutlery back to the restaurant):

* Section History of Philosophy: M2-10 (Rochester) - chair: Paul Ziche
* Section Ethics & Practical Philosophy: M2-11 (Santander) - chair: Ingrid Robeyns
* Section Theoretical Philosophy: M2-12 (Shanghai) - chair: Jan-Willem Romeijn

**2:45pm - 4:15pm**

<table>
<thead>
<tr>
<th>Location</th>
<th>Parallel Session</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>Galway (M2-06)</td>
<td><strong>Parallel 4a: Early modern philosophy</strong></td>
<td>Session Chair: Han van Ruler</td>
</tr>
<tr>
<td>Basel (M2-07)</td>
<td><strong>Parallel 4b: Philosophy of technical artefacts</strong></td>
<td>Session Chair: Hans Radder</td>
</tr>
<tr>
<td>Harvard (M2-08)</td>
<td><strong>Parallel 4c: Early modern / modern / contemporary philosophy</strong></td>
<td>Session Chair: Paul Ziche</td>
</tr>
<tr>
<td>Melbourne (M2-09)</td>
<td><strong>Parallel 4d: Philosophy of language &amp; philosophy of science / epistemology</strong></td>
<td>Session Chair: Mieke Boon</td>
</tr>
<tr>
<td>Rochester (M2-10)</td>
<td><strong>Parallel 4e: Political &amp; social philosophy (III)</strong></td>
<td>Session Chair: Ilse Oosterlaken</td>
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<tr>
<td>Santander (M2-11)</td>
<td><strong>Parallel 4f: Moral psychology (III)</strong></td>
<td>Session Chair: Frank Hindriks. Only 2 papers, so session ends at 3:45!</td>
</tr>
<tr>
<td>Shanghai (M2-12)</td>
<td><strong>Parallel 4g: Meta-ethics (II)</strong></td>
<td>Session Chair: Linda Barclay. Only 2 papers, so session ends at 3:45!</td>
</tr>
<tr>
<td>Aberdeen (M3-03)</td>
<td><strong>Parallel 4h: Philosophical anthropology / continental philosophy (II)</strong></td>
<td>Session Chair: Marli Huijer</td>
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<tr>
<td>Location</td>
<td>Session</td>
<td>Chair</td>
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<tr>
<td>Auckland</td>
<td><strong>Parallel 4i: Philosophy of science (II)</strong></td>
<td>Jan-Willem Romeijn</td>
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<tr>
<td>Praag</td>
<td><strong>Parallel 4j: Epistemology (II)</strong></td>
<td>Tim de Mey</td>
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<tr>
<td>Lund</td>
<td><strong>Parallel 4k: Philosophy of mind (II)</strong></td>
<td>Leon Geerdink</td>
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**4:15pm - 4:45pm**

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<thead>
<tr>
<th>Location</th>
<th>Event</th>
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<tbody>
<tr>
<td>Restaurant I groot (M3-09)</td>
<td>Coffee break</td>
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**4:45pm - 6:00pm**

<table>
<thead>
<tr>
<th>Location</th>
<th>Event</th>
<th>Chair</th>
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</thead>
<tbody>
<tr>
<td>Forum (M3-15)</td>
<td><strong>Keynote3: Keynote prof. Sally Haslinger</strong></td>
<td>Ingrid Robeyns</td>
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<td>Title key note lecture:</td>
<td><em>PHILOSOPHICAL ANALYSIS AND SOCIAL MEANING</em></td>
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**6:00pm - 7:00pm**

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<th>Location</th>
<th>Event</th>
<th>Details</th>
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<tbody>
<tr>
<td>Restaurant I groot (M3-09)</td>
<td>Closing reception sponsored by Uitgeverij Boom</td>
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</tbody>
</table>
Key note lectures

Reason and Religion - prof. John Cottingham (University of Reading)

**Time:** Friday, 15 Nov. 2013, 1:15pm - 2:30pm  
**Session chair:** Han van Ruler  
**Location:** Forum (M3-15)

**Abstract**  
The contemporary critics of religion often portray it as a primitive attempt to explain the origins of the universe and human life (the “God hypothesis”, as Richard Dawkins calls it). But a more careful look at the great cultural legacy of religious writing and practice shows that religion has never been primarily concerned to provide explanatory theories, but is chiefly focused on the meaning of human life and our need for moral transformation. But does the “primacy of the practical” in religious thought reduce its appeal as a rationally defensible worldview? A look at several of the great philosophical thinkers of the Western tradition reveals otherwise:

**About the speaker**  
John Cottingham is Professorial Research Fellow at Heythrop College, University of London, Professor Emeritus at Reading University, and an Honorary Fellow of St John’s College, Oxford. His recent books include *The Spiritual Dimension* (Cambridge, 2005), *Cartesian Reflections* (Oxford, 2008), and *Why Believe?* (Continuum, 2009).

Philosophy in Residence - prof. Jenny Slatman (Maastricht University)

**Attending to the empirical without losing conceptual rigor and reflective force**

**Time:** Saturday, 16 Nov. 2013, 10:00am - 11:15am  
**Session chair:** Ilse Oosterlaken  
**Location:** Forum (M3-15)

**Abstract**  
Urged by practical matters, such as research funding and teaching opportunities, most philosophers are nowadays compelled to explicitly relate their work to other academic disciplines, and to make sure what the relevance and added value of their philosophical analysis is. In our current research and teaching climate it has become virtually impossible to doing philosophy on account of itself. In my talk I would like to defend the thesis that it is not necessarily regrettable that philosophers have to leave their own cocoon. Quite the contrary, there could be valid philosophical reasons to do so (instead of just being forced by external circumstances). Obviously, there are many ways in which a philosopher could relate to other sciences. In my talk I will specifically focus on how to integrate empirical research methods in philosophical analyses, while drawing on examples from my own research practice. Unlike other (Dutch) philosophers who have advocated “empirical philosophy”, implying a ban on general concepts and a focus on local practices, I will argue that while attending to the empirical, philosophy can still maintain a generalizing view.

**About the speaker**  
Jenny Slatman is associate professor in the department of Health, Ethics and Society, Maastricht University (CAPHRI School for Public Health and Primary Care). At present, she is conducting and supervising a NWO-VIDI project on Bodily Integrity in Blemished Bodies (2011-2016). Her philosophical research involves reflections on various phenomena related to the body: embodied self-experience; embodied cognition, body image (disturbances); relation between inner experience and outward appearance; identity and bodily modifications; identity and disfigurements; bodily integrity.

Philosophical Analysis and social meaning - prof. Sally Haslinger (MIT)

**Time:** Saturday, 16 Nov. 2013, 4:45pm-6:00pm  
**Session chair:** Ingrid Robeyns  
**Location:** Forum (M3-15)

**About the speaker**  
Sally Haslinger is a professor in the Department of Linguistics and Philosophy. She has published on topics in metaphysics, epistemology and feminist theory, with a recent emphasis on accounts of the social construction of race and gender. In metaphysics, her work has focused on theories of substance, especially on the problem of persistence through change and on Aristotle's view that substances are composites of matter and form. Her work in feminist theory takes up issues in feminist epistemology and metaphysics, with a special interest in the distinction between natural and social kinds. She has co-edited *Adoption Matters: Philosophical and Feminist Essays* (Cornell University Press, 2005) with Charlotte Witt, *Theorizing Feminisms* (Oxford University Press, 2005) with Elizabeth Hackett, and *Persistence* (MIT Press, 2006) with Roxanne Marie Kurtz. She regularly teaches courses cross-listed with Women's Studies. Before coming to MIT, she taught at the University of Michigan, the University of Pennsylvania, Princeton University, and the University of California-Irvine.
OZSW member meeting

On Friday evening before the conference dinner, the OZSW will hold a short meeting for its members. The new OZSW organisation and people involved will briefly introduced, and there will be time for members to ask questions or give suggestions.

During the meeting the OZSW PhD council will also present its first annual ‘Best Supervisor Award’.

Best Supervisor Award of the OZSW PhD Council

At the OZSW conference 2013, The PhD council will hand out its first annual award for the best supervisor. The PhD council finds it important to point out what good supervising consists of. Some OZSW PhD students have supervisors who really stand out. Not only do they provide inspiration and motivation whenever needed. They also offer guidance and support, while staying open to let us explore our ideas and go our own way. The PhD council wants to honour someone who sets such a positive example. All PhD students of the OZSW were invited to nominate their supervisor. Based on their motivation, the PhD council selected the winner. This year four supervisors have been nominated:

- dr. Joel Anderson (Utrecht University)
- prof. dr. Bert van den Brink (Utrecht University)
- prof. dr. Sabine Roeser (Delft University of Technology)
- prof. dr. Maureen Sie (Leiden University / Erasmus University Rotterdam)

At the OZSW members meeting (Friday 7 pm), it will be announced who has earned the title of “The best supervisor of 2013”.
Paper presentations

Parallel 1a: A Panel on Early Modern Aristotelianism: 4 lectures

**Time:** Friday, 15/Nov/2013: 3:00pm - 5:00pm  ·  **Location:** Galway (M2-06)

**Session Chair:** Wiep van Bunge

In the early-modern period, economics was no independent discourse yet and still closely related to philosophy, theology and law. As a consequence, the further we go back in the history of economic of though, the more discussions about trade, money and interest were permeated with non-economic ideas. Especially sixteenth and early seventeenth-century economic texts show a typical humanistic spirit, abounding with appeals to authority and quotations from the classics. Just as in early-modern philosophy, Aristotle remained one of the foremost authors, not least because some fundamental economic notions first appeared in his books. In this paper, I will reconstruct the debate between Gerard de Malynes (fl. 1586-1626) and Edward Misselden (fl. 1608-1654) on the causes of the decay of trade in England to illustrate the way in which ‘the Philosopher’ was used in the economic thought of the period. Although Malynes believed that Aristotle lived in an age of the ‘infancy of traffique’, both English mercantilists quote him quite frequently and even quarrel about the right interpretation of his philosophy. Under influence of the new philosophy explicit appeals to Aristotle would eventually disappear from economic thought, but at the beginning of the seventeenth century were still the most natural thing in the world.

**Aristotelianism in Early Mercantilism: The Debate Between Malynes and Misselden**

**Joost Hengstmengel**

Erasmus University Rotterdam, Netherlands, The; [jw.hengstmengel@fwb.eur.nl](mailto:jw.hengstmengel@fwb.eur.nl)

In the early-modern period, economics was no independent discourse yet and still closely related to philosophy, theology and law. As a consequence, the further we go back in the history of economic of though, the more discussions about trade, money and interest were permeated with non-economic ideas. Especially sixteenth and early seventeenth-century economic texts show a typical humanistic spirit, abounding with appeals to authority and quotations from the classics. Just as in early-modern philosophy, Aristotle remained one of the foremost authors, not least because some fundamental economic notions first appeared in his books. In this paper, I will reconstruct the debate between Gerard de Malynes (fl. 1586-1626) and Edward Misselden (fl. 1608-1654) on the causes of the decay of trade in England to illustrate the way in which ‘the Philosopher’ was used in the economic thought of the period. Although Malynes believed that Aristotle lived in an age of the ‘infancy of traffique’, both English mercantilists quote him quite frequently and even quarrel about the right interpretation of his philosophy. Under influence of the new philosophy explicit appeals to Aristotle would eventually disappear from economic thought, but at the beginning of the seventeenth century were still the most natural thing in the world.

**The Survival of Aristotelianism in the Dutch Republic after the Victory of Cartesianism: Aristotelian Arguments in Early Refutations of Spinoza**

**Henri Krop**

Erasmus University Rotterdam, Netherlands, The; [krop@fwb.eur.nl](mailto:krop@fwb.eur.nl)

Despite the rise of Cartesianism during the1640s and 1650s, well established by scholars such as Theo Verbeek and Wiep van Bunge, which led to such an overall victory of this philosophical school in the Dutch universities that during the crises of 1656 and 1676 Aristotelianism was already incapable of presenting a viable alternative of the new philosophy, it offered some ‘pockets of resistance’. So, well into the 18th century professors of philosophy such as ‘s Gravesande and Musschenbroek unwillingly had to interrupt their courses of ‘experimental philosophy’ by teaching their students Aristotelian logic. (See Schuurman, Ideas, Mental Faculties and Method, Leiden 2004, p. 165 about the tenacity of Aristotelian Logic). The publication of Spinoza’s works in 1670 and 1677 provoked many refutations. For the most part the principle critics, such as Wittich and Bayle were Cartesians. However, as I would like to establish in my paper Wittich in the Anti-Spinoza (1690) and Bayle in the entry ‘Spinoza, Benoît de’ often had to return to Aristotelian arguments.

**Cartesian Logic Facing Aristotelian Categories**

**Andrea Strazzoni**

Erasmus University Rotterdam, Netherlands, The; [strazzoni@fwb.eur.nl](mailto:strazzoni@fwb.eur.nl)

The present paper aims to put light on the significance of Aristotelian logical notions in seventeenth century Dutch Cartesian context. Having been systematized in the textbooks of Franco Burgersdijk, Aristotelian logic still had a relevant function in the attempts to
embody Descartes's method of discovery in a comprehensive theory of formal reasoning. Besides the new logic expounded in Antoine Arnauld's Logique ou l'art de penser (1662), in fact, one can notice some other attempts to integrate Descartes's method with syllogistic reasoning. It is the case of the Logica vetus et nova (1654) of Johannes Clauberg, purposely aiming to ground syllogistics in the four rules of Descartes's method. Such novantique logic, however, was later criticized by Johannes De Raey – Clauberg’s former mentor – as improperly mingling two different worldviews. According to his Specimen logicae interpretationis (1669-1671) and Cogitata de interprettatione (1692), one have to discern, in approaching Aristotelian categories and Ramistic loci (the fundamentals of late Scholastic logic) between their vulgar meaning and their significatio according to the Cartesian paradigm. Cartesian metaphysics, indeed, urged for a revision of Scholastic logical notions in the light of a dualistic worldview. With his considerations, in fact, De Raey tried to provide an answer to the question ‘what are we talking about?’ when we make use of such notions, showing how these are to be retained within the new paradigm. Eventually, De Raey aims to put light on the Aristotelian heritage in new philosophy, or on the consequences of the use of Aristotelian concepts in a Cartesian framework. In order to fulfill such task, he carries on a survey of the errors coming from this retainment and put light on the positive use of Aristotelian notions in the new philosophy.

With my contribution I aim to highlight the function of De Raey’s considerations on Aristotelian logic by putting them in the context of Dutch Cartesianism. I will carry on my analysis through a comparison with Clauberg’s arguments, since De Raey considers these as urging him to develop his theory. I will thus focus on the relations between logic and metaphysics according to the two philosophers. If De Raey does not acquit any difference between the two branches of philosophy, as these both deal with the principles of human knowledge, or the analysis of our ideas, Clauberg distinguishes between logic as the art of reasoning and expounding thoughts, metaphysics as aimed to prove the existence of God, and ontology as the science of being. Therefore, whereas in Clauberg’s perspective the consideration of Aristotelian logical concepts is detached from metaphysical analysis, De Raey tries to assess whether these are useful to have some acquaintance of material and spiritual reality. By doing this, he provides a renewed conceptual apparatus for philosophers, or a Cartesian catalogue of actual beings. According to him, this is to be considered as the foundation of the Cartesian philosophical system, as it provides new philosophy with its basics. On the other hand, according to Clauberg logic has still a practical function, as it aims to guide us in the everyday expression of thoughts, whereas ontology concerns the meanings of ‘ens’ according to our mere abstractive faculty, i.e. paying no attention to their correspondence with actual objects. The analysis of Aristotelian logical concepts, in fact, has little place within his metaphysical considerations.

Aristotle’s On-going Presence in Early-Modern Moral Philosophy

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Despite an increased interest in the ethical views of rival classical schools, Aristotelian thought in many ways continued to inspire a great variety of early-modern moral-philosophical positions. In my talk, I shall address the continued presence of Aristotelianism in ethics, but also the appropriation of Aristotelian ideas in non-Aristotelian moral contexts. Thus, I shall draw on such topics as the fusion of moral-philosophical views from a variety of pagan sources and the continued influence of neo-scholasticism even in Protestant authors, but also on the unexpected ways in which Aristotle might turn up in anti-Aristotelians whenever they focus on moral philosophy. The resulting picture will be one that not only confirms the historical point of a continuity in moral thinking during the sixteenth and seventeenth centuries, but also a philosophical point regarding the need for a metaphysically unified conceptual frame in philosophical systems that remained true to the classical idea of finding a foundation for ethics in metaphysics and natural philosophy.
methods used by each protagonist. Zeno's arguments against the thesis that 'the many is' are apagogic, and are deployed with the aim to refute the opponents of Parmenides.

These traits can be found in both the socratic dialogues of Plato, early mathematical proofs, and the work of the sophists. It will be necessary therefore to position Zeno's arguments in relation to these currents of thought, since this argumentative strategy will subsequently provide the basis for the exercises which make up the second part of the Parmenides. To be kept in mind will be the fact that this dialogue involves a young Socrates who has not yet become the Socrates we know from the early dialogues of Plato. Thus according to the chronology of the dialogue, the exercises of the second part of the Parmenides would supposedly play a role in leading Socrates to his elenchic method.

I propose to compare the socratic elenchus with the reductio ad absurdum produced by Zeno at 127e. Of particular interest will be the question of hypothesis, which, according to George Vlastos (in 'The Socratic Elenchus') distinguishes the methods of Zeno and Socrates. This issue has a wider importance since, in the Republic (510b), Plato differentiates between mathematical reasoning – which leads from a hypothesis to a conclusion – and truly dialectical reasoning which ascends from hypotheses to non-hypothetical principles in the Forms. It may also be noted that the second part of the Parmenides is explicitly hypothetical in nature.

Zeno was also known as a master of refutation, and although, at the beginning of the Parmenides, he explains to Socrates his motivations for writing against the opponents of the thesis that 'the one is,' the search for truth does not figure amongst his motives. This aptitude for dispute resembles that of the sophists, and the exercises of the second part of the Parmenides appear in many ways the work of the 'Palamede of Elea' who could make the same appear different, the one multiple and the immobile mobile. (Phaedrus 261d)

Determining the status of these exercises is crucial for understanding the dialogue as a whole.

At the time the Parmenides was written, all these distinct movements were intermixing with each other to produce hybrid philosophies such as that of the socratic, Euclid of Megare, who combined the eristic of the sophists with the metaphysics of the eleatics. Thus the aim of my paper would be to analyse the methods proper to these philosophical tendencies in order to distinguish the role of each in the Parmenides, which should hopefully produce a fresh reading of this important text.

Aquinas on free judgment: the self-motion of practical rationality

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Crucial to Aquinas's action theory is his claim that human beings possess the power of "free decision" (liberum arbitrium). In some of his writings Aquinas explains that our power to freely decide is our ability to "freely judge" (liberum iudicium) (DV, q.24, a.2, c./ SCG II, c.48, n.3). Aquinas's account of free judgment is fairly brief. However, three things are clear. First, the ability to freely judge consists in the ability to reflect (reflectere) about one's practical judgments, or, as Aquinas also puts it, to judge about one's practical judgments (de suo iudicio iudicare) (DV, q.24, a.2, c.). Second, agents judge about their practical judgments in light of their conception of the good (ratio boni) (SCG II, c.48, n.4). Third, by judging about their practical judgments, agents are "causes of their judging" (causa sui ipsius in iudicando) (DV, q.24, a.1, c.).

In recent decades, many scholars have debated about how to adequately classify Aquinas's account of freedom, i.e., whether it is libertarian or compatibilist, intellectualist or voluntarist (see e.g.: Stump & Kretzmann, 1985, 362, Gallagher, 1994, 251, McCluskey, 2002, 433-4, Pasnau, 2002, 221). But only few suggestions have been made as to how to understand the structure of free judgment. Scott MacDonald suggested that the activity of reflection in free judgment can be understood as the forming of what he calls practical "second order judgments" about one's practical first order judgments, which latter are about what one wants to do (MacDonald 1998, 328). And David Gallagher suggested that these practical second order judgments are guided by natural law precepts, i.e., our foundational beliefs about what is good and evil (Gallagher, 1991, 573). Since free judgment is essential to Aquinas's account of human freedom as such, I shall endeavour to expand upon these already existing suggestions. My goal will be to show that free judgment is structurally similar to Aristotelian animal self-motion.

My paper will be divided into two parts. First, I shall explore how the higher order status of practical second order judgments ought to be understood. To this end, I shall consider what Aquinas has to say about another class of reflective judgments, viz., introspective judgments, by which human beings know their own mental states (ST I, q.85, a.2, c., Putallaz, 1991, 305-10). My reason for considering introspective judgments is that Aquinas has more to say about them than about practical second order judgments. And so his account of introspective judgments provides more information about the general features of higher order judgments than his rather brief account of practical second order judgments. My goal in this first part is to establish the claim that practical second order judgments are
prescriptive (rather than descriptive). I shall argue that they are of the form: It is good that I judge that X-ing is good, where 'X-ing' stands for any arbitrary voluntary action that the agent believes she can perform.

In the second part of my paper I shall discuss Aquinas’s claim that free judgment is ‘free’. My contention is that the key to understanding the freedom of free judgment is Aquinas’s claim that free judgment is a kind of self-motion. He states that “only those agents judge freely who move themselves in judging (haec sola libere iudicant queacumque in iudicando seipسا movent) (SCG II, c.48, n.3). Self-motion is crucial to the understanding of freedom because, as Aquinas frequently says, a ‘free agent’ is a “cause of her own motion” (causa sui motus) (DV, q.24, a.1, c., ST I, q.83, a.1, ad 3). And self-motion is according to Aquinas’s Commentary on the ‘Physics’ a motion that is efficiently caused by the agent that moves (In Phys. VIII, l.13, n.1081). Notice that self-motion is a natural change that can be found in all animals (brute or human) capable of locomotion. Indeed, self-motion in the strict sense only applies to self-imparted locomotion because any motion requires that what is moved is a body (In Phys. I.12, n.1074). Since on Aquinas’s view, intellectual processes such as judging are immaterial he must, therefore, use the term ‘self-motion’ as applied to free judgment in an extended or metaphorical sense. (In DA III, l.15). This metaphor, however, is quite revealing. For, with it, Aquinas suggests that free judgment is structurally similar to self-imparted locomotion. And so we can infer certain facts about free judgment, I shall suggest, from facts about animal self-motion. For example, we can infer by analogy that just as an animal is the efficient cause of its bodily motion of X-ing by virtue of its instinctual cognition that X-ing is good and its instinctual desire to X, so we are the efficient causes of our lower order judgments that X-ing is good by virtue of our higher order judgment that it is good that we judge that X-ing is good and our voluntary desire to judge that X-ing is good (In DA, I.14, n.803). And it is the fact that a judgment is efficiently caused by us, I shall argue, that makes it free. Furthermore, I shall suggest that we are not free with respect to all of our judgments. Again, the analogy with animal self-motion will prove useful. Just as in self-motion there must needs be a mover that moves the body but is itself unmoved, namely, the cognition that X-ing is good, so in free judgment there must be certain fundamental judgments that cause our lower order judgments without, however, themselves being caused by other judgments. And it is the precepts of natural law, I maintain following Gallagher, that are these fundamental judgments.

Since self-motion is a kind of natural change investigated by natural philosophy, I shall conclude from this that Aquinas’s understanding of our free practical rationality relies crucially on his natural philosophy.

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**Parallel 1c: Early Modern Practical Philosophy: Hobbes, Spinoza, Hume**

**Time:** Friday, 15/Nov/2013: 3:00pm - 5:00pm  ·  **Location:** Harvard (M2-08)

**Session Chair:** Johan Olsthoorn

This panel on 17th and 18th-century practical philosophy explores the thought of three key naturalist thinkers: Hobbes, Spinoza and Hume. Each of these quintessentially modern philosophers developed radically new ways of thinking about ethics and politics, the force of which we still feel today. Moreover, there are clear lines of influence between them – Hobbes being an important source for both Spinoza’s and Hume’s practical philosophy. The primary aim of the panel is to bring together four papers that make original contributions to scholarship. A secondary or incidental aim is to assess these lines of influence and explore affinities between the three philosophers more generally. The panel brings together four young scholars on early modern philosophy. Each of the panellists has a solid working knowledge of the philosophers discussed; indeed, each of us has written papers on at least two of them. Add the presence of Prof. John Cottingham, an expert on early modern philosophy, and the interaction this panel invites will no doubt produce synergy (συνέργια) in the proper sense of that abused managerial term.

**Hobbes on Natural Equality: A Critique**

**Johan Olsthoorn**

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This paper explores the nature and grounds of Hobbes’s defence of human natural equality. There is a sizable literature examining Hobbes’s egalitarianism. Scholars have done much to explain the place of natural equality in his moral and political theory (Kidder 1983; Saastamoinen 2002), and to illuminate its historical and intellectual background (Curran 2012; Hoekstra 2013). What they haven’t done is adequately explain the nature, ground and limitations of Hobbes’s arguments for natural equality. One question awaiting analysis is: In what sense are humans naturally equal? Is theirs an equality of power, right, freedom, and/or of worth? This paper examines this question in order to solve some interpretive puzzles, and to assess the merits of Hobbes’s egalitarianism.
"[I]n the condition of meer Nature", Hobbes writes, “all men are equall” (Lev: 15.21). The claim challenges Aristotle’s idea of a natural aristocracy worthy to rule (Politics, 1.2-5). Strangely, given his reminder that “it has been shown before that by nature all men are equal” (DCv: 3.13; also Lev: 15.21), Hobbes argues that natural equality should be acknowledged whether or not humans actually are equal by nature. "If nature therefore have made men equall, that equalitie is to be acknowledged: or if Nature have made men unequall; yet because men that think themselves equall, will not enter into conditions of Peace, but upon Equall terms, such equalitie must be admitted" (Lev: 15.21; also EL: 17.1; DCv: 3.13). Hobbes’s line of reasoning here is puzzling, for apparently redundant. After all, hadn’t he just demonstrated that humans are by nature equal?

The apparent redundancy disappears once we ask ourselves what kind of equality Hobbes had ‘shown’ to exit. This paper argues that Hobbes had only established that humans are naturally equal in power and vulnerability, on the ground that each has the power to kill anyone else (DCv: 1.3). From equality of power Hobbes infers equality of right, or rather the absence of a natural (for incontestable) right to rule over others. Natural dominion accrues only to God, whose power alone is irresistible. Among humans, the consent of the governed is required to establish an effective right to rule (Lev: 31.5).

Nothing, however, had been said about natural equality of worth. And it is this kind of equality that Hobbes was concerned with in his reply to Aristotle – it’s about “who is the better man” [Latin: dignior] (Lev: 15.21; EL: 17.1; DCv: 3.13). Morality orders us to acknowledge natural equality: “That every man acknowledge other for his Equall by Nature” (Lev: 15.21). The breach of this natural law is pride: we should not think ourselves naturally superior to our fellow-men. The precept has implications for rights via a moral requirement to enter conditions of peace upon equal terms (Lev: 15.22). It also grounds equality before the law (Lev: 30.15). However, the precept is itself about equality of worth – we should regard each other as by nature equally worthy (of rights, dominion, &c.)

For Aristotle, worthiness implies right, since rights should be distributed according to merit (i.e. worth). Hobbes disagrees. He distinguishes “merit” (which presupposes a right) both from “worthiness” and from “the worth, or value of a man” (neither of which involves rights) (Lev: 10.54). My contention is that Hobbes direly needed the apparently redundant argument because his previous demonstration concerned human natural equality of power and right, and not equality of worth and worthiness.

The proposed reading, if correct, affects our evaluation of Hobbes’s egalitarianism. Hobbes is often praised for his ‘modern’ endorsement of human natural equality (e.g. Hampton 1986; Zagorin 2009). Yet my reading suggests that Hobbes does not reject the Aristotelian idea of a natural aristocracy as wrong in principle. We should acknowledge natural equality not because humans have equal intrinsic worth, or an equal right to be free. Reason dictates that individuals esteem each other as equals for pragmatic reasons: peace cannot be had without it. One may doubt whether one can genuinely acknowledge another “for his Equall by nature” for pragmatic reasons. The argument seems guilty of the ‘wrong kind of reason’ fallacy (Scanlon 1998; Hieronymi 2005)

Furthermore, since acknowledgement of equal natural worth does not express the idea of equal human dignity (an un-Hobbesian notion), natural law does not rule out differences in worth and right absolutely, but only to the extent that such differences endanger peace and self-preservation. Inequality of worth may and will arise in civil society, where factual disparities in worthiness between humans (measured by beneficence to the public good) warrant differential attributions of honour and rank (e.g. Lev: 30.16)

I conclude that, though his moral theory commands acknowledgement of natural equality, Hobbes remains neutral on the question of whether humans actually are naturally equal in worth. This brings him closer to his royalist allies, who accepted natural inequality as a matter of course, than the latter recognized – Lord Clarendon was not alone in accusing him of an appalling ‘levelling fancy’ (A Brief View, 1676: 71). Hobbes remained open to the idea that some people (noblemen, the king) were in fact of nobler birth. Yet he claimed that, even if true, this cannot explain political dominion – the latter is grounded in consent instead. Moreover, as claims to be of better birth will not be accepted by others, they should be foregone for the sake of peace.

**Hobbes and the Rule of Law**

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This paper considers Hobbes’s complex views on the rule of law. Hobbes is famously disparaging about the practicability and conceptual coherence of a polity ruled by law rather than by men. If the sovereign is subject to the civil law this either means that he is subject to his own laws from which he can free himself if he so pleases, or it implies the existence of some higher body with the authority to adjudicate and enforce the law (Lev., p.184, 224). This regress argument is identified by several commentators as a fundamental objection – the ‘Hobbesian challenge’ – to the very idea of the rule of law (Tamanaha 2004: 47; Hampton 2005: 16). This objection, however, is considerably complicated by the fact that some of the positions that Hobbes defends are closely associated with contemporary accounts of the rule of law. He maintains that ‘to the care of the Soveraign, belongeth the making of Good Lawes’ (Lev.,
p.239). He stresses the importance of a stable legal system that includes general, clear, and prospective laws as well as impartial judges. And he defends the view that the sovereign is subject to natural law and owes obedience to God, its author. One may therefore wonder how Hobbes is led to this curious, some would say, inconsistent, combination of views.

I argue that Hobbes is very cognisant of the essentially dual nature of sovereignty as involving both de jure authority and de facto obedience. I explain how this derives from his account of political association, which consists of individuals acting predictably in accordance with authoritative rules. An account of what is possible and necessary for such stability depends on estimations about human nature, the character and dispositions of citizens. On this basis Hobbes concludes that political rule is impossible without a ‘visible Power’ to keep subjects ‘in awe’ (Lev., p. 117). Hobbes’s conception of law mirrors this distinction. The definition of civil law as the command of the sovereign presupposes the existence of de jure authority and de facto obedience. This shows why Hobbes is led to deny the possibility of rule of law, while at the same time embracing the importance of a legal system. It also shows why the bark of the ‘Hobbesian challenge’ to the rule of law has been worse than its bite.

Spinoza on Christ: a Maimonidian reading
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This paper presents a re-evaluation of Spinoza’s portrayal of Jesus. It argues that the biblical Christ as presented in the Theological-Political Treatise represents Spinoza’s own unique version of the philosopher-prophet. In order to lead both philosophers and non-philosophers to the perfection and salvation available to them, Spinoza’s Christ develops a two-fold method of teaching adjusted to the psychological and affective predispositions of his audience: when confronted with an ignorant and stubborn multitude he teaches his revelations obscurely through parables (TTP 4.32-3); yet speaking to those who are capable of knowing ‘the mysteries of the heavens’ he teaches in terms of eternal truths (TTP 4.34). The union of Christ the philosopher and Christ the prophet will reveal Jesus’ motivation: as a philosopher, he has access to knowledge of what is required for salvation and therefore, according to Spinoza’s description of a true philosopher, desires the same goodness for other men; as a prophet, Christ realizes that salvation through reason alone was impossible for the passionate multitudes, and therefore, like the prophets, he relies on the parable of God as lawgiver.

Spinoza’s description of Jesus’ modus operandi towards the multitude shows a remarkable resemblance to the actions of the Maimonidian philosopher-prophet: by presenting his philosophically-advanced followers with propositions about the real nature of things while relying on parables and obscure language to instruct the multitude, Spinoza’s Christ adopts an essential trademark of the philosopher-prophet as described by the main representatives of the Falsafa tradition. For this reason, Spinoza’s unforgiving critique of the Maimonidian account of prophecy confronts us with a serious interpretative puzzle. After all, if Christ is a philosopher-prophet he fits Maimonides’ description of the prophet as someone who has both a powerful intellect and imagination that allows him to communicate philosophical truths through devices such as parables - a description of the prophet that Spinoza does not seem to accept. Furthermore, Spinoza attacks the mode of Scriptural interpretation - allegory - that is consistent with the Maimonidian view of prophecy as being both rational and imaginative. In order to answer to these objections I present the following arguments.

First, I argue that the characterization of Jesus as philosopher-prophet does not conflict with Spinoza’s conception of prophecy. In the TTP, Spinoza provides an epistemic definition of prophecy in terms of the way the prophets perceived their revelations, i.e. either ‘mediately’ through words and/or images (TTP 1.9) or ‘immediately’ through the mind alone (TTP 1.25). However, the TTP does not disallow for someone belonging to the second category (i.e. Christ) to fall back on imaginative resources in order to propagate his teachings. Following Norbert Samuelson (1971) and Heidi Ravven (2001), I distinguish between the productive and receptive function of the imagination. Although Spinoza’s Christ receives his revelations in a completely conceptual way, he uses his imagination ‘productively’ to apply his knowledge.

Second, I argue that Spinoza is able to uphold the separation of philosophy and theology by limiting Christ’s philosophical knowledge to matters of morality. In The Guide for the Perplexed, Maimonides presents religion as a vulgarized version of philosophy that communicates core philosophical truths pictorially and symbolically. Scripture is seen as a pedagogical instrument in which the prophets present their philosophical insights, albeit reworked for popular consumption. Maimonides, for this reason, stresses the philosophical excellence of the prophets who not only excelled in piety but were equally well versed in physics and metaphysics. Spinoza’s critique of the Maimonidian ‘dogmatic’ position is directed precisely against this idea of prophets as full-blooded philosophers. His reading of Scripture reveals that we praise prophets for their piety, “not for the loftiness and excellence of their understanding” (TTP 2.3). To put it differently: the goal of philosophy is truth, whereas the goal of faith is nothing but obedience. However, although Spinoza emphasizes the separation of philosophy and theology, he admits an important point of contact between the two realms: “the prophets taught no moral doctrine which does not most fully agree with reason” (TTP 15.35). Philosophy affirms that the prophets held correct opinions
A government is free, Hume claims, when ‘it admits of a partition of power among several members, whose united authority is no less, here gives way to the process of a nation’s self-realisation (positive liberty). Only under a free government are people stimulated to fully enjoy the blessing of a free government’ (‘Rise of Arts and Sciences’). A negative view of liberty as living under the rule of law can imagine how their solutions could also work for us. Though the rule of law is always embedded within a specific culture, certain requirements. Indeed, McArthur recently argued that the notion is universalist tout court: it can serve as a ‘stern measuring rod’, allowing us to unequivocally assess the extent to which liberty has been realised in any state (2007: 133). McArthur explicitly opposes Livingston’s position, which he labels ‘particularist’. Livingston considers Humean political liberty to be internal to particular societies: Hume’s ‘concept of liberty is a reflection of historically evolving customs, conventions, and traditions’ (1990: 107). Yet he also calls Humean liberty ‘a demand of human nature’, and regards the (universal) rules of justice as forming a minimum rule of law (ibid. 119). There is thus a ‘weak’ kind of universalism at work in Livingston’s Hume, grounded in the common aspects of human nature and the corresponding needs that states always and everywhere must fulfil. McArthur overlooks this specific universalist dimension in his critique of Livingston.

In this paper, I argue that the way in which Livingston brings together the universal and particular elements of Humean political liberty is – in the light of Hume’s broader political and philosophical outlook – more convincing than McArthur’s interpretation. For Hume, a political order is not a fully rational construction. Attempts to justify and/or reform a state’s institutions on the ground of abstract rational principles are misguided and unrealistic, and can be disastrous for stability (cf. ‘Original Contract’). The close connection Livingston draws between the universal and particular aspects of political development and the needs of human nature is in line with the demands of stability and realism. For Livingston, rational discourse only plays a limited role. Increasingly universal political settlements are primarily the result of a shared, universal psychological make-up, rather than of some insight into timeless political truths. Livingston argues, for instance, that the communication of the rule of law between different states takes place through sympathy and emulation (ibid., 130). Since we, as humans, necessarily have an imaginative and affective kinship with the groups of humans surrounding us, we can imagine how their solutions could also work for us. Though the rule of law is always embedded within a specific culture, certain general aspects of it are universally useful and thus ‘transplantable’ into other cultures (which, if successful, transforms them in turn, because they become differently embedded).

The second part of the paper develops Livingston’s line of interpretation by considering Hume’s discussion of the arts and sciences in relation to political liberty. According to Hume, ‘it is impossible for the arts and sciences to arise, at first, among any people unless that people enjoy the blessing of a free government’ (‘Rise of Arts and Sciences’). A negative view of liberty as living under the rule of law here gives way to the process of a nation’s self-realisation (positive liberty). Only under a free government are people stimulated to fully
employ their creative resources. Hume does not explicitly categorise self-realisation as a form of political liberty. However, I argue that several statements throughout the essay allow for such a categorisation. For example, Hume mentions the oppressive and debasing effects of arbitrary power: ‘A people, governed after such a manner, are slaves in the full and proper sense of the word; and it is impossible they can ever aspire to any refinements of taste or reason’ (ibid.). For Hume, slavery not merely consists in the formal condition of being arbitrarily governed, but also results from the effects of such government, viz. the absence of cultural and moral flourishing. Hence liberty partly lies in the extent to which a people is so flourishing, in addition to living under the rule of law.

The way in which a culture prospers depends heavily upon the particular genius of the people, and on the presence of great individuals who put a personal mark upon it. A more universal dimension to such prospering also exists, since such flourishing arises most fully in an open, international atmosphere. The qualities that positively distinguish a nation from its neighbours allow it to glory and dominate. This fosters a nation’s pride, which in turn stimulates further development. But international interaction also causes them to undergo mutual influences. The acquaintance with other approaches to art and science allows further perfection of each nation’s approach. As with the rule of law, this universal dimension must be developed in close harmony with the particular culture of each nation. An achievement of another nation can therefore not successfully be emulated absent a fruitful soil in one’s own culture. For Hume, each nation always is and remains free in its own particular way. The presence of liberty in different nations can therefore not be compared in a way that does not do injustice to each nation’s particular achievements and historical settlements.

**Parallel 1d: Philosophical anthropology / continental philosophy (I)**

**Time:** Friday, 15/Nov/2013: 3:00pm - 5:00pm  ·  **Location:** Melbourne (M2-09)

**Session Chair:** Andrew Smith

**The malaise of late modernity – Towards a phenomenology of the ‘depression epidemic’**

**Bert van den Bergh**

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The recent popularity of texts like ‘We are our brain’ by the Dutch neuroscientist Dick Schwaab is a remarkable phenomenon. Remarkable, because we allegedly live in an era of hyperindividualism, self-rule and self-realization. Why are we so eager to part with our responsibilities? Have these responsibilities become too burdensome for us? And is that the reason why we are so frequently and fiercely depressed today? The World Health Organization presents the mental disorder depression as ‘the leading cause of disability worldwide’ and urges us to ‘recognize and deal with it’. But, what exactly is it that are we dealing with? And in what way is this disorder a typical late modern one?

The French sociologist Alain Ehrenberg has analysed depression as ‘La fatigue d’être soi’ (1998) – the weariness of self-fulfilment –, the failure to live up to the leading imperatives of our time: ‘be yourself, express yourself, realize yourself’. Another sociologist, Hartmut Rosa, also brought depression into the limelight as a key phenomenon of late modernity, but with a different focus. In ‘Beschleunigung’ (2005) – acceleration – he discusses depression as a ‘pathology of time’, that means the outcome of the time pressure which marks late modern society, a sensation of stagnation and futurelessness that announces itself in the middle of all dynamism. Obviously the two – the ethos of self-fulfilment and the hyperdynamism of globalized market capitalism – are closely related. The ‘divine market’, says the French philosopher Dany-Robert Dufour, is in need of ‘individuals who are supple, insecure, mobile and open to all the market’s modes and variations’, and so marketers ensure that this kind of ‘isolist’ subject is produced. The late modern subject is ‘the uncertain individual’ (Ehrenberg), who has a ‘situative identity’ (Rosa) and a ‘psychotisizing’ condition (Dufour). Depression then might be, more than just failure, a form of retreat of this pressured subject from the hyperdynamic and ultrademanding context he is part of. A retreat to which this context responds with all sorts of reactivating strategies. And as a rule these strategies paradoxically have an expropriating nature: the individual suffering is depersonalized.

Self-fulfilment has become a market(ed) phenomenon. In the ‘regime of the self’, says the English sociologist Nikolas Rose – following Michel Foucault –, the concepts of autonomy, responsibility and self-realization function as instruments of ‘the conduct of conduct’. Main message in this governance is the following incitement: be yourself, become somebody else. The cultural industry moulds us accordingly via an endless stream of talent shows, metamorphosis programmes and the like. The ‘isolist’ individual has to be fluidized constantly in order to keep him mobilizable. Any form of retreat from the field of identity games is considered as treason and is counteracted with remobilizing practices. Depression therefore, being an ultimate form of such betrayal, is a key target of these practices. The disorder was the theme of WHO’s yearly World Mental Health Day in October 2012, under the alarming title ‘Depression:
a global crisis’. Ten days earlier, in Brussels, the European Depression Association had organized the European Depression Day, an event during which members of the European Parliament discussed the topic ‘depression in the workplace’, with the aim of preparing legislation in this field. ‘Let’s make the fight against depression at work a European priority!’, the slogan was. A real war on depression announced itself, as a battle against un-productivity.

The question where such a battle might lead to can be answered by investigating the case of Japan. Towards the end of 2011 the Japanese anthropologist Junko Kitanaka published ‘Depression in Japan – Psychiatric cures for a society in distress’, a study in which she discloses the Japanese vicissitudes of the phenomenon of depression. The Japanese history is not only interesting because of the differences with the European one, but even more because of the parallels that can be drawn between the two. What in Japan already is decided, in Europe probably will materialize soon, namely a questionable ‘conceptual marriage’ between biopsychiatry and social engagement, which, says Kitanaka, ‘serves as a means of legitimizing individual suffering’ but ‘is also curiously devoid of individual agency’. At stake is the mental disorder as individual experience, which is in danger of being hushed up.

Can we turn things round? Can we conceive of depression as – among other things – an attempt to regain control of oneself? One is depressed, one opts out, one withdraws into oneself. But how to find oneself in this ‘no man’s land’? And how to deal with the suffering this retreat involves, other than with the usual reactivating and remobilizing approaches? In order to answer such questions a deeper dive into the phenomenon of depression is needed. Such a phenomenological perspective was developed for instance by the Belgian psychiatrist Jacques Schotte. In his ‘pathoanalysis’ or ‘antropopsychiatry’ depression occupies a central position and is interpreted at a primordial, pre-intentional, pre-subjective level. This way depression appears as a basic distunement, a disturbance of the primary attunement of ‘participating pre-ego’ and ‘ambiance’, the latter understood in terms of the ancient Greek ‘periechon’.

Could we say that this basic participation or attunement is more difficult to accomplish in our contemporary hyperdynamic and hyperindividualist world? Is the ‘depression epidemic’ the outcome of a fundamental and typical late modern distunement? And if so, how should we respond to it?

**Authentic selfhood: a Kierkegaardian perspective**

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When asking themselves how they should live, people do not just consider general demands of morality that hold for all of us but also (and sometimes primarily) what is important to them as particular individuals. They wonder how to make choices that will allow them ‘to be true to themselves’ or how to live such that they may ‘become who they really are’. Within contemporary practical philosophy, Harry Frankfurt is an example of a philosopher whose work addresses this side of our practical identities.

The first to put the individual striving to become himself at centre stage was arguably Søren Kierkegaard, a philosopher who was born 200 years ago this very year. Kierkegaard used literary means to evoke individuals and the wide variety of answers they give when asking themselves how to live. He also developed a systematic view of the structure of the self. It elaborates how the ways in which we relate to ourselves and our lives determine whether we achieve authentic selfhood. For Kierkegaard, authentic selfhood is an ideal state that we never reach fully or finally; a state that we may continue to strive for as long as we live. Kierkegaard’s views on self have been a major influence on many subsequent thinkers about existence, such as Heidegger and the French existentialists. He has not received similar attention in analytic philosophy, although the past years have seen an increasing number of articles and books aiming to open up Kierkegaard’s thought to contemporary discussions on, for example, personal identity, narrative selfhood and moral psychology.

In this paper, I consider what a Kierkegaardian view of self may contribute to discussions in contemporary practical philosophy on authentic selfhood. Specifically, my paper compares Kierkegaard’s views on authentic selfhood to those of Frankfurt to see whether this can help address some of the criticism that has been raised against the latter. In Frankfurt’s view for example, authentic selfhood depends on our ability to control our desires through appropriation and disavowal. He often uses the example of the addict as someone failing to achieve authentic selfhood. However, Frankfurt has been criticized as focusing too much on control. His view seems to allow for people with overly rigid self-control to count as authentic and that cannot be right, the critics argue. On the contrary, they offer, people are regularly most truly themselves when not controlling themselves too much. Kierkegaard’s views may provide an interesting perspective here.

My paper provides a Kierkegaardian analysis of the inauthenticity of both the addicted and uptight person. It uses these two cases to investigate how Kierkegaard’s and Frankfurt’s views coincide and/or diverge on a number of questions concerning authentic selfhood. To name a few examples: What are we relating to when trying to be true to ourselves? How do these authors describe what the relation consists in? And what does the ideal state of authentic selfhood look like, according to them? In this way, the paper considers where
Community without conservatism: Merleau-Ponty on sociality and freedom

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In the course of the previous century, many philosophers came to challenge the idea of an insulated and self-sufficient Ego, especially those working in the so-called continental tradition. Thinkers ranging from Heidegger to Foucault all argued that the subject always already finds itself within a particular socio-cultural context and cannot be understood in isolation from its community.

Both inside and outside philosophy, this emphasis on the sociality of subjectivity has been highly influential but critics have also pointed out that it may have problematic consequences, especially from an ethico-political point of view. For if the self is formed and shaped by its socio-cultural context, do subjects with the same background make for completely homogeneous beings that are unable to deal with difference and heterogeneity? Do the communities in which they are embedded likewise make for static and uniform wholes that allow no change in composition or organization?

My paper turns to Merleau-Ponty to explain that these questions need not be answered in the affirmative. I will argue that, even though Merleau-Ponty is better known for his emphasis on corporeality than for his emphasis on sociality, he offers valuable tools for understanding why an essentially social self is not inherently reactionary. I will use the Phenomenology of Perception as the main source for this argument, especially its final chapter on freedom.

In the Phenomenology, as I will point out, Merleau-Ponty not only explains subjectivity as always already embodied but also identifies the social world as a permanent field of human existence. He however does not take this to imply that the self is imprisoned in its situation, unable to change or accept changes in social arrangements of its own accord. After repeatedly characterizing the (non-pathological) subject as free, Merleau-Ponty uses the final chapter of the Phenomenology to explain in more detail how a situated self can be still be said to have freedom, and can more specifically still be said to be an actor in socio-political change.

Devoting most of this chapter to the possibility of Marxist revolution, Merleau-Ponty argues both against the idealist perspective – according to with the subject creates its circumstances all by itself – and against the objectivist view – according to which the self is causally determined by its context. According to Merleau-Ponty, the relation between the subject and its situation is rather a two-way affair. The socio-historical context in which the subject finds itself, namely, is not something rigid and precise. It solicits or motivates human beings, but does not force or determine them; it is always still up to people themselves to take up the solicitations of their situation and to make actual sense of what is only ambiguously present there.

Hence, Merleau-Ponty’s version of the claim that there is no subject without community helps to understand why a fundamentally situated self is not inherently conservative. On his account, socio-historical situations lack a clear delineation and are accordingly not the kind of things one can be imprisoned in or determined by. Rather than being automatically averse to what diverges from the norm, Merleau-Ponty’s social subject can welcome Marxist reformation as well as socio-political change more generally.

Rhythms of (self) discipline

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Dressage and discipline are often regarded as something negative, something that limits our freedom to be what we want to be, and to act as we like. One of the key spokespersons in this understanding of dressage and discipline is the French philosopher Michel Foucault. In Discipline and Punish: The Birth of the Prison (1975), he gives a depressing picture of the disciplining forces used in modern societies to submit soldiers, children and prisoners to the prevailing order. Discipline and Punish is well known for its portrayal of the spatial means used to discipline prisoners, soldiers, children and others. Less well known are Foucault’s descriptions of the temporal means by which prisoners, soldiers, patients and children are disciplined to become docile subjects. Techniques of rhythm and regularity (time tables, synchronisation of movements, exhaustive use of time) are used to produce well-trained and disciplined bodies. These rhythmic techniques are refinements and modifications of rhythms developed by medieval religious orders.

The importance of rhythm and repetition for dressage is underscored by French philosopher Henri Lefebvre, in Rhythmmanalysis (1992) and American historian William McNeill, in Keeping Together in Time. Dance and drill in human history (1995). Both authors show that new ways of moving and acting are learned by repetitively breaking in the acts or movements of humans or animals. When protracted
and regularly performed, these movements and acts are perceived as ‘natural’. The splendour, with which a well-trained ballet dancer performs a sequence of jumps, seems to be natural, even though the movements are the outcome of numerous years of training.

But this ‘naturalness’, Foucault argues, also implies docility: the body is made obedient. The discipline does after all do nothing but composing, in the most efficient way, the natural forces of the body: it is submitted to temporal imperatives that seek to gain maximal profit out of the body. Foucault refers to Das Kapital of Karl Marx to explain that techniques of rhythm and regularity transform bodies into cogs in a machine.

Escaping the disciplinary powers seems to be impossible, according to Foucault’s analysis in Discipline and Punish. The effects of the disciplinary regimes are all pervading. Moreover, they are to a large extent anonymous. Even today, a multitude of (anonymous) actors are involved in the production of timetables and other temporal techniques that are used in schools, transportation, hospitals or workplaces. And each of us contributes to the upholding of these obligatory time regulations. Even if we refuse to submit to them, for example by not appearing at school, we confirm the importance of temporal discipline: the truant pupil is punished, thus reminding all pupils, including himself, that there is no meddling with school times.

It is striking, however, that it is also Foucault who, less than ten years later, in 1984, offers a range of suggestions for types of dressage that human beings can impose on themselves to transform their existence into a work of art. At the end of the 1970s, Foucault shifts his attention to the Greek antiquity of the fifth and fourth century BC. There he finds a culture in which free male citizens worked on the self and aspired to transform the self, without any constraint from others. The self-discipline he uncovers is not the result of a submission to a normalizing order, but part of a care for the self, the body and the circumstances in which one lives. The question ‘How to take care of yourself?’ is guiding for the duties that free Greek citizens have to perform.

Medical and philosophical books provided the knowledge needed to respond prudently to the circumstances. These books contained prescriptions as to food, drinks, sex (unrestricted in winter, moderate in summer), sleep and exercises. Compensation and imitation were important principles in the ancient Greek ‘dietetics’: a cold season had to be compensated by a warm diet and unrestricted sex, a warm season by a refreshing diet and restricted sex. In the mild spring, a light diet was recommended, whereas a strong winter called for strong people who courageously exposed themselves to the cold.

The Greek dietetics, or theory of behaviour rules, does not insist on obedience, but asks for deliberate attention: attention for the self, the body and the circumstances – that is to say, attention for the climate, the seasonal rhythms and the hour of the day. The diets do not provide prohibitions or commends, but stipulate a continuous fluctuation between more and less, which fits the rhythms of the seasons, weather, day, hours or seniority.

What is remarkable in this is that although the dietetics has another goal than the modern dressage, the prescriptions for the order of the day do not really differ from those of the modern dressage.

What is the difference between the two kinds of dressage? Is self-dressage better than dressage by parents, teachers, employers and governments? What is the rationale today to impose certain life rhythms on us/ourselves? What options do we have to do that? How could modern information and communication technologies, such as social media and apps, contribute to these processes of discipline and self-discipline?

This article investigates the difference between the two types of temporal discipline and translates Foucault’s work on (self)discipline and rhythmicity to the present time.

**Parallel 1e: (1) Cultural philosophy & feminism / (2) legal philosophy**

*Time:* Friday, 15/Nov/2013: 3:00pm - 5:00pm  ·  *Location:* Rochester (M2-10)

*Session Chair:* Sem de Maagt

**Pornographic artefacts: Maker’s intentions-model**

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Philosophical views about pornography usually take one of two forms. Feminist views, famously put forward by Catherine MacKinnon (1987) and Rae Langton (2009), often take pornography to be the illocutionary subordination and silencing of women. Pornography not only causes subordination and silencing; it is these things – this is what pornography is about. Discussions in philosophy of art and
aesthetics take pornography to be about something else. They take pornography to be about sexual arousal - sexually arousing its audiences is pornography’s central or ultimate intent (Maes 2011, Levinson 2005, Kieran 2001). Therefore, on some views, there can be nothing that is both pornography and art: they are about different things (Levinson 2005). My contention is that both of these philosophical views are misguided because the original question – what is pornography about – is misguided. Or rather, this question is secondary to a more fundamental question: what makes something a pornographic artefact? Here I propose an answer to this prior question by arguing for a maker’s intentions-model. Briefly put:

Some x (film, book, picture) is of the kind ‘pornographic artefact’ only if it is the product of a largely successful intention to create pornography, where the maker of the artefact intends that the artefact is an instance of pornography only if

(a) they have a substantive concept of the nature of pornography and that concept largely matches the substantive concept held by some group of other prior pornographers, and

(b) the maker intends to realise that substantive concept by imposing pornography-relevant features on the object.

(Note: My class of pornographic artefacts contains only those that are not obviously harmful. So, it does not cover child pornography or snuff movies. Nevertheless, I take the class of pornographic artefacts to include both the so-called egalitarian and inegalitarian pornography. This is because their obvious harmfulness is a huge point of contention. But the harmfulness of representations of children is unequivocal; thus such artefacts belong to an entirely different class.)

Endorsing the maker’s intentions-model (I contend) has numerous benefits. First, aiming to comprehend what pornography is on the basis of what it is about, gives us various definitions of ‘pornography’. But this is problematic: interlocutors in the relevant debates often end up talking past each other, and this can render the debates fruitless. My proposal fixes what makes x a pornographic artefact first, after which we can discuss whether the entities in this artefact class have some particular central use (sexual stimulation) or function (subordination). In any case, it provides a way to establish shared common ground, so that we can pursue subsequent meaningful discussions and render our disagreements genuine.

Second, my strategy provides a more nuanced philosophical picture about pornography. Pornography is undoubtedly in part about both subordination and sexual arousal. But historical and contemporary examples call into question the view that either of these is (in some sense) the central feature or aim of pornography. Determining such a feature or an aim is actually quite tricky. There is seemingly no central thing that pornography ‘is about’ - a contention that is captured by my elucidation of pornographic artefacts.

Third, and relatedly, ordinary intuitions about the conditions that the concept pornography encodes differ, and there is no agreement on what those (necessary and sufficient) conditions are. But, it strikes me that intuitions about whether something is a pornographic artefact are fairly uniform: I have in mind particular films with sexually explicit content usually sold in particular outlets; magazines like Hustler; pictures we can find in the internet with ease; books with sexual scenes not (usually) sold in the ‘Literature’ sections of bookshops; and so on. Such pornographic artefacts typically have certain features: they are sexually explicit; contain nudity and scenes of sexual nature; they have the potential to sexually arouse their viewers; and they are often used as “masturbation materials”. These are typical features of pornographic artefacts, even if we cannot say what the necessary and sufficient conditions of pornography are. Again, these intuitions can be captured on my model: we may not be able to articulate precise conceptual conditions, but we can still say what makes x a pornographic artefact by appealing to maker’s intentions that trade on the above mentioned typical features. That is, we can fix the class of pornographic artefacts, even if ordinary intuitions cannot guide us to the content of the concept pornography.

Finally, conceptualising pornography on my maker’s intentions-model fits Langton’s (2009) recent suggestion that pornography produces a distinctive kind of knowledge: maker’s knowledge. What is distinctive about this kind of knowledge is that it functions like a blueprint, rather than a map that mirrors reality. The maker’s knowledge that pornography involves is akin to the kind of knowledge that (say) architects have of the buildings they have designed. In Langton’s view, however, the design of pornography is corrupt: the shape of women that is projected (e.g. in the vision of women enjoying rape, being inferior and servile) is harmful, as is the shaping itself that denies women the autonomy to shape their own sexuality. My contention is that thinking about pornography on the model of maker’s intentions helps to make better sense of pornography’s knowledge, as Langton understands it. But it also helps to settle some problematic aspects of Langton’s account: namely, my model demonstrates that who the maker is, makes a difference – something Langton does not acknowledge. This opens up space for conceiving of pornography that is feminist or ‘female-friendly’. It also tells us that, depending on the maker’s intentions, the subsequent maker’s knowledge will differ: while some such knowledge will be clearly harmful, other knowledge may well not be. Combining Langton’s epistemological model with my metaphysical one, I submit, provides a more fine-grained account of pornography’s knowledge and its putative harms in that it enables us to differentiate kinds of pornography and kinds of pornographic knowledge based on the maker’s intentions.
**Love and War: How Militarism and Misogyny Shape Heterosexual Eroticism**

**Tom Digby**

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In most (not all) militaristic societies, heterosexuality is valorised, and homosexuality is reviled. How can heterosexuality be superior to homosexuality, when the former is commonly described as a “battle of the sexes”?

The expression “battle of the sexes” points to a widely shared understanding in militaristic cultures that heterosexuality is inherently adversarial. The consequent antagonism is exacerbated by transactionality that grows out of rigidly defined, oppositional gender roles (the gender binary). I describe the cultural programming that leads to this heterosexual antagonism, including (1) male dominant/female subordinate eroticism, and (2) two crucial components in the construction of the ideal of warrior masculinity: misogyny and emotional toughness.

There are evolving material conditions that could be expected to attenuate heterosexual antagonism. Examples include the decreasing reliance on men to fight wars and the increasing economic power of women. Nonetheless, the “battle of the sexes” is kept alive culturally through patterns of faith and fantasy that I describe, drawing on both social science research and examples from popular culture. A paradox that arises in this cultural stew is a growing pattern of masculine romanticism that parallels a slow decline in feminine romanticism. One consequence is further aggravation, rather than diminution, of heterosexual antagonism. A second consequence is a ratcheting up of misogyny in social media (e.g., internet trolls) and in conservative politics (the “war on women”). Both of those consequences intensity continuing patterns of sexual harassment, sexual discrimination, sexual assault, domestic violence, and heterosexual homicide.

In war-reliant societies, there tends to be an assumption that relations between men and women are a zero-sum game. That assumption is maintained and reinforced by the interwoven strands of misogyny and emotional toughness within the cultural programming of masculinity. I describe how warrior masculinity leads to misogynistic terrorism (e.g., that recently directed at video game blogger Anita Sarkeesian), while concurrently sacrificing men’s emotional and physical lives (e.g., in war and violent sports). That insight points to a path of escape from the zero-sum gender game, and in the direction of an eroticism free of domination and subordination.

**Pragmatism and the Role of Values in Legal Research**

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The distinction between facts and values is probably the most important of all ‘pernicious dualisms’ that pragmatists distrust. In a recent publication Hilary Putnam argues that in law the interdependence of facts and values should also be investigated (Putnam 2002,64).

The work of the American sociologist Philip Selznick deals extensively with the role of values in the social sciences. Selznick has argued that every practice is geared towards the realization of values and ideals. Social scientists need to be attentive of how values and ideals function in a social practice and how they also play a role in scientific research. Selznick called a social science that accepts the entanglement of facts and values a humanist science. Or as he explains: “[f]acts are the conditions affecting human achievements; values are ideals realized or undermined by those conditions. A discipline that brings out this interdependence is a humanist science” (Selznick 2008, xviii). Selznick emphasized the role of values in the social sciences, but did not investigate the value ladenness of legal research. In this paper I aim to address the value ladenness of legal research from a pragmatist perspective.

The scholarly debate on this issue in the context of law can be very confusing. Legal scholars have diverging reasons for entering the debate and are hesitant to relate their arguments to a specific theoretical perspective. The debate in the philosophy of science revolves around the distinction between descriptive scientific statements and evaluative statements. Inferring descriptive statements from evaluative statements is the central concern in this context. But acknowledging the entanglement of facts and values in the context of law can also lead to discussions on other issues, such as the relationship between law and morality(1) and the boundaries between academic disciplines(2). The debate on the distinction between facts and values in the context of law is in need of a model. A model can clarify a crucial consequence of the fact/value entanglement from a pragmatist perspective: the interdisciplinary nature of legal research.

Kincaid, Dupré and Wylie have put forth a model that gives more structure to the debate on the role of values in the social sciences that I will also use in this paper to assess the value ladenness of legal research (Kincaid et al. 2007). This model consists of four dimensions. Firstly, different types of values can be involved: epistemic values or moral and political values. From a pragmatist
perspective every science is value laden in the sense that epistemic values provide normative standards that govern the scientific practice in a discipline (Putnam 2002). Moral and political values also have a function in legal research. Selznick has argued that law is geared towards the realization of legal values and ideals (Selznick 1961). These values and ideals also play a role in legal research. The second dimension goes into the related issue whether the involvement of values in science is inevitable or avoidable. For Selznick the involvement of values in legal research is inevitable. Describing law is impossible without acknowledging fundamental legal values and ideals. The third dimension of the model deals with the areas of science where values are involved. I will show that in scientific explanations of each type of legal scholarship, the study of positive law, socio-legal research, and jurisprudence, values play a vital role. The last and fourth dimension goes into what follows if science is value laden. An important consequence of the value ladenness of legal research is the interdisciplinary nature of legal research. Legal scholarship needs to have a strong connection with the social sciences and the humanities. Traditional legal research and socio-legal research aim to describe how legal values and ideals succeed in society and how and why they may be compromised. Theoretical inquiry can shed light on these values and can inquire into the relationship between them and more fundamental legal values and ideals.


Projectivism and the metaethical foundations of the ‘normativity of law’
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I - Normativity: Hart and his Critics

The key question around which discussions under the rubric of the ‘normativity of law’ revolves is this: how do legal requirements come to be morally binding? H.L.A. Hart, the leading light of 20th century analytical legal philosophy argued that the ‘internal point of view’—an attitude of approval towards the law—was the key to explaining normativity. It is now widely thought by Hart’s critics that the internal point of view being a mere attitude of approval of the law could never, in itself, explain how the standard could be morally binding (e.g. Stephen Perry). Establishing the normativity or moral bindingness of law, according to Hart’s critics, requires establishing the reason-givingness of legal requirements. This calls for the legal requirement to be in accord with an objective moral requirement which acts as the fount of reason givingness; the task of accounting for the normativity, then involves elucidating the conditions under which the law would come to accord with objective moral requirements (e.g. Joseph Raz). An account on which a subjective attitude is the source of normativity, then, is simply not geared to do the job. In this paper, I argue that Hart’s critics found his account to be inexplicable because they presuppose a cognitivist metaethical and Hart’s account of normativity presupposes a contrary metaethical framework, namely, the non-cognitivist one. In Section II, I set out the contrary models of moral bindingness arising from the two metaethical models (cognitivist and non-cognitivist) before going on to show in Section III, how owing to their latent cognitivist metaethical orientation, Hart’s critics so set out the problematic of the ‘normativity of law’ as to in liminie rule out the non-cognitivist model such as Hart’s. In Section IV, I address some criticisms directed at the non cognitivist model of normativity of law.

II - Models of Bindingness of Morality

According to the cognitivist camp the ‘bindingness’ or ‘normativity’ of morality consists in the truth or correctness of moral judgments in relation to the objective moral requirements. These objective moral requirements are also the ‘source’ of normativity. They impinge on the subject and it is for the subject to be receptive of them. This model of normativity (bindingness) will be referred to as the impinging model. The idea of reason-givingness is inextricably intertwined with the impinging model; the talk of objective requirements is interchangeable with that of objective moral reasons.

The Non-cognitivist camp claims that moral judgments involve expressions of attitudes which are ‘conative’ as opposed to ‘cognitive’ mental states. Moral beliefs, facts, properties have no place in this account. ‘Normativity’ or ‘bindingness’ on this model is understood as the motivational pull exerted by moral judgments. Non-cognitivists claim that normativity doesn’t impinge on us, but rather we project or spread normativity on to the world by expressions of motivationally laden attitudes (the projectivist model). The ‘source’ of normativity on the projectivist account is the attitude of the subject. The projectivist model thus does not countenance the idea of reason-givingness which is the warp and woof of the cognitivist account.

III - Moral Bindingness and Normativity of Law

Any attempt at accounting for the ‘normativity of law’ presupposes taking a stance on the metaethical debate about what the bindingness of morality comprises in. It would be no exaggeration to say that the impinging model of ‘normativity of law’ has now come
to assume the status of somewhat of an industry standard. An account of the ‘normativity of law’, the received view has it, must establish the reason-givingness of law. However, it could be argued that this is hardly an aseptic way of setting out the problematic of the ‘normativity of law’ as it already (exclusively) builds the impinging model into the very idea of a plausible account of the ‘normativity of law’. In doing so, it unwittingly skews the problematic and the whole class of projectivists who understand moral bindingness in a different way is ruled out in limine. Quite unsurprisingly then, a great number of legal philosophers with an unspoken adherence to the impinging model find the accounts of normativity proffered by the Scandinavian Realists (Axel Hagerström, Alf Ross and Karl Olivecrona) and H.L.A.Hart—all of whom, it will be argued, endorsed the projectivist model of normativity of law—to be to be unintelligible. From the metaethically aseptic viewpoint, however, one would have to admit the following: as there are two metaethically respectable ways of understanding ‘moral bindingness’, there must be two plausible and metaethically respectable ways of understanding ‘normativity of law’ qua bindingness and accounting for it. The impinging model stemming from a cognitivist metaetic, which is now the industry standard, is just one candidate model of ‘normativity of law’ and rival to the other, the projectivist model of normativity stemming from a non-cognitivist metaetic. The projectivist model could render intelligible the idea that a ‘subjective’ attitude—such as the one making up Hart’s internal point of view—could be the source of moral bindingness, without having to invoke the idea of reason-givingness or the idea of objective moral requirements.

IV - Meeting some objections

The idea of a ‘subjective’ attitude constituting the ‘source’ of moral bindingness smells of sulphur to many philosophers—legal philosophers, in particular—since the projectivist alternative has been sparsely articulated in the jurisprudential literature since the 1970’s when the Scandinavian Legal Realists slipped out of prominence, ironically having been discredited by Hart. Some of the objections against the projectivist model include: a) that it cannot account for the ‘uniform’ bindingness of law, such that if the projectivist model were to be true, the law would be normative only for those who have attitudes of approval towards it; and b) that it collapses into a form of reductionism by reducing ‘normativity’ to psychological states. I argue that that the projectivist model is not any worse off than the impinging model.

Parallel 1f: The Future of Animal Ethics in Theory and Practice

Time: Friday, 15/Nov/2013: 3:00pm - 5:00pm · Location: Santander (M2-11)
Session Chair: Clemens Driessen

This is a session of three papers about animal ethics, the theme of which is “The Future of Animal Ethics in Theory and Practice”. In this session we will reflect on various movements in which thinking about animals is recently being broadened. First of all, we see a broadening of the moral community: including fish in the moral circle is a relatively new phenomenon, but now discussions also centre on whether or not to include crustaceans and insects. Secondly, we see a broadening of moral concepts: for example, the traditional conceptual distinction between wild and domesticated animals is being questioned of late. Thirdly, we see a broadening of theoretical approaches from a capacity-based approach to, for example, a relational or contextual approach. Fourthly, we see a broadening of the political status of animals: discussions now centre on the question whether animals could be regarded as citizens, for example. Fifthly, we see a broadening in the assessment of animal experience: we are slowly moving from a welfare assessment to human-animal interaction (‘animal deliberation’). The three papers in this session will all reflect on one or more of these broadening movements. The first, by Franck Meijboom will make these broadening movements more explicit, with a particular focus on the first. The second paper, by Bernice Bovenkerk, will focus on the second and third types of broadening and the third paper, by Clemens Driessen, will focus on the fourth and fifth.

Tracing current developments in order to formulate future questions in Animal Ethics An analysis of Recent Advisory Documents on Farm Animals

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Farmed animals are on the public agenda in many ways. Sometimes indirectly like in the case of the recent horsemeat scandal, but in many cases animal use as such is subject of public debate. This has been the case for – at least – the last fifty years and has resulted in a broad range of academic studies in animal ethics, the establishment of many animal welfare and animal rights organizations, and the introduction of animal legislation in many European countries. At the same time, we are still confronted with a genuine plurality of
views on the moral position of animals, the acceptability of all kinds of animal use, and the role animal protection should play on a policy level.

As I see the role of ethics in the combination of theory and practice, current debates are not merely fields of application for academic reflection, but they can also serve to trace new ethical questions or to get grip on developments that are relevant for academic ethical reflection. Therefore, I use some recent advisory documents and political debates to trace developments in and formulate future challenges for animal ethics. In the paper, I aim to show that traditional ethical frameworks are challenged by - at least - three developments in the current debate.

The first development is the broadening of the moral circle. In this context, I discuss the development to include fish and insects in the moral community. These species have been at the borderline of our moral concern. However, recently there is a serious increase in the attention to the interests of these animal species in public debates on animal use. I will argue that this emphasizes the need for further reflection on the concept of moral status. This debate and reflection on this concept and its normative assumptions remain highly relevant, because of the direct implications for our duties towards animals, including fish and insects. On the other hand, the discussion on moral status is essential, because it is necessary in the dialogue with neuro- and cognition science, behavioural science and physiology. The enormous amount of scientific data on emotion, cognition and behaviour of animals is relevant as such, but is also presented or used in a normative way. This step, however, asks for philosophical reflection and supposes input from philosophy of mind and ethics.

Second, the paper presents ethical questions at the borderline of existing distinctions. During the last fifty years of public debate on animal use, all kinds of distinctions have been drawn and implemented in policy and laws. These are distinctions like the one between kept and non-kept animals, between the care for individuals and herds, between commercially kept animals and backyard animals, between companion and farm animals. Current advisory reports show that all kinds of questions occur at the borders of such distinctions. I aim to show that this is a challenge for (animal) ethics as it shows the need (a) to reflect on the usefulness of traditional distinctions, both on theoretical and on a more applied level, and (b) to further reflect on how our moral duties towards animals are to be integrated in broader discussions (e.g., sustainability).

Finally, the paper focuses on the development of the broadening of the terms and concepts used in questions of applied animal ethics. Recent policy and political discussions in the Netherlands show that the terms and concepts used are broadened. We already have a tradition of taking animal interests into account in policy and the political discussion, but mainly in terms of welfare. Consequently, the government issued regulations and laws in order to improve animal welfare. This is still an on-going process, yet the debate is no longer on animal welfare only. First, in the recent discussion on intervention on animals, such as castration or tail cutting the concept of animal integrity is explicitly included next to animal welfare. This can be understood as a result of the (renewed) recognition of the intrinsic value of the animal in the Netherlands Animal Law (2013). Second, the value of the aim for which we keep animals is currently included in a number of discussions on the acceptability of animal keeping. In the recent ban on fur farming this became most explicit. This is a genuine shift in the way animal keeping and animal use is evaluated. I aim to show that this implies that animal ethics (a) needs to keep formulating helpful ethical tools in order to enable useful public or political debates on animals (see integrity as an example, but innovation is needed), and (b) should further reflect on whether the value of the aim for which we use animals should play a role in the acceptability of animal use, and if so how aims and goals can be valued.

**Exploring the relational approach in animal ethics**

**Bernice Bovenkerk**

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The philosophical discourse on animal ethics for the past 35 years has centred on the opposition between those who focus on animal welfare (Singer 1975) and those who focus on their intrinsic/inherent value (Regan 1984). Both approaches can be regarded as capacity-approaches in that they base their views on the proper treatment of animals on these animals’ capacities; their level of sentience and/or cognitive abilities. In my presentation, I will argue that while these approaches can give a good indication of our duties towards animals in some cases, in others their application is limited. In particular, they cannot adequately deal with recurring moral objections raised in society against altering the genetic make-up of animals (through selective breeding or genetic modification); they cannot deal with future animals; and they cannot deal with the different status that people tend to attach to wild or semi-wild animals.

In my view, these problems occur because of the traditional focus in animal ethics on the level of the individual animal rather than the species it belongs to. Moreover, in my view many of the objections raised in society are based on a particular view on the role of humans vis-à-vis other species. I suspect views on this role are behind the commonly voiced objection that ‘we do not have the right to
mould other animals in whatever way we please simply for our own purposes’. Since capacity-approaches are completely directed towards the characteristics of individual animals they have difficulty accommodating such objections. After all, such objections are directed more towards the self-understanding of humans than towards the animals in question.

In my presentation, I will explore an alternative approach that has gained more interest in recent years: the relational (Swart, 2006) or contextual (Palmer, 2010) approach. Is this approach better able to accommodate mentioned objections from society? Egalitarian approaches, like those of Regan and Singer, have understandably shunned away from relational approaches for fear of dragging the very bias that they tried to abolish in through the back door. While Singer and Regan argued that we should treat all animals with similar characteristics equally, relational ethicists argue that we can differentiate between different animals because of our varying relationships with them. I agree with Regan and Singer that our relationships with animals should not form the basis for the attribution of moral considerability to animals, as this would lead us into the pitfall of a bias towards cute and cuddly animals. Nevertheless, there are good reasons for establishing differentiated human responsibilities towards different animals. For example, by domesticating animals we have made a moral commitment towards animals that we do not have towards wild animals. This means that we have positive duties towards domesticated animals (i.e. feeding them, giving them appropriate shelter, caring for them when they are ill) whereas towards wild animals we only have negative duties (i.e. respecting their freedom). In other words, relational approaches could say something about the attribution of moral significance (see Bovenkerk and Meijboom, 2012, about the difference between moral considerability and moral significance). The question that I will address in particular is whether the relational or contextual approach gives us the possibility of including views about our own self-understanding and our own role vis-à-vis other species.

In my presentation I will use several examples of practices involving animals that society voices objections to, but that in my view cannot be adequately justified or accommodated by capacity-approaches:

Example 1: In Dutch egg-production, 30 million one-day-old male chicks are killed annually because they cannot lay eggs and their breed is inefficient for producing meat. This mass killing has raised moral objections in society and politics. A technological way of solving this problem is using genetic modification in order to identify male chicks before they are hatched leading to even more moral objections.

Example 2: Pedigree dog owners often have very specific preferences regarding the characteristics of their pets. Selecting these characteristics can create negative side-effects, like breathing problems, heat stress, and shorter life expectancy in bulldogs. Many people have an intuition that knowingly breeding unhealthy animals is wrong. However, it is difficult to give a moral justification for this wrongness. Had we not bred this animal, it would not exist. If the animal still has a life worth living, we cannot say that we have wronged it by breeding for particular characteristics. If we had chosen different characteristics it would not be this animal (analogous to Parfit’s ‘non-identity problem’).

Example 3: In the Netherlands, a nature area (Oostvaardersplassen) was created in which large grazers were re-introduced. In winter large groups of grazers starve to death, due to lack of food, causing heated societal discussion: should we feed or shoot these animals, or let them die a ‘natural’ death?

My focus in these examples will be the question whether relational approaches can better deal with these dilemmas than traditional capacity-based approaches.

Animal deliberation: taking animal agency seriously in political thought and material practice

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There is a growing interest in not just the moral but also the political status of animals, which raises a challenge of how to conceive of animal politics, both in theory and in practice. Spurred on by the publication of Donaldson & Kymlicka’s ‘Zoopolis’ (2011), people are taking up the challenge to think of ways to somehow include animals as members in our political community. Against the common assumption that animals ‘have no voice’ and that being somehow represented by humans is all they can hope for, this paper proposes to consider instead a mode of deliberative democracy which acknowledges political communication across the species barrier. Rather than a probably wild and utopian call to include new and unruly multitudes in our formal political institutions, this paper draws attention to ways in which we are already engaged in more-than-human deliberations.

According to Donaldson and Kymlicka the sheer presence of animals in the public realm can already serve as a catalyst for political deliberation, altering attitudes, and changing the terms of political debate (Donaldson and Kymlicka 2011): 114). But beyond that, animals—as some more than others—can even have political agency. They can express preferences when provided with a range of non-
coercive alternatives, e.g. by ‘voting with their feet’ (2011: 66). And they can be found to protest and dissent, e.g. by refusing to cooperate in the ways envisaged by their human keepers (2011: 115). Donaldson & Kymlicka argue that if we start from the premise that individual animals lack agency by which they express their subjective good, we are bound to ignore their ‘vast repertoire of vocalizations, gestures, movements and signals’ (2011: 109). In an understanding of moral action not as emanating from commitment to abstract justification, but in (equally complex) terms of character and motivations such as love, compassion, fear and loyalty (2011: 116), animals and their behaviour can be considered to be more than moral patients. Though Donaldson and Kymlicka argue for inalienable political rights for animals, this paper emphasizes how this can also be taken as a shift away from focusing only on the institutionalization of legal rights for animals, towards nurturing multispecies communities in which humans learn to be responsive to those they in particular ways share their world with.

This paper discusses the potential of understanding technological design as a process of tinkering in interaction with animal users. By looking at two technologies, the ordinary cat flap and the more high tech mobile milking robot, it can be revealed how these adjustments in the material setting of domesticated animals both entail a process that involves reconsidering our ideas of the good life as well as conceptions of proper human-animal relations. A process moreover in which the animals play an active role, whereby designing for and with animals can be appreciated as sites of multispecies learning. The paper will end by exploring the extent to which this process can be considered to be a form of deliberative democracy, in the light of alternative understandings of what it means to communicate politically. Especially since the theory of deliberative democracy emphasizes that the political process is not to be thought of as an encounter between individuals with given preferences, but to encompass their formation. And as deliberative democracy proposes a style of politics that is grounded in everyday experiences rather than requiring detached and impartial styles of argumentation (Tully 2002; Young 2011). Dryzek has argued against Habermas the importance to not only consider discursive exchanges between humans as political communication. He called to expand our understanding of rationality to include immersion in and interaction with the natural world (Dryzek 2008). This paper claims that to some extent cats and cows can be, and in fact are being taken seriously as ‘political’ actors, especially in the process of designing new material practices. Thereby, a deliberative take on politics is provided, by seeing deliberations to occur at unexpected sites, as part of forms of interaction not formally considered political in nature (cf. Held 2006, 215).

We live in communal relations of interdependence and reciprocity with numerous especially domesticated animals. This interdependence is something we continually adjust, interpret, recohere, wonder about, and in this process animals are not merely passive receptacles of our projections and desires – though often for a large part they are – but there is a sense there is something agential, potentially meaningful in how they respond to us and their changing habitats. Acknowledging and appreciating the ways in which everyday, partly material and non-discursive processes of interaction can be thought to be deliberative in nature may contribute to taking animals seriously in public debates over how to farm, manage, conserve or liberate at least a number of hitherto ignored members of our political community.

Political communication with animals

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In their recent book Zoopolis: A Political Theory of Animal Rights (2011), Sue Donaldson and Will Kymlicka argue that non-human animals are capable of exercising democratic political agency. This is an important step forward in the (public) debate about animal rights and it challenges the way in which humans consider non-human animals and their (political) relations with them. Donaldson and Kymlicka give many examples of political animal acts in relation to human or human-animal communities (acts of protest and dissent, voting with the feet, cooperation), but they do not offer a theory of political human-animal communication or political animal voice. In my presentation, I will argue this is unfortunate and I will sketch the outlines of two models of political human-animal communication.

Donaldson and Kymlicka discuss political communication and political animal agency most extensively in the case of domesticated animals. They argue for a relational model of ‘dependent agency’, in which domesticated animals need human ‘collaborators’ to exercise their political agency, on the basis of which they can be represented politically. While a focus on the relational character of agency is indeed convincing, I will argue a model based on trust might not be sufficient to conceptualise democratic agency for all domesticated animals. Some animals cannot trust people, for example, or may not be able to establish long-term relationships with humans, or they may simply not like to be around them. Also, the idea of a collaborator as one person (or a small group of people, like a family) can make animals vulnerable, because it could lead to a unilateral (or even biased) way of interpreting what they express.

Additionally, Donaldson and Kymlicka do not offer an account of political communication with wild and so-called ‘liminal’ animals (animals who live amongst humans but who are not domesticated), even though they convincingly argue that we often cannot, and sometimes should not, avoid contact with them (for example because we share the same spaces).
In my presentation I will therefore argue for an account of political conversations with animals. To conceptualise this I will draw upon Wittgenstein's theory of language-games. In my presentation I will argue that we can view different kinds of encounters and interaction with non-human animals as different language-games, some of which will be political and some not, depending on their form, context and subject matter. How these will look in practice will depend on the animals (groups and individuals) and humans involved. I will argue that viewing language as a collection of language-games is a good starting point for thinking about animal language and shared human-animal communication because it can capture and reflect the multitude of (linguistic) interactions that exist between different animals and humans. It is also a way to bring out similarities that are concealed by the fact that animals do not usually use human words.

Because not everyone speaks all languages, I will propose to complement this with a figure I call ‘interpreter’. An interpreter would in this context be someone (belonging to a human or non-human animal species) who knows how to interact with human and (a certain type of) non-human animals in a meaningful way, who understands and/or speaks their language(s) and is able to facilitate debates or conversations. As such, interpreters could play an important role in moving from a model of human democracy to a shared human-animal democracy and in finding new ways of democratic representation in human-animal communities. Interpreters can support the democratic agency of domesticated animals, but they can also guide the way in interacting with liminal animals and wild animals. In contrast to collaborators, who exist in the private sphere, interpreters are public figures and can be held accountable by others.

In the final part of my presentation I will discuss the limitations of extending a human liberal democratic framework to incorporate other animals. Although existing political concepts and institutions (such as rights, democracy and citizenship) can provide a starting point for both a practical and a philosophical account of animals in politics, I will argue that we also need to think about new forms of politics and human-animal communication, in order to be able to adequately respond to political animal agency. Ideas about political human-animal communication can function as a supplement to Donaldson's and Kymlicka's theory. But they can also be seen as a starting point for a new political order, in which the animals are not only allowed to participate in an existing political situation but in which they can also influence the terms and conditions on which that political framework is grounded.

Parallel 1g: Judgment in Practical Philosophy

*Time:* Friday, 15/Nov/2013: 3:00pm - 5:00pm · *Location:* Shanghai (M2-12)

**Session Chair:** Constanze Binder

This panel addresses the capacity for judgment in practical philosophy, especially in moral, political and legal philosophy. A standard model in each of these domains is to rationally justify normative theories, which then need to be applied to concrete cases. Yet challenges have emerged to this model in each of these fields. To what extent, and under what circumstances, is the standard model appropriate? Do we need a single account of practical judgment, or do different practical contexts—for instance, legal, moral, or political—call for different conceptions of judgment? If judgment is not a matter of applying general principles, then what is it? Can there be a theory of ‘good’ judgment? Or is practical judgment a skill that defies rational assessment? Does the necessity of judgment call for revision of the justification/application dichotomy? What are its implications for the prospects of normative theorizing with respect to moral, political and legal questions? And how does the capacity for judgment relate to psychological theories of causation?

**Conceptualizing Political Judgment**

**Thomas Fossen**

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What is it we do when we judge the legitimacy of political authorities? This question has received little attention in contemporary political philosophy. Standard philosophical approaches to political legitimacy typically focus on articulating and justifying general principles of legitimacy (e.g. Simmons 1999; Copp 1999). On this line of thinking, judgment is typically (though often implicitly) construed as a matter of applying general principles to particular cases. Judgment is at most an afterthought, which comes into question only after specifying the content and justification of general principles.

My aim in this paper is to argue that the standard model of judgment as application of general principles is overly abstract. It encourages us to search for an elusive form of general knowledge, a ‘theory of legitimacy’ that specifies the content and justification of principles of legitimacy, independently of a situation in which the question of legitimacy arises. Criticizing such a rigid separation of justification and application of norms, some theorists argue for a contextualism according to which principles can be revised in light of particular judgments about specific cases (Richardson 1997). In my view, this contextualist move is an improvement, but by itself insufficient. It still privileges explicitly formulated principles or criteria (whether at a general or more particular level) over implicit proprieties of practice,
Judgment in Theories of Justice

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This paper investigates the role that judgment should play in theorizing about justice. It argues that judgment is indispensable, but that this does not take away the role of ‘theory’, i.e. abstract principles and norms and their justification. Both theory and judgment are indispensable and need to supplement in each other. This is so because both are instances of specification of a final end.

I will start from Miriam Ronzoni’s recent investigation of the role of judgment in two influential accounts of justice, Onora O’Neill’s and John Rawls’s. O’Neill starts from very thin foundations and then reaches very abstract general principles of justice. These then have to be applied to real-life cases by means of judgment (O’Neill 1996). Rawls by contrast reaches less abstract principles of justice, because he has implicitly built in stronger assumptions into his original position (Rawls 1999). These assumptions, Ronzoni argues, have been obtained by means of judgment. Thus, instead of having principles first and then applying these to concrete cases, in Rawlsian constructivism we start with judgment and then reach principles. According to Ronzoni this way of proceeding is to be preferred. There are two reasons for this. First, she argues that theories of justice should be action-guiding. By building judgments into the constructivist procedure, we are able to meet this ambition. Second, this way it becomes explicit how much disagreement actually happens at the level of judgment, not at the level of principle (Ronzoni 2010).
While sympathetic to Ronzoni’s position, her account opens the door to the anti-theoretical position that thinking about justice is (like all forms of normative theorizing) merely a matter of judgment. The anti-theoretical position is that all the real normative work is done in a contextually sensitive perception or interpretation of a concrete situation. The model of a theory which is then applied to a situation by means of the faculty of judgment is misguided: we can do without a theory that generates universally applicable principles altogether (Wiggins 2004). The main aim of the paper is to defend theorizing about justice against this anti-theoretical position, while acknowledging the role of judgment. To do this, it will explain how we can be sensitive to the need for judgment while saving a role for theorizing.

The first step is to see judgment as a form of specification, along the lines of Henry Richardson’s theory of practical reasoning (Richardson 1997). Richardson defends specification as a third way between a model of judgment as application of universally valid norms on the one hand and a model of judgment as an intuitive form of balancing competing concerns on the other hand. He shows how we can think of systems of norms that are made progressively more specific so as to be action-guiding in concrete contexts of action. Moreover, he also shows how specification works both downwards and upwards. We can also revise our higher-level norms if they have proven to be unacceptable after confrontation with concrete specifications. Finally, a specification can be more or less rational according to the coherence it establishes between competing norms. By specifying norms, they can be seen to be compatible when applied to a concrete case. This kind of coherence-building among norms by way of specification, however, is nothing less than theory-building.

The second step is to bring this theory of practical reasoning to bear on the context of theorizing about principles of justice. Justice is a norm that asks for the appropriate distribution of burdens and benefits among members of a political community. Thus it requires a specification of the relevant burdens and benefits, of the range of relevant members and of the relevant community. Coherence among precepts is especially important because incoherence means arbitrariness, which is the opposite of justice. Doing justice does not require treating all persons equally, but it does require showing that if one treats two persons differently, this is because of a relevant difference in the situation. This requires a coherent system of norms. This model of specification implies that there is no strong difference between principles and judgments. The difference between them is gradual: principles are relatively more abstract since they are higher-up in a system of norms, while judgments are relatively more concrete. Creating either requires the same work of practical reasoning: specification.

Third, all of this leaves open the question whether there is one highest norm, or final end which represents what is progressively specified in a theory of justice. Such a norm cannot itself be specified (what would it be a specification of?), but must be adopted before the work of specification can start. A substantive action-guiding theory of justice cannot get off the ground without such a final end. Such an end embodies a ‘normative anthropology’ – a view of the ultimate good for human beings (maximizing their utility, respecting their rational agency, preserving the integrity of their community, obeying their deity, etc.) Such ends are controversial, and therefore while Ronzoni is right that much disagreement happens in specification at lower levels, it would be wrong to conclude that the devil is ‘all in the details’. Such a view underestimates the way in which normative anthropologies structure how we think what is owed to people in terms of justice; i.e. how it guides the perceptions that the anti-theorist believes are doing all the work. The constructivist methodology shared by Rawls and O’Neill is not purely procedural but already embodies such a final end: respect for the rational agents themselves who are engaging in a constructivist procedure.

**Moral judgment as a psychological concept**

**Annemarie Kalis**

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The concept of moral judgment is first and foremost a normative concept: it plays a role in normative frameworks that address the question how to reach justified conclusions about moral right and wrong. However, the concept of moral judgment also plays a central role in moral psychology, the descriptive science of moral decision-making and behaviour.

Traditional approaches in moral psychology (Kohlberg 1981) explicitly based their psychological work on the conceptualization of moral judgments as normative commitments that connect theories to concrete actions. For that reason they first and foremost understood moral judgment as the cognitive capacity to deliberate about morality. Recently however, a different view is emerging. In contemporary moral psychology (Haidt 2001; Greene and Haidt 2002; Cushman, Young, and Hauser 2006), the trend is to play down the role of explicit reasoning and deliberation, and to argue that moral judgment is for the larger part implicit: that it largely consists of psychological processes that are intuitive and automatic, and operate outside of awareness.
In the paper I will argue that the notion ‘implicit moral judgment’ is misleading and requires further analysis. The term moral judgment can refer both to the psychological activity of forming a certain kind of intentional attitude, and to the state that results from that activity – the intentional attitude itself (McGeer & Pettit 2009). Secondly, I argue that moral judgment as a state can be understood as a kind of belief, but that it is the kind of belief that comes about by what McGeer & Pettit call a ‘reflectively available’ event, namely conscious deliberation. This means that whereas moral judgment as a state can be implicit (just like beliefs can be implicit), moral judgment as an activity cannot be (and that this activity thus is an atypical kind of belief formation).

I will argue that this is so because moral judgment as a psychological activity has its roots in our normative practice, in other words in contexts where a group of people needs to determine what moral norms to adopt, and how to assess behaviour on the basis of such norms. In so far as moral judgments play a psychological role in the everyday decision-making of individuals, this role is modelled on the role moral judgment fulfills in this normative practice: forming a moral judgment for yourself is having the kind of discussion ‘in your head’ that you learnt to have with others. Importantly, this does not mean that such discussion needs to be a very rational one, or that emotions do not play a role in it.

So how should we interpret the claim made in moral psychology that our moral judgments are largely implicit? In my view, it can mean two things. Firstly, it could mean that moral cognition is largely implicit, and thus that moral judgments play only a modest role in our moral lives. It could also mean that in our moral decision-making and behaviour, we mostly rely on moral judgments (as states) that are implicit: that do not need to be explicitly reflected upon in order to exert their effects. It cannot mean that moral judgment is a different type of psychological activity than we thought it was – for the meaning of the concept of moral judgment as activity is determined by the role it plays in our interpersonal practice of deliberating about moral reasons.

To conclude, I will discuss some implications of this analysis for the relation between moral judgment as a psychological concept and moral judgment as a concept in moral philosophy. In moral philosophy, a moral judgment is understood as a normative commitment. One pressing question is: can we only be normatively committed to a certain moral judgment in so far as that judgment is somehow present in our psychology, however implicitly? Or is it possible to be committed to a moral judgment without ever having acquired that judgment as a psychological state? And relatedly, what are the criteria that determine whether or not a moral judgment (as a psychological state) can be ascribed to an agent?

Keywords: moral judgment, implicit processes, moral psychology

On the primacy of perception in professional ethics

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This paper argues for the ‘primacy of perception’ in professional ethics. It starts with a negative argument that rejects the standard view, that is the ‘theory or principle centered’ conception of judging in professional ethics. According to the standard view the ethical bearing of professional practices exclusively depends on whether the judgments and resulting actions of professionals can be understood as the normative implication of an in itself justified moral theory. This negative argument largely draws on the anti-theoretical critique on moral theory in general. One aspect of this critique is that moral theory neglects the crucial role of moral judgment when it comes to the application and effectuation of principles in practice. The idea is that moral theory simply overestimates the ‘action-guiding’ force of principles and hence opens the door for arbitrariness resulting in ‘anything goes’. Another aspect of this critique is that moral theory is ethically harmful because the ‘application’ of principles to practice destroys ethical knowledge. This negative argument points to the idea that in order to account for the ethical quality of professional practices we cannot and should not rely on the practical force of principles.

Next to this negative argument a positive argument against the standard view will be elaborated. This argument asserts that the faculty of moral perception is constitutive for what it means to be a good professional. It largely draws on Aristotel's conception of practical wisdom and on Iris Murdoch's view of moral vision. We shall see that moral perception captures some aspects of what according to many comes under the heading of moral 'judgment', but that it cannot be identified with it. To phrase this in Blum's terms: “moral perception can lead to moral action outside the operation of judgment entirely; and more generally, perception involves moral capacities not encompassed by moral judgment” (Blum, p. 702).

Subsequently the paper elaborates more thoroughly on what is actually meant by the primacy of perception in relation to professional ethics and on what are the main implications of this approach. One such implication is that 'thick concepts' have a crucial role to play. The viability of the 'primacy of perception approach' depends on the availability of 'thick concepts' or in Putnam's terms, concepts that are 'entangled' in professional practices. These concepts should be cherished, protected and also invoked to criticize the selfsame
practice. The primacy of moral perception thus indicates that the discipline of social ethical epistemology is indispensable in accounting for and maintaining the quality of a professional practice.

Another implication concerns the scope of professional ethics. Traditional approaches tend to exclusively focus on professional decision-making for ethical assessment. In the primacy of perception approach a much wider range of both internal and external ‘events’ is considered ethically relevant. An example of a relevant internal event is the way a client or legal subject is ‘seen’ to begin with. So according to this approach professional ethics is involved in participants professionally addressing situations in any way whatsoever and not exclusively in making decisions.

Finally, we shall see what kind of role theory and principles have in a primacy of perception approach. This approach does not necessarily hold that principles and perception are mutually opposed forms of ethical knowledge. Principles do have a practical role to play in professional ethics, albeit not an action-guiding one.

The arguments will be supported by discussions of examples drawn from the practice of adjudication and psychiatric social work. As these examples are selected, an important question is to what extent said arguments hold for all areas of professional ethics.

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**Parallel 1h: Human rights**

*Time:* Friday, 15/Nov/2013: 3:00pm - 5:00pm · *Location:* Aberdeen (M3-03)

**Session Chair:** Katrien Schaubroeck

**Rights against racial discrimination: a membership account of human rights.**

**Linda Barclay**

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The last ten years has seen renewed philosophical interest in developing a conception of human rights. Some approaches provide an account of existing human rights practice and law (Beitz 2009), whereas other take themselves to be developing a conception of human rights independent of the current practice (Buchanan 2010b; Griffin 2008; Nickel 2007). However, most agree that for any conception of human rights to be plausible it must be able to explain the core features of human rights law and practice (Buchanan 2010a).

In this paper I will argue that with only one or two exceptions, virtually none of the recent philosophical conceptions of human rights can explain the prohibition against racial discrimination that exists in numerous human rights conventions. I will first distinguish between two types of racial discrimination which are prohibited. Human rights law has moved increasingly from the position that discrimination with respect to rights is unacceptable (rights-discrimination), to a much broader prohibition on any form of discrimination (the right against discrimination). I will then show that most philosophical conceptions of human rights fail to fully explain the prohibition of both forms of discrimination because of their commitment to the idea that human rights should be minimal in some sense, most commonly understood to mean that they only protect urgent or at least very important human interests (Barry and Southwell 2011; Buchanan 2010b; Nickel 2007; Pogge 2008).

Of course, racial discrimination can and often does reduce its victims’ lives to below some minimal threshold of acceptability or decency. There are various reasons for this which will be discussed. However, by appealing to a number of examples I will show that this is not always the case, and attempts to defend the view that it is end up relying on vulnerable empirical claims.

I will defend an alternative conception of human rights that can both explain the importance of protecting very important human interests and the broad prohibition against racial discrimination but which is more robust than an account that has to rely entirely on controversial empirical claims. Developing a brief suggestion made by Joshua Cohen (2004), my account is based on the notion of the minimal conditions for membership in an organised political society. I will argue that human rights identify goods (namely, the protection of urgent human interests and the prohibition against all forms of racial discrimination) that are the minimal conditions of being treated as a member. An organised political authority that (avoidably) fails to protect human rights fails to treat some as members because it fails to give their interests ‘due’ consideration. An account of what this means will be outlined. Moreover, I will then show that this conception is minimalist because it is compatible with a range of different conceptions of justice (and thus does not presuppose any such conception), and because it provides conceptual grounds on which to restrain human rights inflation.
According to this conception, human rights are derived from some basic feature(s) of human beings which are intrinsically valuable and necessary for the respect and justification of others. Rights are seen as the result of intersubjective, discursive construction of rights claims that cannot be reciprocally and generally denied. The criteria of reciprocity and generality serve as the basis for the moral construction of a conception of human rights. Moreover, human rights are constructed both as general moral rights and concrete legal rights. As Forst argues, the right to justification and the possibility of the political character or discursive functions of each conception, briefly examine some theories of human rights associated with each strand and point to their problematic aspects. I will argue that naturalistic theories do not incorporate or make use of considerations about the political character or discursive functions of human rights within the existing practice. Moreover, they provide a primarily ethical justification of human rights such that they focus on the importance of human interests (associated with a notion of good life) they are meant to protect. Unlike naturalistic views, practical views regards human rights as having primarily political and legal international existence, but they leave their moral justification open.

In this essay, after presenting a typology of different conceptions of human rights I argue for a constructive conception of human rights. First, I will examine two main strands of thought on human rights (namely natural and political conceptions) and mention the core claims of each conception, briefly examine some theories of human rights associated with each strand and point to their problematic aspects. I will argue that naturalistic theories do not incorporate or make use of considerations about the political character or discursive functions of human rights within the existing practice. Moreover, they provide a primarily ethical justification of human rights such that they focus on the importance of human interests (associated with a notion of good life) they are meant to protect.

In recent debates, an alternative to the naturalistic view of human rights has been developed. This alternative which is called the political/institutional approach (Cohen, 2008) or practical approach (Beitz, 2009) starts from a functional account of the discursive practices of international human rights and it stresses the political-legal aspect of human rights. Most versions of the political view adopt Rawls’s formulation of the main role human rights play in international legal and political practice, which is “to provide a suitable definition of, and limits on, a government’s internal sovereignty” (Rawls, 1999, p. 27) or “to restrict the justifying reasons for war and its conduct” (Rawls, 1999, p. 79). Recently, Rainer Forst (1999, 2010) has provided a constructivist conception of human rights which is different from both natural and practical conceptions in terms of the normative genesis and justification of human rights. He argues that human rights have a common ground in one moral right; the right to justification which is “the immanent moral core that constitutes the foundation for a constructivist conception of human rights in their relations to concrete social and political contexts” (Forst, 1999, p. 56).

In this essay, after presenting a typology of different conceptions of human rights I argue for a constructive conception of human rights. First, I will examine two main strands of thought on human rights (namely natural and political conceptions) and mention the core claims of each conception, briefly examine some theories of human rights associated with each strand and point to their problematic aspects. I will argue that naturalistic theories do not incorporate or make use of considerations about the political character or discursive functions of human rights within the existing practice. Moreover, they provide a primarily ethical justification of human rights such that they focus on the importance of human interests (associated with a notion of good life) they are meant to protect. Unlike naturalistic views, practical views regards human rights as having primarily political and legal international existence, but they leave their moral justification open.

Using Forst’s constructive conception of human rights as a point of reference, I will argue that such an account is more plausible and has some advantages over other accounts. This approach pays attention to the two-tieredness of moral and political constructivism of rights. Rights are constructed both as general moral rights and concrete legal rights. As Forst argues, the right to justification and the criteria of reciprocity and generality serve as the basis for the moral construction of a conception of human rights. Moreover, human rights are seen as the result of intersubjective, discursive construction of rights claims that cannot be reciprocally and generally denied between persons who respect one another’s right to justification.
I hope to show that the constructive conception which I argue for transcends the opposition between naturalistic and practical conceptions by showing that moral and political conceptions are not two alternative views but both are constitutive of one conception of human rights. Finally, I will argue that this new political conceptualization of human rights embraces the social and historical aspects of human rights as “struggle concepts” with a specific reference and examination of the case of “the right to housing” struggles.

**Why individuals aren't interchangeable**

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In this paper I want to clarify what is at stake between two different kinds of normative theories: (1) theories in which moral duty is understood in terms of impersonally maximizing a (nonmoral) good versus (2) theories in which individuals are claimed to have a moral status that protects them from being used in ways that interfere with their freedom or interests for the sake of furthering the common good. I am specifically concerned with the contrast between (1) utilitarianism and (2) theories with a broadly Kantian background, in which individuals are claimed to have the moral status of an end-in-itself or dignity. In the latter kind of theories, moral duties may be thought to be correlated with rights, which protect this moral status. I aim to explain how these different normative views arise from different views about the nature of the good and the right, and how the right is related to the good. I also criticize the views about the good and the right and their relation that lie in the background of utilitarianism.

Normative theories are commonly categorized in, on the one hand, consequentialist or teleological theories and, on the other hand, deontological theories. Utilitarianism is standard example of the first kind of theories; Kantian and rights theories are standard examples of the second. Consequentialist theories define the right in terms of maximizing good consequences, while deontological theories do not. Or: teleological theories regard the right as a function of a nonmoral good (such as well-being), while deontological theories do not. (Deontology is in both cases understood negatively, not positively.) I aim to offer a better explanation of what is at stake between these theories.

It is not true that proponents of rights theories with a Kantian background regard consequences as morally irrelevant, nor that they necessarily hold that what we ought to do is not in some way a function of nonmoral value. In rights theories with a Kantian background, the justification of duties can (and, I argue, in various cases does) refer to an evaluation of an agent or on what is good for the agent, given her purposes. However, duties are always owed by a moral agent to another individual, who possesses some characteristic that the moral agent must regard as a sufficient basis for moral status. In utilitarianism, in contrast, moral duty is immediately a function of a nonmoral good. (In rule utilitarianism, the rules we ought to adopt are immediately a function of the nonmoral good, even if we should not always do what maximizes the good). It therefore makes sense that there is thought to be a duty to bring as much as possible nonmoral good (e.g. well-being) into the world, regardless of whose good it is.

I argue that it is a mistake to treat value as if it is detachable from individuals who value things and can be understood from an impersonal point of view. This mistaken view about value leads not only to the idea that serious harms or restrictions of freedom of some individuals can be offset by sufficient benefits to others, but also to a possible view that we have a duty to maximize value by bringing individuals into existence. Sometimes utilitarianism is defended on the basis of an idea of equal consideration of interests, but the notions of equality and maximization of value are in possible conflict with each other.

In rights theories, in contrast, maximization of value is only permitted if it does not violate anyone’s rights. (In that case it may even be encouraged or required, especially if individuals also have positive rights). We ought to treat all those who possess the sufficient basis for the rights equally. It is not necessarily the case that we may never violate individuals’ rights. Rights can conflict and may be weighed against each other on the basis of the importance of the goods that they protect. However, we at least may not violate rights for the sake of furthering the common good as such. Such an approach recognizes that value cannot be understood independently from valuing individuals and that individuals have unique points of view and are therefore not interchangeable.
Philosophical Accounts of Thought Experiments: A Comparative Study of Pisa Experiment

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Although there could be more, the most fundamental reason to conduct a concrete experiment is to test current information already at hand or to acquire new knowledge of nature. Following this view, if it’s accepted that thought experiments share fundamental features of concrete experiments, then it seems plausible to expect from them to test our existing information or to provide us new knowledge about the world. But how could a thought experiment, as its name implies, purely performed within thought, be able to provide new knowledge of nature? This philosophically challenging question is firstly formulated by Thomas Kuhn (1977) as follows:

“[I]f we have to do with a real thought experiment, the empirical data upon which it rests must have been both well-known and generally accepted before the experiment was even conceived. How, the, relying exclusively upon familiar data, can a thought experiment lead to a new knowledge or to new understanding of nature?” (1977: 241).

Kuhn not only formulated this perplexing question but also came up with an ingenious answer. He suggested that thought experiments have somewhat restricted function. “Because it embodies no new information about the world, a thought experiment can teach nothing that was not known before. Or, rather, it can teach nothing about the world. Instead, it teaches the scientist about his mental apparatus. Its function is limited to the correction of previous conceptual mistakes” (1977: 252). At this point, Kuhn’s view is best understood in terms of his theory of science. It’s enough to mention here only that an effective-successful thought experiment can undermine a scientific paradigm and replace it with a new one (in Kuhn’s terminology lead to a paradigm shift) by means of correcting previous conceptual mistakes and teaching scientist about his/her mental apparatus. In this sense, some could argue that Kuhn’s view implies a limited scope that is only consistent with his theory of science. But here, though Kuhn’s view is still open to discussion, it is peripheral to central question which raised the debate over the past three decades. Above all, just as I pointed out, perplexing question still stands: “How, the, relying exclusively upon familiar data, can a thought experiment lead to a new knowledge or to new understanding of nature?”

So far, there are five major answers have been offered to this question:

1. Platonist Approach: (Some special class of) Thought experiments are platonic which simultaneously destroy an old theory and construct a new one. They provide us with significant scientific understanding and they do this without new empirical input. In this sense, small number of thought experiments provides us information about the nature in an a priori way -however they are fallible (Brown 1991, 1993, 2001 and 2004).

2. Empiricist Approach: Thought experiments are merely picturesque arguments. They can only reorganize (deduction) or generalize (induction) what we already know about physical world. What makes their novel outcomes epistemically reliable are that their experientially based premises in the argument form warranted by generalized logic (Norton 1991, 1996 and 2004).

3. Constructivist Approach: Thought experiments are imaginary scenarios. By focusing on such imaginary scenarios, scientists reorganize their old conceptual commitments. This reorganization process allows them to see familiar phenomena in a novel way (Gendler 1998 and 2004).

4. Experimentalist Approach: Thought experiments are experiments. They purport to achieve their aim without the benefit of execution. However, thought experimental conclusions are approximately correct (although not an accident): their conclusions are dependent upon concrete experiments that performed before (Sorensen 1992; Atkinson 2003).

5. Mental Model Approach: Thought experiments are mental models. By means of this mental model, scientists follow the sequences and make inferences to obtain thought experimental outcome (Miščević 1992 and 2007; Nersessian 1993, 2007; Palmieri 2003).

At this point, I argue that these answers depend on two main assumptions which seem problematic at least in two ways. Firstly, each of these answers (except Platonist approach) assumes that one encompassing theory will explain all aspects of thought experiments. Secondly, all of these approaches assume that thought experiments are epistemic devices. In this paper, my aim is to present an argument against these two assumptions. In order to argue against first assumption, I will focus on one specific and famous thought experiment of Galileo Galilei, which is also known as Pisa Experiment. In the case of explaining Pisa Experiment, I will show that none of the above-mentioned approaches seems exhaustive. Each of it has strong points as well as shortcomings. Strictly speaking, there is
not an encompassing theory to explain the very nature of thought experiments at the level of single thought experiment. Then, I will argue against second assumption. I think to characterize thought experiments as epistemic devices seem misleading. Scientists carry out thought experiments for different intentions: to test a theory’s explanatory potential (Lennox 1991), to explain the thought experimental phenomenon (Brown 1991), or to show the inconsistencies of rival theories. It is hard to characterize a thought experiment as epistemic device (or an argument), rather they are only rhetorical and propagandistic devices. In addition, they are merely a part of an argument -not an argument itself, at least in Galileo’s case. Finally, I will show that Galileo had used thought experiments for this sort of reasons to support my argument.

Two (or More) Senses of Group Knowledge

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We often talk as if groups and other collectives are capable of having knowledge: ‘The government knows that structural changes in the labor market are required.’ ‘The committee knew which candidate they wanted.’ For science, such talk seems particularly natural: ‘We now know that the earth revolves around the sun.’ ‘Mathematicians have proved Fermat’s theorem.’ ‘The so-and-so lab has discovered a cure for X.’

Nonetheless, the idea that groups can have knowledge in any literal sense remains controversial in mainstream epistemology. Part of the explanation for this may be that proponents (e.g., Margaret Gilbert, Frederick Schmitt, Raimo Tuomela, Kristina Rolin, Brad Wray, Alexander Bird) and critics (e.g., Philip Kitcher, Ronald Giere, Kay Mathiesen, Melinda Fagan, Jennifer Lackey) of group knowledge use different conceptions of it and aren’t always clear on what it is supposed to be. Hence, progress can be made by analysing in more detail the ways in which groups can be involved in instances of knowledge and whether one or more of these ways gives rise to something that is group knowledge in a literal sense. I will argue in the affirmative, and, in doing so, will furthermore offer an argument to the effect that that group knowledge in fact has multiple senses.

I start by replying to an attempt to dismiss group knowledge quickly on the grounds that groups do not have minds or mental states of their own. Since knowledge requires a knowing mind or is a mental state, so the dismissal goes, any notion of group belief or knowledge is a non-starter. In reply, I argue that this is unconvincing, since it may well be that there are group states that are so much like a state of individual knowledge that they nonetheless qualify as group knowledge.

Next, I investigate so-called summative construals of group knowledge, according to which group knowledge is a sum of individual pieces of knowledge of the group members. I rehearse and develop some existing arguments against these construals. Although I will show that summative construals have more potential for dealing with alleged counterexamples than is sometimes admitted, I do wind up agreeing with the criticism that any summative construal of group knowledge is unsatisfactory, since it does not essentially involve the group in its depiction of group knowledge. That, it seems to me, is a minimal constraint on any plausible conception of group knowledge.

I then look at non-summative construals of group knowledge, the most prominent of which are joint acceptance accounts. Common to these accounts is that they try to develop a construal of group knowledge by first giving an account of group belief and then adding further conditions to arrive at group knowledge. While such accounts do a better job in making the group essential to group knowledge, they also face considerable difficulties. First, they need to specify a plausible mechanism or procedure that can generate group beliefs. Jennifer Lackey has recently argued that this problem is insurmountable, since joint acceptance accounts cannot distinguish between group beliefs on the one hand and group lies and bullshit (in Frankfurt’s sense) on the other. I consider her argument and respond to it. Second, the conditions under which a group belief constitutes group knowledge must be specified. I will argue (i) that existing proposals for doing this are largely unsatisfactory, (ii) that it can nonetheless be done, but (iii) that it is unclear whether anything in the real world meets the conditions thus specified so that it remains an open question whether this construal of group knowledge has any instances.

I also look at Alexander Bird’s recent construal of ‘social knowing’. Bird argues that since scientific knowledge plays the same functional role in societies as individual knowledge does in individuals, scientific knowledge is group knowledge. I clarify the details of his proposal and then argue against it on the grounds (i) that it is both too strict and too liberal an account of group knowledge: it excludes what I think are clear instances of group knowledge and it includes things which aren’t group knowledge and (ii) that the analogy Bird uses to support his proposal is flawed.

Finally, I develop my own proposal for understanding group knowledge. The core of this proposal is that there are instances of knowledge which are such that satisfaction of the justification (or warrant) condition on knowledge essentially involves a group rather than an individual. I will argue that this is a sufficient condition for such instances of knowledge to be group knowledge. I develop the proposal in more detail and defend it against possible objections.
The conclusion will be that ‘group knowledge’ has different legitimate senses and that there are different legitimate concepts of group knowledge.

Climate Simulations: Uncertain Projections for an Uncertain World. On the Use of Micro-Reductionist Models

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This paper aims to analyse the reliability of simulation methods as they are used within climatology by focusing on the so-called global-circulation models. These models are coupled differential equations that are implemented numerically. I will argue that these models provide a certain class of reductionist models, i.e. micro-reductionistic models and I will address the question as to when such micro-reductionistic models are able to predict some quantitative information on macro-level quantities, like global mean temperature. By referring to related areas of physics, i.e. non-equilibrium statistical mechanics, it is shown that a separation of scales provides a sufficient condition for this type of micro-reduction. Hence, even without claiming emergent features, information on the macro variables via micro-reduction may be impossible to obtain. As it is far from obvious that such a separation of scales is in place within the climate system and there is no obvious alternative way to achieve it, this sheds some doubts on the extensive use of global circulation models.

Despite the prevalence of computational sciences, the use of computers within the sciences is often subjected to doubt. After grounding almost all flights in Northern and Central Europe in the aftermath of the eruption of Island's Eyjafjallajökull volcano in spring 2010, for example, the responsible offices were criticized for basing their decision on computer simulations instead of empirical evidence: Not a cloud of ash and dust caused the grounding, but a swarm of mere data. This rather pessimistic view on the role of computer simulations as method of scientific inquiry articulated by the media is shared by some philosophers of science (e.g. Oreskes, Shrader-Frechette, Belitz 1994): Computer simulation are seen more as non-empirical fantasies than serious scientific instruments. Others, however, articulate the antithetic view: Morrison (2009) or Parker (2009) claim that computer simulations are not only methodologically, but also epistemically on a par with material experiments.

Particularly for climate modelling due to its enormous impact on government's climate policies, questions on the reliability of computer models become rather intricate and pressing. While the philosophy of simulation mostly zoom in on questions as regards the epistemic status of numerical data (e.g. Giere 2009, Morrison 2009, Beisbart and Norton 2013), this paper focuses on the structure of the micro models that are numerically implemented.

Certainly the advances in computational power and computational methods over the last decades has shaped climatology as it did shape other areas of the sciences: A lot of problems that formerly could only be treated via phenomenological laws on a macro level, can now be described by evolution equations of the micro constituents with the help of computer simulations. Computational advances boosted the vogue of micro-reductionistic descriptions in science and engineering. Thereby the micro reductions do not necessarily involve microscopic levels in the literal sense. For instance, global climate models use ‘micro’ evolution equations on spatial scales as large as 200 km in order to predict ‘macro’ quantities like global mean temperature. Macro and micro are understood here as the reduced and the reducing level.

Scientists since long aim to understand or to predict a system's macro behavior by modeling its micro constituents. But it is only since the recent advancement in computational power and methodology that these models seem to have become prevalent in many sciences and computational power and numerical methods have initiated a shift in research paradigm: micro-reductionistic models become increasingly important in predicting numerical values of macro quantities. Climatology is but one example, solid-state physics, the description of phase transitions, of fluid flows, or agent-based models within economics provide some further examples.

In all these cases, the ontological reduction is not under dispute: A gas or fluid is composed of its atoms, just like the climate systems is made up of its constituents, i.e. atmo- hydro, bio-, kryo- and litosphere. However it is suggested in this paper to carefully distinguish ontological reduction from explanatory reduction in these cases. In particularly, computer simulations often target at specific information, namely some quantitative insights into macro-level quantities like temperature. By drawing on examples from related areas in non-equilibrium statistical mechanics, namely the semi-classical laser theory and descriptions of hydrodynamic turbulence, I argue that certain explanatory reductions require a separation of the relevant micro scales within the mathematical model that is to be implemented numerically. The relevant scales may be time, length, or energy. In conclusion, even without claiming emergent features, information on the macro variables via micro-reduction may be impossible to obtain.
Misrepresentation, similarity and indirect modelling

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One central problem of scientific representation is to explain why scientific models can deliver understanding of phenomena while, at the same time, they extensively involve idealizations and other distorting assumptions. These assumptions are often highly unrealistic; some scholars even regard them as plainly false. In line with this, Julian Reiss notices a paradox regarding economic models. These models are strictly speaking false. Explanations have to be true in order to be successful. Hence, economic models are not explanatory (Reiss 2012). Here, the issue is intensified and this paradox motivates a search for the resolution of the problem of representation. So, a general challenge is to account for the epistemic values of models containing assumptions that are not true of the world. This paper proposes to regard model-based representation as a type of indirect representation (Godfrey-Smith 2006, Weisberg 2007). A promising strategy is to combine this with a similarity account of representation. According to proponents of the indirect representation view, the practice of modelling consists of two distinct activities. In the first step, scientists specify model systems with the help of so-called model descriptions. These descriptions can be either mathematical equations or natural language sentences or expressions in a more technical, scientific language. The second step is the subsequent investigation of the model systems. These systems are proxies for the real-world targets that constitute the actual focus of research interest. While examining these proxies, a user of a model is able to engage in “surrogative reasoning” (Swoyer 1991). That means she can draw inferences from the model and translate them into inferences about the respective target, provided that the model adequately represents the target. The problem of representation can be addressed by pointing out that idealizing assumptions are not direct claims about the world. The assumptions are part of the model descriptions. These assumptions are false when uttered as claims about the target systems. Yet, according to the perspective of indirect representation they are not used in this way. The model descriptions specify model systems. And these model systems are at best similar to the respective target systems. In case the models are sufficiently similar to the targets one is able to learn something about the world when studying these scientific vehicles. So, scientists’ understanding of the world is fostered by the construction, manipulation or testing of the model systems without directly making false assumptions about the world. It is to study how idealizing assumptions infect certain claims about the world. Idealizing models may be misrepresentations of the world in a weak sense. Yet, there are relevant respects in which they get the story right. Furthermore, the models may lead to correct claims about the targets. If they are not misrepresenting the phenomena in the relevant respects then these models should not be regarded as misrepresentations in a strong sense. Furthermore, the adequacy of representation comes in degrees. Although maybe most models lead to inexact claims about the world, successful models can be regarded as accurate enough according to a certain threshold of accuracy.

Parallel 1j: Philosophy of science (I)

Time: Friday, 15/Nov/2013: 3:00pm - 5:00pm · Location: Praag (M3-05)
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Exploring philosophical issues in the patenting of scientific and technological inventions

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The theory and practice of patenting is a subject that is, or should be, of great interest to the philosophy of technology. After all, the granting of patents pertains to inventions, which are usually interpreted as being technological by nature. Therefore, patent application has been a regular feature of engineering and engineering sciences.

In addition, the past decades have seen a growing commodification of academic science, a process with a major impact on the research, teaching, administration and academic culture at general universities. A significant aspect of this commodification is the patenting of research results, in particular in the fields of computer science, physical science and biomedical science. Over the past decades, a strong increase of academic patenting has occurred: in US universities since the 1980s, in European universities since the 1990s. Patenting and licensing have become an established feature of the work of scientists in publicly funded universities. Currently, many researchers and their administrators see the acquisition of patents and the selling of licenses as a legitimate academic aim and achievement, comparable to the publishing of articles or books. For these reasons, patenting is not only an important issue for philosophers of technology but also for philosophers of science, a point reflected in the title and the substance of this paper.
Thus far, the philosophical study of patenting has primarily focused on socio-political, legal and ethical issues, such as the moral justifiability of patenting living organisms or the nature of (intellectual) property. In addition, however, the theory and practice of patenting entails many important problems that can be fruitfully studied from the perspective of the philosophy of science and technology. The principal aim of this paper is to substantiate the latter claim.

For this purpose, I first provide a concise review of the main features of the theory and practice of the patenting of scientific and technological inventions. A patent is a legally granted, commercial monopoly based on an invention that needs to meet the criteria of being novel, non-obvious and useful. The underlying assumption (which has been both endorsed and questioned by economists) is that patented inventions will, as a rule, stimulate the development of socially useful, or at least commercially successful, innovations. Before the criteria for patentability can be applied, the invention should be shown to be eligible for patentability on the basis of several further requirements, which seem to be implied by or derived from the notion of an invention.

Second, I discuss several philosophical issues implied by the theory and practice of patenting and explore the possible contributions of the philosophy of science and technology to the clarification, or resolution, of these issues. The issues discussed are: patents as commercial monopolies on scientific and technological inventions; the contrast between natural and non-natural subject matter; the distinction between inventions and discoveries; the reproducibility of inventions; the question of the sameness of two inventions; the distinction between the invented and the protected object; and the distinction between (patentable) material objects versus (non-patentable) concepts and theories.

The paper concludes with some observations on the problems and prospects of the philosophical study of the theory and practice of patenting scientific and technological inventions. As I hope to show, the theory and practice of patenting includes a variety of both intellectually challenging and socially important subjects to which philosophers of science and technology could make substantial contributions.

Ultimate and Proximate Explanations of Strong Reciprocity

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Since Laland et al. 2011, 2012 called the usefulness of "Mayr’s proximate – ultimate dichotomy” into question, Mayr’s (1961) distinction between proximate and ultimate causes has been subject to a new round of discussions (e.g., Haig (2013), Gardner (2013), Calcott (2013)). Laland et. al.’s critique has been countered most forcefully by Dickins and Barton (2013), who maintain that Mayr’s classic rendering of the distinction still stands as a very useful, if not indispensable one. In the paper various aspects of the debate are discussed. Special attention goes to the following two aspects. Laland et al. argue that recent developments in evolutionary theorizing necessitate giving up the “dichotomous” idea that reference to proximate causes is not admissible in answers to ultimate Why questions. I argue that Dickins and Barton (2013) and Scott-Phillips et al. (2011) are right in replying that this idea is not implied by Mayr’s distinction and that, indeed, arguing that there is a need to factor in proximate causes in ultimate explanations presupposes rather than undermines Mayr’s distinction. This is not to be confused with another aspect I focus on: whether or not mechanisms of social learning can be called ultimate causes. Laland et al. (2011, 2012) and Mesoudi et al. (2013) argue that when some behavior emerges and spread in some population not via natural selection and genetic inheritance but via social learning (that is, in processes of cultural evolution, not biological evolution), mechanisms of social learning can be called ultimate causes. Dickins and Barton (2013) and Scott-Phillips et al. (2011) disagree; they state categorically that mechanisms of social learning must be seen as proximate causes. I argue that this disagreement stems from different specifications of ultimate Why questions. Dickins and Barton (2013) and Scott-Phillips et al. (2011) offer a strict specification: they insist that ultimate Why questions should be understood as questions as to how some behavior or trait could have evolved by natural selection (implying that it must have produced inclusive fitness benefits). By contrast, Laland et al. (2011, 2012) and Mesoudi et al. (2013) do not confine ultimate Why questions to processes of biological natural selection with genetic inheritance.

One of the recent developments in evolutionary theorizing that Laland et al. (2011, 2012) believe prompt a reconsideration of Mayr’s distinction are explanations of human cooperation in terms of Strong Reciprocity (SR). Laland et al. put SR on a par with mechanisms of social learning, suggesting that SR can legitimately be called an ultimate cause. By contrast, West et al. (2011) and Scott-Phillips et al. (2011) argue that SR is defined as a proximate cause by its proponents but mistakenly put forward by them as an ultimate explanation of human cooperation. Proponents of SR would thereby precisely commit the fallacy that Mayr’s distinction warns against: that of mistaking a proximate explanation for an ultimate explanation. Here, with respect to the specific example of explanations of human cooperation in terms of SR, the following three things are argued. First, both Laland et al.’s (2011, 2012) and West et al.’s (2011) and Scott-Phillips et al.’s (2011) representations of SR misconstrue SR and the role SR plays in ultimate and proximate explanations. Contra
understanding and intelligibility (in terms of recognition of qualitative consequences of theories and models) that makes sense of the description of mechanisms, without specifying why such descriptions provide understanding. I will defend a view of scientific understanding that makes sense of the description of mechanisms, without specifying why such descriptions provide understanding. I will defend a view of scientific understanding. Understanding lies in the ability to use a model or theory to make sense of the phenomena it describes. This means that understanding is not just about being able to predict what will happen in a particular situation, but also about being able to explain why the phenomena works the way it does.

But is tractability the same as intelligibility? Does tractability lead to understanding, and if so, how? The answers to these questions depend on one's conception of scientific understanding. I will argue that understanding lies in the ability to use a model or theory to generate predictions of the target system's behaviour. In the case of mechanistic explanations, one has achieved understanding if one is able to see how (functional) behaviour is produced by the (hypothesized) mechanism. In other words, mechanistic explanations render phenomena intelligible by specifying productive relations. The new mechanists have as yet merely defined explanation as description of mechanisms, without specifying why such descriptions provide understanding. I will defend a view of scientific understanding and intelligibility (in terms of recognition of qualitative consequences of theories and models) that makes sense of the phenomena it describes.
claim that (mental models of) mechanisms provide understanding by allowing the modeller to see how the system produces particular behaviour. I will show that visualization can be an effective tool to achieve such understanding.

My pragmatic account of scientific understanding (with its emphasis on abilities, tractability, and use) leads to the question of whether the mechanisms that provide explanatory understanding should be regarded as real or as (merely) representational. In other words, what is the ontological status of mechanisms and mechanistic explanations? Are mechanisms realities out there, or are they (merely) our mental representations of the observable phenomena? The new mechanists seem to be divided over this issue. I will argue that explanatory understanding does not require scientific realism: it is perfectly possible to achieve understanding of phenomena via theories or models independently of whether they are true representations of a reality underlying the phenomena. My claim contradicts the traditional association between antirealism and descriptive aims on the one hand and realism and explanatory aims on the other. However, I will argue that such an association has to be rejected.

This view has a precursor in the epistemology of Ludwig Boltzmann, who, at the end of the nineteenth century, defended his Bildtheorie (picture theory) of scientific knowledge, a sophisticated epistemological position which stated that scientific theories and models are mental pictures having at best a partial similarity to reality. While Boltzmann admitted that mechanical models could no longer be regarded as realistic representations of physical reality (developments in physics led to the collapse of the mechanical world-picture in the 1890s), he argued that such models could still be employed to achieve understanding of the phenomena. My analysis of scientific understanding follows Boltzmann’s approach, implying that mechanical models can provide understanding even if they defy realistic interpretation. In this way, Kelvin’s dictum can still be relevant for twenty-first-century science.

The heartbreaking tale of statistical hypotheses

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This talk addresses the problem that statistical hypotheses cannot be understood as straightforward propositions with a truth value: it is not uncontroversial what the truth conditions of such hypotheses would be. In the talk I will propose a possible resolution of this issue, and sketch the potential benefits of this for inductive logic and statistical methodology.

The talk consists of three parts. In the first part of the talk I trace the role of statistical hypotheses through an episode in the history of statistics and inductive logic. I briefly review their appearance in the work of Bayes and Laplace, their absence in Carnap’s inductive logic and de Finetti’s Bayesianism, their paradoxical role in classical statistics of Fisher and Neyman, and finally their troubled status in modern Bayesian statistics. This will set the stage for the development of a particular notion of statistical hypotheses in the second part of the paper, and for the deployment of this particular notion in the third part.

The second part of the talk then develops the particular conception of statistical hypotheses referred to above. It relies on the seminal work “Probabilities over rich languages” by Gaifman and Snir (1982), who devised a highly original, and often overlooked, mathematical theory in which statistical hypotheses can be captured. The literature has mostly focused on the well-known convergence results for Bayesian inference, while most of the paper deals with the notion of a rich language. I argue, without going into formal detail, that this mathematical notion of rich language can be used to specify the truth conditions of statistical hypotheses. Moreover, and perhaps rather surprisingly, the resulting conception of statistical hypotheses sits very close to von Mises original frequentist conception.

In the third part I will zoom out and return to the role of statistical hypotheses in various parts of statistics and inductive logic. I argue that, if we supplement inductive logic with statistical hypotheses, thus construed, we can forge much needed links with statistics and improve the expressive power of inductive logic itself. I argue further that the absence of a proper theory of statistical hypotheses has curbed developments in statistics. Furthermore, neglect of statistical hypotheses has led to epistemological shortcomings in present statistical science. The proposed conception of statistical hypotheses suggests a number of possible improvements for the foundations of statistics, which will briefly be reviewed at the end of the talk.
Parallel 1k: Bio-ethics / health

Time: Friday, 15/Nov/2013: 3:00pm - 5:00pm · Location: Lund (M1-18)
Session Chair: Sander Voerman

The right to know your gamete donor: assumptions about identity
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Both within the literature and in policy discussions, the donor conceived offspring’s perceived ‘right to identity’ plays a key role in arguing for open-identity gamete donation. The interpretation of this right is however highly ambiguous, not in the least because a theoretical foundation for what is meant by identity and the identity needs of DC offspring is rarely offered. In this paper, we want to get a better idea of what the identity needs of DC offspring encompass and whether and to what extent open-identity donation actually responds to them. We do so by examining relevant quotes from research publications, internet blogs, and support networks that illustrate the experiences, motivations and identity questions of donor-identity seekers themselves. The quotes we present show that the ‘identity argument’ can involve very different identity needs, which call for very different solutions. For many of the identity needs we found, access to the donor’s identity is not necessary. In those cases where it is, moreover, donor identification should be interpreted as (extended) contact with the donor rather than the mere provision of his name.

A Theory of Human Health and its Ethical Implications
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The purpose of this paper is to present a theory of health and outline its ethical consequences.

The paper proceeds on the basis of an approach to ethics that seeks to be both objective and thoroughly naturalistic. The underlying idea of this approach is that anything that may constitute a good, is always a good in relation to a living being; objects and events can be said to be good or bad insofar they promote or inhibit the health of the particular type of living being. The structural features of the organisms determine which objects or events are good or bad for them. Health, in this context, is thus approached as a positive concept, namely an ideal of biological and psychological functioning—rather than mere absence of disease as some biomedical theorists would have it (e.g. Boorse).1 This naturalistic approach to ethics and relational understanding of the good is roughly in line with how the ancients conceived of ethics, most notably Aristotle, but one that also could be attributed to Nietzsche’s middle and late works. Rather than arguing in favour of this general approach to ethics, I will concentrate in this paper on what ‘health as such’ actually is, i.e. what this supposed ideal state of organisms is towards which the various goods would contribute.

Initially, it seems hard to disconnect the question of health from ideas about individual preservation. Things that are good for plants and animals, i.e. things that promote their health, seem to be nothing other than things that help to sustain and preserve it. What is good for a squirrel is certainly different from what is good for a dandelion, but we take them to be good in the same way; goods are those things that help to extend their respective lives. Health, then, would be nothing other than the state in which an organism has the highest chance of survival. For that reason Korsgaard has recently claimed that health is almost tautological with self-preservation,2 and also Aristotle maintains that the good for an animal or plant consists in preserving the form of its functioning through survival and reproduction.3 It is this view, health as the condition for an extended life, which I will call into question and think we must improve upon.

First of all it seems possible that organisms can lose or reduce their health without necessarily shortening their expected life span. There are plenty of diseases and infections that reduce human or non-human health without shortening life-expectancy. We should either conclude that these aren’t reductions of health proper or accept that health is something else; something that can diminish irrespective of the expected duration of life. Second, it is possible to imagine situations in which an organism loses species-specific functions and, as a result, even increases its life-expectancy. For instance, an insect that usually dies after mating, like a male praying mantis, can due to incapacity to perform mating behaviour end up living a significantly longer life. Or a rodent with a paw-injury that can no longer sprint over exposed terrain and perform treacherous jumps may grow exceptionally old whilst hiding out in its burrow. Or a tree incapable of growing tall due to some infection may grow very old due to the protection from lightning and storms provided by larger neighbouring trees. Surely, health is not increased proportional to the increased longevity of their lives. Instead, health seemed to have diminished despite their increased life-expectancy. What this seems to suggest, I propose, and will defend further in the paper, is that health, i.e. an organism’s good, consists in the capacity to carry out the greatest quantity- or simply all- of its species specific functional
capacities—even if this goes at the expense of self-preservation. Surely, maximum functional capacity requires preservation for an extended period of time, and will often contribute to further preservation due to evolutionary reasons. But health as such, or the good for organisms, I shall propose, corresponds to the range of capacities, or multitude of potential functional capacity of an organism—and not merely to successful self-preservation.

The assumed naturalistic and health-centred approach to ethics, combined with this theory of health, has a number of important and wide-ranging implications for human life. These implications include, first, that things are objectively good for a human being if they increase its capacities, or, more specifically, if they increase the multiplicity of potential activity. Second, unlike animals and plants, the human being is capable of continuously inventing new activities and possibilities; the human being, unlike plants and animals, has no upper limit in its potential functional capacities. Health will therefore always remain an ideal for us; something that can never be fully realised. Third, since the range of potential activity increases dramatically the moment we are no longer restricted to living solely on the basis of external stimuli, we may say that autonomy and self-governance become a condition for a healthy human life. Fourth, since our range of possibilities increases the moment we overcome the desire to live the longest life possible, we must conclude that overcoming anxiety for death and partially giving up on the pursuit of the longest possible life, are essential to an increase in human health. Fifth, if we accept that high degrees of understanding of the world, history and ourselves result in greater action-potential, learning and reflection are also conditions for increased human health.

The list of implications for human life is of course much larger and more diverse. A selection is made in the paper, focussing on the most philosophically important and controversial implications. But this selection of consequences will, I hope, illustrate the possibility—and bring out the character—of an ethics based on account of health in terms capacities and multiplicity of potential activity.

**Should physicians help cross-border infertility patients evade the law of their own country?**

**Wannes Van Hoof, Guido Pennings**

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Europe is a patchwork of radically different national laws and policies on assisted reproduction. Many patients are crossing borders from restrictive to permissive states, facilitated by European laws on free movement of persons and services. The largest study to date found that 54.8% of patients seeking fertility treatment travelled for legal reasons, resulting in a conservative estimate of 6576-8220 law evading cycles across Europe annually (Shenfield et al., 2010). These movements can be characterized as cross-border reproductive care (CBRC) for law evasion. This phenomenon confronts physicians in restrictive states with a moral dilemma: should they help patients who travel abroad to evade the law or not?

In a letter from the French ministry of health, dated 21/12/2012, local physicians are warned that they risk five years imprisonment and a fine of €75.000 if they inform patients about the possibility of making use of egg donation abroad, where higher compensations are paid and more donors are available. In Germany, it is a punishable offence for a physician to refer a patient abroad for pre-implantation genetic diagnosis. In Turkey, any physician who helps patients who go abroad for gamete donation is subject to a punishment of 1-3 years imprisonment. There is only one short communication in the academic literature on the role of the local physician in CBRC for law evasion, characterizing it as “channelling local patients to foreign medical establishments” and against the “spirit and essence of the law” (Heng, 2006).

We argue for cross-border cooperation in the case of CBRC for law evasion in Europe. There are three ways in which local physicians can help patients. When patients are considering infertility treatment abroad or when they have run out of treatment options at home, local physicians can inform them about treatment options abroad or directly refer them to a foreign clinic. During an infertility treatment abroad, local physicians can do part of the treatment at home (e.g. cycle monitoring or drug prescription) which limits the need to travel for patients and could allow them to be partially reimbursed. After the treatment, local physicians can help treat complications swiftly and provide further counselling and support.

With regard to informing the patient, we argue that the French policy is a gag rule because local physicians may be aware of possibilities abroad and they are in a position to inform their patients, but they are prohibited to do so. It is not justifiable to intervene in the physician patient relationship, limiting what the physician can or cannot say, unless it can be shown that this intervention is in the best interest of the patient. With regard to the patient, withholding information is a clear violation of the principle of autonomy. It is also an indirect violation of the principle of justice because some people with more means or abilities will find out about the options abroad by other means while others cannot.

Doing part of the treatment at home has important benefits for cross-border patients, most notably reducing the need to travel. It is impossible to check for what purpose certain drugs are prescribed or whether an ultrasound was performed to monitor a cycle of CBRC
for law evasion. Additionally, if a local physician is willing to help patients game the system, they might be able to get reimbursed for the part of the treatment they did locally if this is normally covered by health insurance. This is only justifiable if the health insurance system or the restrictive law is flawed. Otherwise the principle of justice requires that specific patients should not be given special benefits. While doing part of the treatment at home is the most direct way to help cross-border patients evade the law, it may still be very difficult to prevent this because it concerns parts that are legal in the country in which they are performed.

When complications occur after treatment, it should not really matter whether the patient went abroad for CBRC. However, there is anecdotal evidence that suggest some clinics refuse to treat patients with complications after a treatment abroad, applying the logic that they are not prepared to clean up someone else’s mess and that the cross-border patient is responsible for the complications (De Sutter, 2011). This victimizes the patients, who are well within their rights when they engage in CBRC for law evasion. It is unethical to deny urgent medical treatment to persons on the ground that they are responsible for their injury.

The only argument that remains against an active role for local physicians in CBRC for law evasion is that they are supporting acts that are against the spirit of the law. Technically, patients have the legal right to travel for reproductive services, which means assisting them in doing so cannot be punishable on the ground of complicity. However, supporting CBRC for law evasion equals supporting practices that are considered immoral in the doctor’s home country. Still, assisted reproduction is subject to a very high degree of moral pluralism, even within societies, so allowing CBRC for law evasion could be seen as a form of tolerance (Pennings, 2004). Moreover, within Europe minimal standards are imposed to prevent unsafe and indisputably immoral practices.

CBRC for law evasion enhances reproductive autonomy for patients. This is only possible if they are adequately informed, in which local physicians can play an important role. It is in the best interest of the patient to have a local physician to turn to during and after CBRC for law evasion. There is no moral ground for third party involvement with the physician patient relationship in this case, meaning that local physicians should be allowed to help patients evade the law of their own country.

Much ado about nothing? Conceptions of well-being in the neuroenhancement discussion

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In the enhancement discussion, it is often stated that enhancement leads to a good life. Being more intelligent, having better memory, staying alert longer or, in general, enhancing cognitive capacities is said to contribute positively to an individual’s well-being. Yet, at a second glance this assumption seems questionable. It is at least not self-evident to what extent e.g. reading books in a short amount of time or remembering all of one’s experiences in every detail adds to quality of life. It seems that certain specific accounts of well-being must be assumed to validate these claims. Therefore, I will in the first part of the paper analyze the relationship between cognitive enhancement and different conceptualizations of well-being as they are discussed in the literature (hedonistic theories, desire based theories, objective list theories).

Within this discussion, the position of Julian Savulescu is especially interesting. He argues that certain goods contribute to well-being on all of the most common accounts of well-being. That is, independent from how one conceptualizes well-being, these ‘all-purpose goods’ would be desirable in any case. According to Savulescu, cognitive capacities are an example of all-purpose goods. Therefore, neuroenhancement would be wanted on all accounts of well-being. One could in this case thus be neutral concerning the conceptualization of well-being. In the second part of the paper, I will critically analyze Savulescu’s reasoning of neuroenhancement as an all-purpose good. I will argue both out of the perspective of (1) disability studies and (2) happiness studies and I will investigate (3) Savulescu’s underlying idea of maximizing goods. First, disability studies emphasizes the role of the environment for evaluating limitations in functionings. Likewise, this role should not be forgotten in evaluating enhancements of functionings. The results of empirical research in disability studies are even more important. They show that disabled people are a lot happier than is commonly assumed and people with cognitive disabilities might even be happier than others. It is vice versa dubious if enhancement of functionings leads to a happier life. Second, I discuss general empirical research about happiness and the role the process of adaption to changes in one’s life plays for evaluating quality of life. We can conclude from happiness studies that it is questionable to what extent we can actually have influence on our own happiness by enhancing our cognitive capacities. Thus, disability studies and happiness studies both make clear that cognitive enhancement does not advance well-being on the most common accounts of it. Third, I will argue that Savulescu does not succeed in being completely neutral concerning conceptions of well-being. At least, he employs an idea of maximizing goods. Yet, not all accounts of well-being will support this understanding. Hence, Savulescu’s standpoint of neuroenhancement as being valuable on all conceptions of the good life needs to be rejected. It can be concluded that in general, the role of neuroenhancement for well-being seems to be overvalued. If we want to aim for the good life, we should rather focus on other things than the enhancement of cognitive functionings.
Rational Agency and the Extrinsic Value of Autonomy
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Having control over one’s own life and happiness is arguably an important aspect of autonomy, one that poses an important challenge to how we understand autonomy’s value. On the one hand, having this control matters deeply to one’s well-being [Control]. On the other, so does participating in loving and meaningful fellowship within an extended community [Moral Community]. But by realizing the latter, one would appear to incur a cost to the former, and vice versa. Extending one’s concerns and projects to include a wider community makes one vulnerable to how well other people fare. By contrast, getting control over one’s life and happiness requires restricting the extent to which one’s concerns and projects are subject to disruptive contingencies, including those contingencies introduced by one’s special relations. These two values are central to our conception of well-being, but they do not appear to be jointly realizable.

I argue that an examination of this apparent conflict against the current options for resolving it provides strong reason for thinking that the value of autonomy is non-intrinsic, but not merely instrumental. Borrowing a page from T.M. Scanlon’s discussion of the value of choice, I propose that autonomy’s special value derives from the way it represents an agent’s rational agency (something that is valuable in itself) and argue that this view is able to resolve the apparent conflict I have outlined. Although the conception of value I employ falls into what is by now a well-recognized category, it is one that has not yet been extended to discussions of autonomy. Furthermore, I argue that the resulting novel account of the value of autonomy bears important advantages over the standard teleological competitors.

Utilitarianism presents us with one standard view of the value of autonomy. On this view, if autonomy or moral community are valuable at all, their value is merely instrumental. If this is this case, we might avoid a direct conflict in values, since any conflict would be on a “higher level” between the values to which autonomy and moral community, respectively, instrumentally contribute. In this respect, the utilitarian view of the value of autonomy (and moral community) might appear to present an attractive way of resolving our apparent conflict. However, the very feature of utilitarianism that resolves the tension also turns out to undermine the attractiveness of Control and Moral Community and the deep role that these commitments play in our moral thinking.

One alternative to utilitarianism is to think that autonomy is the sole source of intrinsic value and that all other goods (including the value of moral community) derive their value from this. Although this view is not Kant’s own, there is nevertheless something recognizably “Kantian” about it. This quasi-Kantian alternative is especially attractive because it states that a conflict between the value of autonomy and moral community is not merely avoidable but rather impossible. Instead of merely pushing back the conflict to a higher level, a defender of the quasi-Kantian view has a story to tell about how the value of moral community is derived from the value of autonomy – the ultimate source of value. Hence, on this view, there is no possibility of a higher level of conflict.

But this view also faces problems. First, there is something implausible or revisionary about the claim that autonomy (understood here as an agent’s control over her own life and happiness) does not conflict with the extension of moral community. Second, to deny this about moral community would appear to diminish something important about its value.

The shortcomings of the utilitarian and quasi-Kantian views of the value of autonomy provide some motivation for thinking seriously about whether autonomy might turn out to be extrinsically, yet non-instrumentally valuable. On this third option, the expansion of one’s moral community might involve a loss of autonomy, but this need not also involve a loss of autonomy’s value. Whether or not value is lost will depend on what the value of autonomy is derived from and whether this further value conflicts with the value of moral community (that is to say, any potential conflict will occur at a higher level). On plausible assumptions about what this further value might be, control over our own life and happiness does have value. In particular, autonomy would appear to be valuable because of the way it non-instrumentally expresses, or represents, the value of rational agency.

Over and above whatever instrumental value it might have, autonomy bears a kind of representative value. It is a value that derives from seeing features of ourselves manifested in our actions. In exercising control over how our lives go, we represent something important
about who we are as rational agents. Furthermore, this control is arguably not a constituent of rational agency itself but rather a sign of it – specifically, of the form it takes in human action.

This view expands the range of options under discussion and shifts the focus of current debates in an important way. The existing literature on the value of autonomy bears no mention of the view that autonomy could be extrinsically yet non-instrumentally valuable. In fact, current consensus would appear to favor non-teleological approaches to understanding autonomy’s value. Perhaps this is because the only acknowledged teleological alternatives fail to capture so much of what is attractive about autonomy and the role that it plays in our ethical thinking. But, as I show in the paper, the view that autonomy is extrinsically yet non-instrumentally valuable does much better than utilitarianism or a quasi-Kantianism. Defenders of non-teleological approaches to understanding the value of autonomy would be better served if they shifted their focus to this new opponent. For if they wish to vindicate their views they need to show that they are superior to the strongest available challengers. If I am correct, the strongest available challenger is clearly the view I am proposing here.

The Role of Love in Children’s Lives
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The question of what makes a life meaningful is a central question in ethics. While much has been said in answer to the question of what makes an adult’s life meaningful, little has been said in answer to the question of what makes a child’s life meaningful. In this essay, I give an account of what it means for children to lead good lives. I argue that loving relationships between children and parents are not only important sources of meaning but also unique conduits for further meaning to be found. The upshot of my discussion is that if we care about children leading good lives, not only happy lives, we will need to radically re-think our attitudes towards procreation, parenting and adoption.

Interpersonal Comparisons of Wellbeing - Reconsidering Harsanyi’s proposal
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This paper is about the infamous problem of getting from intrapersonal to interpersonal comparisons of well-being. This problem has dominated a branch of economics, welfare economics, for a long time. Sceptics argue that it cannot be done, i.e. that it is scientifically illegitimate or even nonsensical to make interpersonal comparisons of well-being. John Harsanyi has proposed a method in the 1950s, but that was too intractable. In this paper I will follow up on Harsanyi’s ideas by applying a recently developed approach in the field of empirical subjective well-being research. I argue that quite some progress can be made on the score of interpersonal comparability in the spirit of Harsanyi’s proposal.

Conceptualising the Well-being of People with Autism
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For centuries, philosophers have provided accounts of well-being and argued about the best conceptualization of well-being. Should well-being (or one’s quality of life) be understood as flourishing, or rather as mental states, such as happiness? Yet the reader interested in understanding the well-being of people with autism will not find much directly helpful work in the philosophy of well-being. There is some empirical research by autism researchers (psychologists, psychiatrists, and neuroscientists) on the quality of life of people with autism, yet hardly any of this is based on sound philosophical analysis.

This paper tries to make some headway in developing an account of well-being for people with autism. The first task this requires is to describe what makes people with autism different from people without autism – which is much less straightforward than one might expect. I will use a combination of egodocuments, narratives and scientific empirical literature to give an account of what the salient aspects are of the well-being of people with autism. This account will then be mapped onto the existing philosophical literature on well-being, to ask which, if any, existing accounts of well-being is best suited to account for the well-being of people with autism, and what, if any, modifications to that account are needed.
Hume. Testimony and Education
Dan O’Brien

Hume claims that “education . . . [is] disclaim’d by philosophy, as a fallacious ground of assent to any opinion” (Treatise 1.3.10.1). This strikes one as rather odd. Surely education is a good way of acquiring beliefs and, one would think, testimonial knowledge. What, then, is the basis for Hume’s claim?

Repetition plays an enlivening role in Hume’s account of the mind. Suppose, that a mere idea alone . . . should frequently make its appearance in the mind, this idea must by degrees acquire a facility and force; and both by its firm hold and easy introduction distinguish itself from any new and unusual idea. (ibid. 1.3.9.16)

“We may feel sickness and pain from the mere force of imagination, and make a malady real by often thinking of it” (ibid. 2.1.11.7) and “liars, by the frequent repetition of their lies, come at last to remember them” (ibid. 1.3.9.19). Here, with respect to the hypochondriac and the liar, the role that repetition plays is epistemically vicious.

Education that involves exposure to observable regularities in the world must according to Hume be a good source of knowledge. Hume’s target, then, is something like rote learning or indoctrination where the repetition involved is not that of experience, but that of testimony alone. Since such testimony can be divorced from experience there is the possibility that learners could be imprinted with almost any beliefs.

Hume also says: “education is an artificial and not a natural cause, and as its maxims are frequently contrary to reason, and even to themselves in different times and places, it is never upon that account recognized by philosophers” (ibid. 1.3.9.19). One interpretation of this is that education is not natural, and thus “artificial”, because—as said—it can inculcate belief independent of the experience we have of natural regularities and our consequent inductive inferences; there is mere testimonial regularity and thus possible indoctrination.

Elsewhere, though—when discussing the distinction between natural and artificial virtues (ibid. 3.2.1)—Hume uses “artificial” to refer to aspects of our behaviour that depend on our social relations with others and that are not innate. Education, then, is artificial in this sense because it relies on various social institutions. The kind of repetitions that lead to belief through education necessarily rely on others rather than on an individual’s own (natural) experience.

If this is so then Hume may not be as dismissive of education as he first appears. Artificial virtues are no less virtuous than natural ones and they too are constitutive of human nature. A person can be honest (an artificial virtue) just as he can be benevolent (a natural one). The artificial method of belief acquisition (education) can be just as epistemically virtuous as the natural method (inductive reasoning). The former route to belief may not be countenanced by “philosophers”—but, what is, after book 1 of the Treatise! Books 2 and 3, however, provide a naturalistic response to the earlier scepticism and then common wisdom—and, I argue, trust in the methods of education—can be accepted. Further, it would seem that the educational context is one conducive to sympathetic belief acquisition and thus the artificial method of education is ultimately grounded in a natural feature of human beings, their sympathetic reactions to others and their sympathetic trust in what educators say.

Philosophy as Science: The Project of the School of Brentano
Carlo Ierna

“The true method of philosophy is none other than that of the natural sciences”: this was the famous thesis of Franz Brentano (1838–1917) that bound his first students to him and became the north star of his school. It is the cornerstone of his project of renewing philosophy as science, and the answer to the questions: what makes science science and what would make philosophy science?

Nowadays Brentano is probably remembered mostly (if at all) for re-introducing the concept of intentionality in philosophy: that all mental acts (believing, fearing, willing, etc.) are directed at something or have something as content. However, though often forgotten and overlooked due to contingent historical circumstances, the scientific paradigm of the School of Brentano was very fruitful and highly
influential, throughout the second half of the 19th and into the 20th century. Brentano already started to attract disciples such as Carl Stumpf and Anton Marty to his cause right after his passionate defence of his thesis. His fame and influence increased when he was called to the chair of philosophy in Vienna and published his Psychology from the Empirical Standpoint in 1874. During the two decades in Vienna he taught ea. Alexius Meinong, Christian von Ehrenfels, Edmund Husserl, and Kazimierz Twardowski. Brentano’s students put his ideals into practice in the movements and schools they founded and influenced: i.a. the Berlin and Graz schools of Gestalt psychology, Prague linguistics, the phenomenological movement and Polish logic. Their diversity and success eclipsed the common background and shared origin of the underlying ideal and their unity as a school, acknowledging Brentano merely as precursor. Brentano’s central role was also insufficiently recognized because his theories had spread mostly through his unpublished teachings and the division of labour he had established in his School obscured the underlying methodological unity. This has even led scholars to speak of “Brentano's invisibility”. Yet Brentano’s project of the renewal of philosophy as science formed the core of the general framework for doing scientific research in philosophy that all his students started out with. What did this framework consist in?

While philosophy would use the method of natural science, its domain would not be nature, but consciousness: a full-blooded science of the mind that did not require a reduction to the physical in order to be scientific. For Brentano, such a science of consciousness was empirical, but not necessarily purely experimental, and relied mostly, though not exclusively, on subjective methods, but was not introspective. Using intentionality as a criterion we can distinguish natural and mental phenomena, i.e. physical and psychical phenomena, or in other words, phenomena of external and internal perception. Physical phenomena would be colour, tone, warmth, etc.; psychical phenomena would be the seeing of the colour, the hearing of the tone, the feeling of the warmth, etc. Hence, philosophy and the Geisteswissenschaften in general would be the sciences that deal primarily with the mind, with consciousness, with its acts, contents, objects and its expressions. While making a clear distinction between the sciences of physical and the sciences of psychical phenomena, the Natur- and Geisteswissenschaften broadly understood, Brentano argues that they are essentially founded on the same empirical method, again broadly understood, and based on perception and experience. Brentano points out that both the sciences of the psychical and the physical have a common source in the analysis of sensations. From this common starting point we can then proceed inductively in both directions, outward and inward, in finding the laws of coexistence and succession of all phenomena. More specifically, we can first induce more general laws, then deduce more specific ones, and finally verify them through concrete experience. For Brentano, philosophy is not done by grandiose speculation, but by humble, detailed investigation. “We are taking the first steps towards the renewal of philosophy as science” he told his students, not by building up “proud systems”, but by humbly “cultivating fallow scientific ground”.

As we can see from the success and influence of his students and their schools, Brentano’s project of renewing philosophy as science turned out to be quite fruitful in highly disparate fields. My main goal is to provide a reconstruction and reassessment of Brentano’s project as a foundational and unifying factor in the School of Brentano. Brentano’s ideal of philosophy as science is to all effects “a programme for scientific research” showing that it is possible to conduct scientific research in philosophy and that the Geisteswissenschaften can be understood to be indeed full-blooded sciences in their own right: unnatural sciences.

**Philosophy as philosophy of culture? Hegel's speculative idea as destiny of neo-Kantian idealism**

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One of the basic ideas of neo-Kantianism, especially of its Southwest School (Wilhelm Windelband, Heinrich Rickert, Emil Lask, Bruno Bauch, Jonas Cohn et al.) is that philosophy is philosophy of values, i.e. of determining factors of human orientation, and as a comprehensive philosophy of values turns out to be philosophy of culture. Whereas on the one side this idea of philosophy stems from a Fichte-inspired creative interpretation and appropriation of Kant’s philosophy, rejuvenating his Copernican turn in order to deal with problems the neo-Kantians were facing in their time, on the other side framing philosophy as philosophy of culture leads to intricate problems concerning the Hegelian challenge of a system of philosophy doing justice to the project of philosophy as self-knowledge, a project also the neo-Kantians adhere.

In my presentation I will discuss critically the neo-Kantian idea that philosophy is philosophy of culture. In contemporary philosophy (and beyond) this idea as such is attractive to many as living in a postmodern world seems to be characterized by a kind of plurality, expressed by notions like e.g. the multicultural society, that is in need for a philosophy conceptualized as a philosophy of culture rather than for a philosophy conceptualized as philosophy of One overarching ‘reason’ or ‘idea’. Indeed, neo-Kantianism is what has recently be called the “serious beginning” of the philosophy of culture as an academic discipline.

First I will develop the neo-Kantian idea of philosophy as a philosophy of culture, positioning this idea within a set of other ideas essential for neo-Kantian philosophy; ideas about e.g. Kant and transcendental foundations, validity, epistemology, worldviews,
subjectivity and the like. Second, taking some Hegelian challenges into account, I will articulate three basic problems which arise within
the scope of philosophy as philosophy of culture: the relation between self-knowledge and self-formation, the problem of practical values
within the whole of values, leading to the problem of a general concept of actualizing validity, i.e. values, hence freedom.

Parallel 2b: Idealism, realism, empiricism - Approaches to early post-Kantian philosophy

Time: Friday, 15/Nov/2013: 5:15pm - 6:45pm · Location: Basel (M2-07)
Session Chair: Paul Ziche

This panel will present studies dealing with one of the crucial conceptual developments in the history of modern philosophy, and in the
history of science: the emergence and early role of large-scale labels such as “empiricism” or “realism”. We tend to assume that the
history of philosophy, and the history of ideas in general, fall neatly apart under such labels. The historian’s look, however, teaches
otherwise: Not only are those labels of fairly recent origin; their early history is, perhaps even more surprisingly, characterized by a
remarkable openness that is at odds with our present-day classifications. The crucial period can be located broadly around 1800; while
the French Encyclopédie, for example, did not employ the term “empiricism” in any way resembling current usage, we do indeed find an
explicit empiricism-rationalism dichotomy in the works of Kant. The openness of those labels is strikingly illustrated by the fact that,
around 1800, it has been possible to regard virtually every philosopher or scientist, completely unrelated to our present-day
classifications, as an ‘empiricist’ (and that mostly with a negative accent to it): Kant himself, his fellow-idealist Fichte, Descartes,
otherwise known as the arch-rationalist, and Newton were labelled as, and criticized for being, ‘empiricists’. These observations
concerning the history of the terms that we use, frequently without further reflection, for structuring the world of ideas, raise important
questions: when, and for which reasons, were the decisions taken that lead to the system of concepts for philosophical and scientific
movements as we know it today? Which arguments had to be exchanged in order to channel the open conceptual landscape that we
encounter around 1800 into the more rigid classifications of later periods? These questions concern the history of philosophy and
equally that of the sciences; they can shed light on issues related to the formation of our present-day system of scientific disciplines, and
they allow a historically informed approach to concepts and ideas that are today mostly taken for granted.

Realism – new models for accessing reality
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Due to the reputation that idealists like Fichte and Hegel have accumulated, research on the late-18th – early-19th century period tends
to focus on the way their contemporaries misunderstood their position and imply a increasing level of sophistication leading up to Hegel.
However, this account does not do justice to the ideas that inform the realist side of the debate. Even if an account can be made that,
for instance, Jacobi’s open letter to Fichte (Jacobi, 1799) is informed by a misreading of Fichte’s position, a systematical account of the
debate should be made which gives an account of what Jacobi objected to in terms to his own realist intuition. Subsequently, Fichte’s
responses (Fichte, 1800/1801) should undergo the same examination. The aim of this methodology is not to decide who is right or
wrong, but to elucidate the problematic core relation between reality and knowledge which Kant established as a fundamental problem
of science and which became the subject of a major polemical debate at the turn of the 19th century. This project will focus on two
distinct trajectories in order to do justice to the way the position of realism emerged through public and private debate: 1) the theoretical
development, which led to the formulation of realism through dispute with opposing positions and 2) a chronological development of the
debate, highlighting the personal conflicts between the realist and idealist adherents, focusing on their personal intuitions. These
trajectories intersect, but must necessary be maintained as two research foci in order to avoid gaps in the reconstruction of the realist
position. For instance, in theoretical development it is essential to account for the influence of Maimon’s reinterpretation of Spinoza,
which greatly influenced the idealists and in turn solicited a related response from the realists, without them being aware of Maimon’s
reinterpretation itself. Conversely, a purely theoretical approach leaves out the personal intuition and argumentation of someone like
Reinhold, who has been a proponent of both positions, and who can therefore, through an examination of his intuitions, offer valuable
insights into the relation between the core Kantian problem and the realism-idealism dispute.
Kantian psychology: beginnings of an impossible science

Peter Sperber

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Kant’s judgement with regard to an empirical science of psychology is both clear and well known; he considers such a science to be impossible because one cannot apply mathematics to mental objects. He is even more clear in stating that the cognitive structures that he explores in his three critiques cannot be the objects of empirical research. It is therefore at the very least surprising that around 1800 one finds several thinkers who explicitly confess their adherence to Kant’s philosophy, but at the same time both try to develop an empirical psychology, and place these cognitive structures within the boundaries of this new psychology. Examples of such attempts of developing a Kantian psychology can be found in Jakob Friedrich Fries’ Neue oder Anthropologische Kritik der Vernunft (1807) and Carl Christian Erhard Schmid’s Empirische Psychologie (1791). Interestingly, these writers do not only consider themselves to be merely inspired by Kant, but someone like Fries explicitly claims that his endeavour manifests the true spirit of Kant’s philosophy, as opposed to such thinkers as Fichte and Schelling, who have only confused the central insights of Kant, and have replaced science with pure phantasy.

In this presentation we will examine the appropriation of Kant by these early empirical psychologists. We will ask what they found in Kant’s works that enabled them to consider themselves the true champions of Kantian philosophy. Which parts of Kant’s corpus were highlighted by these thinkers, and which were pushed to the background? And how did these thinkers respond to Kant’s objection against the possibility of an empirical psychology? The answers to these questions will form part of the project that will attempt to shed light on how it was possibly around 1800 for such a variety of widely divergent movements to all consider themselves the true successors of Kant.

Varieties of empiricism

Timmy de Goeij

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His guiding question for the third project can be formulated as follows: What are the conceptual decisions and arguments that played a formative role in the genesis of the label of ‘empiricism’ around 1800? While our notion of empiricism is of relative recent origin, namely a product of the late 18th and early 19th centuries, there has not been extensive research into its early usage and the formative debates that helped shape it. Considering the broad scope and historical significance of the notion of empiricism, this constitutes an important gap in contemporary scholarship. The label ‘empiricism’ acquires its meaning in the writings of Kant and in the immediate post-Kantian debates on the role of experience. Already in Kant’s Critique of pure reason the label ‘empiricism’ is contrasted with ‘rationalism’ and refers us to the epistemological problematic concerning the source of all our knowledge. However, Kant also associates it with anti-moral and anti-theological doctrines, and notices that it forms an obstacle to the idea of a system as such. These characterizations refer us to the problematic concerning freedom and that of a system of philosophy, and have had a huge influence on the genesis of the label of ‘empiricism’. Whereas Kant left open the possibility of an undogmatic form of empiricism, under the systematic spirit of Reinhold ‘empiricism’ was made a label for the dogmatic system that takes experience as its fundamental principle. By connecting ‘empiricism’ with the notion of ‘system’, it became a powerful rhetorical tool for rejecting the so called ‘empiricists’ of the eighteenth-century as proponents of a self-defeating system. Fichte, on the other hand, famously rejected empiricism on the basis of its anti-moral rejection of freedom. In the Critique Kant had also noticed that the empiricist attitude has the theoretical advantage of preventing experience-independent speculation, which had been a constant tendency in previous German philosophy. Whereas neither Fichte nor Schelling would regard experience as either the primary principle of a system or as the exclusive basis for verification, they do treat it as a source of falsification to prevent idle speculation, while the later Schelling even broadens the notion of the empirical to encompass non-sensible experience, and incorporates it in his positive philosophy as the source for knowledge of existence. However, the full extent of the problematic concerning the role of experience gets unfolded in the works of Schelling and Hegel around 1800. They not only use ‘empiricism’ as a specific label to refer to the experience-based system of philosophy that rejects freedom, but also as a general label to designate every mode of thinking that has the tendency to absolutize experience in one way or another. Thus, Descartes is labelled an ‘empiricist’ for his mechanistic natural philosophy, Kant for the presumed absolute authority in his logic, while Hegel in Glauben und Wissen also labels Jacobi and Fichte as ‘empiricists’. The undeterminedness of the label of ‘empiricism’ provided the conceptual space were important decisions could be made concerning the role of experience, and the relations between philosophy, science, morality and religion – decisions which continue to structure the contemporary intellectual landscape.
A pragmatic approach to causality
Sander Beckers, Joost Vennekens
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Since Pearl’s seminal work on providing a formal language for causality, the subject has garnered a lot of interest among philosophers and researchers in artificial intelligence alike. One of the most debated topics in this context regards the notion of actual causation, or token causation, which concerns itself with specific - as opposed to general - causal claims. The search for a proper formal definition of actual causation has evolved into a controversial debate that is pervaded with ambiguities and confusion. The standard procedure to defend one’s definition is to go over certain pivotal examples and argue that the proposed definition matches up with basic intuitions regarding these. If, however, one is confronted with an example that gives rise to stubborn counterintuitive answers, the strategy is to argue that the usual way of portraying the example is misleading, and that when modelled properly - i.e., using one’s own formal resources - these counterintuitions disappear.

There are thus two major obstacles that hinder significant advances in this debate. First, the different parties make use of different formal languages (or lack a formal language altogether), making it hard to compare their definitions. Second, each of the conflicting intuitions that give rise to disagreement strikes a chord in one or other example, so we cannot dismiss any of them as completely inappropriate. We aim to remove the first of these obstacles by introducing a formal paradigm that is expressive enough to accommodate the main existing approaches. Second, we will shift focus from a general and abstract discussion of causation towards an instrumental view, i.e., towards applications of causal reasoning. By doing so, it will become clear that the different and conflicting intuitions often stem from different types of applications which justify them. It is important to note that here we do not take a position concerning actual causation, but rather provide a general framework in which different positions can both be expressed and motivated.

Our formal paradigm, CP-logic (Causal Probabilistic-logic), uses a Prolog-like syntax in combination with a more refined and expressive semantics. A CP-theory consist of CP-laws, which are modular, nondeterministic causal laws between propositional conditions and possible atomic effects. CP-logic has an explicitly dynamic semantics. This means that probability trees are used to represent the unfolding of events according to a CP-theory, in which initially by default all atoms are false and only become true when caused. A probability tree defined by a CP-theory T determines a probability distribution PT over all variables. Each branch of such a tree corresponds to a particular chain of events, i.e., a story S, meaning one particular way of how the causal domain might unfold from an initial state - described by a truth assignment to a set of exogenous variables - into an end state.

Assume we are looking at a causal domain that is described by a causal theory T. Our goal is to distinguish between different situations in which (variants of) the following question arises: “Given that we desire outcome E, should we perform action C or not?”. This instrumental question is far more clear than its causal counterpart: “Is C a cause of E?”. To answer it we need to verify the following inequality, where T0 is a CP-theory constructed out of T, e is the available evidence regarding exogenous variables, and the do() operator is borrowed from Pearl to indicate an intervention:

\[ PT_0(E|do(C);e) > PT_0(E|do(\neg C);e) \]

The crux of the matter lies in the fact that to different situations correspond different ways of constructing T0 out of T. The interesting situations - i.e., those that are related to actual causation - arise when we have already observed a particular story S in which events C and E took place, because then the given question comes down to: “Given that we desire outcome E again, should we perform action C again or not?”. Obviously the answer depends on the similarity between the story S0 that can take place according to T0 and the already observed story S. Therefore we shall delineate the different situations we wish to consider by looking at the different ways in which these stories may be similar. S provides three types of information: it contains evidence concerning the exogenous variables, it tells us which laws happened and in which order, and for those laws that happened it tells us which possible effects of those laws became actualised. Except for situations of general causation, the first type of information will always be transferred to S0.
The second and third types of information, however, each give rise to three options concerning the similarity between S0 and S. Therefore, combining the different levels of similarity between S and S0 from the second and third type of information gives nine options of constructing T0 out of T, where some of these options can be partitioned even further. Although some of these options will turn out not to correspond to meaningful practical situations, many of them do describe concrete situations. More importantly, we believe that many examples in the literature on actual causation rely on intuitions that are based on these situations. In the full paper we will therefore give an in-depth description of each situation and investigate its relation to examples and intuitions concerning actual causation. Now it may very well be that the concept of actual causation is diverse enough to encompass several of these situations rather than just one of them, but nonetheless it is worthwhile to partition the causal spectrum in this manner to disambiguate the discussion and to provide a frame of reference. Furthermore, from a pragmatic perspective we simply need to find out which situation is applicable in a given context and the whole matter of there genuinely being actual causation or not can be set aside.

**Criticism in need of clarification**

**Jan Albert van Laar**

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In this paper, I shall discuss a problem in the philosophy of argument. The norms for argumentative dialogue should enable the participants to find a proper balance between cooperation and competition. On the one hand, they should cooperate in order to achieve such a dialogue's main goal, which is the resolution of conflicts of opinion on the merits of both sides. On the other, they should try to convince one another, so as to exploit their dialogical division of labour, and to attempt to arrive at a result or resolution that is based on all relevant considerations available to them. In this paper, I shall take a look at the responsibilities and obligations of the opponent (antagonist, critic) in such a normative framework. How should she balance her individual aim to undermine the proponent's (protagonist's, arguer's) attempt to convince her with the collective goal to arrive at a resolution?

In this paper, I shall explain how the opponent's competitiveness must be mitigated by making her responsible, and in some situations even obligated, for providing the proponent with counter-considerations that explain to the proponent what motivates and underlies her critical stance, thus assisting the proponent in developing an argumentative strategy that defuses them. Different from others, I shall defend that this constitutes a "burden of criticism" on the opponent's part, which is different from a "burden of proof."

A critic often conveys what underlies her criticism, but imprecisely, leaving it unclear to the arguer what argumentative strategy to adopt. In this paper, I expand on the theory of criticism by examining the required level of specificity of counter-considerations. The question to be answered is: To what extent should the opponent specify, or disambiguate, or elaborate on, or clarify her critical stance by way of such counter-considerations? What set of fair dialogue rules would enable the proponent to urge the opponent to specify her critical attitude further, without making it too hard on an opponent who has no special expertise on the topic at hand, or lacks otherwise resources that enable her to be sufficiently precise about her critical position? Four norms shall be proposed that can be implemented within a formal model of dialogue.

This paper elaborates on responsibilities and obligations of taking a critical stance, and elaborates on the theory of argumentation schemes (Walton, Reed and Macagno, 2008), and the theory of criticism (Krabbe 2007; Van Laar and Krabbe 2012).

**In Carnap’s Defense**

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The main question in this paper is whether or not Carnap’s dichotomies, such as internal-external or analytic-synthetic distinctions, are to be construed as absolute or fundamental dichotomies. Based on the given interpretation of a “linguistic framework” (LF) in the paper, I will argue that, according to Carnap, all the mentioned dichotomies are to be considered as relative dichotomies as to conventional decisions concerning the logical syntax of LF. All of the dichotomies are directly hinges upon the conception of LF, and the LF’s logical structure, in turn, is an immediate consequence of adopting the linguistic doctrine of logical truths (LD). As we will see, no appeal to any of these distinctions is necessary in establishing a LF and all of its components.

Quine-Carnap debate is one of the well-known debates in the history of modern philosophy. For Carnap, ontological questions in the form of e.g. “is/are there so and so?” are meaningless if we consider them as questions external to what he calls a LF; in other words, Carnap believes ontological questions, in general, are to be asked meaningfully only inside an adopted LF (Carnap, 1950). Whereas Quine does not split the questions and argues that Carnap’s external-internal distinction is only based on a fundamental analytic-synthetic distinction which, in Quine’s view, is both wrong and useless (W. V. O. Quine, 1951, p. 43). In the course of this paper, many
distinctions or dichotomies, introduced by Carnap, will be presented; dichotomies such as internal-external distinction (henceforth IED), analytic-synthetic distinction (henceforth ASD), and factual-theoretical distinction.

In the literature, hitherto, numerous scholars and commentators devoted at least parts of their works to reflect on or to discuss about the Quine-Carnap dispute. Among those who defended Carnap’s positions, some think Carnap’s position can be made immune from Quine’s criticism if one has a proper look at the relationships between Carnap’s dichotomies (Yablo, 1998), (Bird, 1995). Some philosophers argue Quine is equally guilty of the same charge with which Carnap is being accused (Berge, 1995) (Burgess, 2004). There are also others who do not question the fundamentality of the ASD but they take this distinction to be a representative of some other deeper distinctions (O’Grady, 1999) (Lavers, 2012). Furthermore, there are philosophers who argue that Carnap’s neutral ontological position is achievable via some modifications. Friedman (Friedman, 2009), for example, argues that if Carnap’s scientific theory be regarded in conjunction with Ramsey sentences, neutrality of Carnap’s ontological position can be restored. Others like Grice and Strawson (Grice, 1956) argue that Quine’s criticism is simply not enough for rejecting the ASD.

From a different angle, philosophers like Hintikka tend to evaluate Carnap’s general philosophy of science without engaging directly into the debate about the dichotomies. Hintikka (Hintikka, 1992), believes that focusing on Carnap’s dichotomies would not be of any help to reveal the real problem about the general dynamics of Carnap’s thoughts. According to him, although it may appear to be the case that Carnap takes the language as a calculus, yet Carnap maintains the idea of the universality of language as opposed to regarding language as a calculus, and for him that is what problematic.

One may see, in all of the above mentioned examples, one of the questions that has not received enough attention is the fundamentality of the dichotomies; are ASD or IED taken to be fundamental distinctions in Carnap’s thoughts? Or, they are relative distinctions. Consistent with the given interpretation of LF in this paper, I will argue that, according to Carnap, all the mentioned dichotomies are to be considered as relative dichotomies.

The argument starts by giving the grounds upon which the conception of language became central in Carnap’s thoughts. In this section, I will talk about the influences of Wittgenstein and Neurath that caused a shift in Carnap’s general view on language and led to the adoption of LD in Vienna Circle. In the next section the consequences of such an adoption would be discussed and I will show how the framework for a complete language analysis, proposed by Carnap (Carnap, 1939), stems from the Vienna Circle’s LD. In the following sections the construction of a LF would be scrutinized in more detail and we will see in this construction no appeal to any of the above mentioned dichotomies is necessary. In addition, I will show also that Carnap acknowledges the possibility of an analytic-synthetic conversion. In fact, this datum alone should be enough to establish the relativity of the dichotomies in Carnap’s theory. I will also show that there is a difference between what Carnap calls “way of speaking” and what he considers to be an “artificial language”. Consequently, I will conclude that none of Quine’s major objections would address the main points of Carnap’s theory. And, I will conclude that LF is an immediate and unobjectionable conception following the admission of LD, and that Carnap’s distinctions cannot be construed as absolute distinctions. I also find Carnap’s model for language analysis more fruitful and constructive compared to that of Quine’s, which in my view, is more in accordance with the traditional ways of thinking about philosophical problems.

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**Parallel 2d: Epistemology meets ethics**

*Time:* Friday, 15/Nov/2013: 5:15pm - 6:45pm  ·  *Location:* Melbourne (M2-09)

**Session Chair:** Rafaela Hillerbrand

**How to think about Thought Experiments?**

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Thought experiments are widely employed in all domains of philosophy and beyond. Yet the question is: what are they, and how exactly should they to be used? Are they arguments? Are there right and wrong ways to use them and, if so, on what basis can we evaluate that? In this paper, we identify two lacunas in the existing proposals by Hägqvist and Williamson, and present our own so-called Isolation Model. Throughout the paper, we use Thomson’s famous cases (with trolleys, surgeons, and health pebbles) to illustrate our argument.
When Does Ignorance Excuse?
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Many philosophers acknowledge that there is an epistemic restriction on what we are responsible for: if our actions are bad, we are blameworthy only if we were not exculpatory ignorant. For example, I am blameworthy for my slavery footprint only if my ignorance does not take away my responsibility. Yet the question is: when exactly does ignorance provide a valid excuse? In this paper, I defend a new answer to this principal question.

What Is It to Believe Responsibly?
Rik Peels
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Several philosophers, especially William Alston, have argued that we lack control over our beliefs. Given that ‘ought’ implies ‘can’, they conclude that epistemic justification should not be spelled out in terms of praise, blame, and responsibility. However, this argument threatens the very idea that we are responsible for our beliefs, something that is widely assumed in all sorts of social practices. In response to the argument, some philosophers have suggested that responsibility for our beliefs can be spelled out in terms of influence rather than control. The main idea is that we control certain factors that influence what we believe without controlling those beliefs themselves, that we have certain intellectual obligations with regard to such belief-influencing factors, and that we can be held responsible for our beliefs in virtue of our ability to meet such obligations. However, until such a view is spelled out in some detail, it is hard to see whether it does indeed save responsibility for belief. The aim of this talk is to do precisely that. First, I argue that there are three main factors that we often control and that influence what we believe: doxastic mechanisms, cognitive situatedness, and intellectual virtues and vices. Next, I argue that an obligation to perform a belief-influencing action is an intellectual obligation only if violating that obligation results in or maintains beliefs that are in a sense to be explained bad. Subsequently, I give an account of what I consider to be our main intellectual obligations. Finally, I show how precisely doxastic responsibility is related to whether or not one has met one’s intellectual obligations. If the account is convincing, then, whether or not epistemic justification can be cashed out in terms of praise and blame, the very idea of responsibility for our beliefs is no longer under threat.

Parallel 2e: Self management and illness

Time: Friday, 15/Nov/2013: 5:15pm - 6:45pm · Location: Rochester (M2-10)
Session Chair: An Ravelingien

The concept of self-management plays a central role in contemporary health care policy and innovation. Patients take their own measurements, administer their own medicine, and follow online therapy modules. By taking more responsibility for their own health care, it is argued that patients are able to better tailor their care to their personal situation. In view of rising health care costs, further developments along these lines may be necessary to keep future health care affordable. What are the ethical challenges posed by self-management in health care? What does it presuppose about the “self” of the patient? How do we make responsible self-management policies? In this panel session, we discuss different cases in order to increase our understanding of the relation between illness and self. Strijbos and Van Geelen argue that in the case of mental illness, patients may be especially poor at managing themselves. Psychiatric care, therefore, requires an interplay of "management by self" and "management of self". Nickel argues that illness can affect the relation between one’s present self and one's future self in ways currently overlooked by philosophers of agency, which sheds new light on the nature of self-trust. Finally, Voerman argues that since the human self is deeply opaque concerning its own needs, clinicians must often have a role as co-interpreters about not only the patient’s medical conditions but also her personal situation. This results in certain ethical requirements for telecare innovation.

Illness and Agency
Philip Nickel
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Many accounts of cross-temporal agency emphasize the motivational aspects of cross-temporal agency. I describe Michael Bratman’s (2007) view as a prominent example. Such accounts make it seem as if successful diachronic action is mainly a matter of having
sufficient capacity to exert the right kind of control over one’s later self or one’s identity. Although the picture of motivation and control on these views is often complex and nuanced, distinguishing direct vs. indirect control (“management”), their conception of agency and the practical self focuses on what the subject can influence by various means (what is in her causal power, where this can be viewed naturalistically or in a compatibilist light), in light of what is reasonable or what is endorsed by her.

From the point of view of these motivational theories of agency, a natural way to account for how illness affects agency is to suppose that it either (a) directly undermines the capacity for valuing and/or choice, or (b) limits the options that are available to the agent. Unless the capacity is directly undermined, such threats are, from the point of view of motivational theories, external facts about risk or uncertainty to which a well-functioning motivational capacity either properly or improperly responds - by persevering, revising plans, or giving up. But neither (a) nor (b) adequately captures the most significant way in which illness affects cross-temporal agency: via uncertainties about one’s future capacities. To remedy this I set out a conception of self-trust on which threats to bodily and mental capacities undermine self-trust and thus form genuine threats to cross-temporal agency. This account better explains the impact of illness and medical malfunction on agency.

On the proposed view, my capacity to remain motivated is one of many purposive capacities on which I rely in cross-temporal action. There are two main ways in which I can rely on these purposive capacities: strategically and normatively. Strategic reliance on purposive capacities is a matter of betting that one’s reliance on those capacities will work. In strategic reliance, reliance on one’s future self is “worth it” from the point of view of the subject, and this makes initiating cross-temporal agency rational. But strategic reliance alone does not properly account for our normative attitudes toward purposive capacities: our affective responses to success (fulfilment of the purpose) or failure (non-fulfilment). Some of these capacities carry a strong presupposition that I am entitled to rely on them in my actions, a presupposition that is tied up with our ideas of normal, healthy functioning. This suggests that the normative attitudes we have toward purposive capacities are grounded in a kind of trust. They are expectations that the thing should work in a certain way. I call willingness to rely on one’s own capacities on the basis of these expectations self-trust. It includes reliance on one’s own capacity for motivational stability, and other capacities as well. Illness sometimes involves a breakdown of self-trust or an oscillation between trust and mistrust, threatening cross-temporal agency. I conclude by describing some ways in which this view suggests practical means of reinforcing self-trust by externalizing it to the environment or providing scaffolding to one’s own trust.

Management of the Self in Psychosomatics and Psychiatry: A Perspective From the Humanities

Derek Strijbos, Stefan van Geelen

Over the last years, there has been an increasing call for self-management in mental health care. This approach acknowledges patients as ‘expert-clients’, who share knowledge and expertise with professional care-takers, and it actively involves them in the management of their own care. Such an approach is argued to have great advantages. Self-management strategies promise to make health care more efficient, more effective, and are in line with widely accepted theoretical developments that underline the importance of the self-experience of patients. Presently, however, self-management is largely implemented as disease management by the patients themselves (i.e. management by self). This is problematic because it does not acknowledge that self-experience and personal agency are often core problems in psychosomatic and psychiatric disorders. Once it is recognized that the patient’s ‘self’ is affected in mental illness as well, the idea of self-management starts to pose profound theoretical, ethical and clinical problems.

A truly effective, efficient and theoretically productive approach to self-management in mental health care, we argue, requires that we also understand it as a management of self. In order for this approach to be successful, it is necessary that the notion of ‘management of self’ is addressed at a conceptual, fundamental level. This requires a methodological framework that addresses the complexities of the understanding of self, both in a theoretical and a clinical-practical context. Approaches within the humanities, including narratology, phenomenology, philosophy of mind and ethics, offer seminal contributions to this framework. Management of the self thus asks for a truly interdisciplinary method, which reactivates and intensifies the dialogue between the aforementioned set of disciplines and the medical sciences.

An integrative approach should synthesize theoretical insights into dimensions of the self with knowledge of practical aspects of self-management. It should for example take into account the different dimensions of self-experience, both pre-reflective (e.g. embodied, affective and intersubjective dimensions) and reflective (e.g. narrative self-construction). Our approach recognizes that self-management has important ethical and clinical aspects as well. It therefore also addresses the conditions that need to be met for the individual patient to reach the level of competence necessary for autonomous and responsible agency in self-management. Furthermore, we argue that in a practical-clinical context, shared expertise, and psychiatric and psychosomatic self-experience need to
be incorporated into a strategy for management of the patients' selves. We illustrate these arguments with several case examples of psychosomatic and psychiatric patients.

Managing Oneself in Telecare Environments
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Innovations in home health care technology are largely directed towards promoting self-management. In this paper I argue that a patient can only manage her own health problems insofar she can trust her clinician and her telecare environment to make certain decisions for her. Furthermore, I argue that her interests are partly opaque to her "managing self", which means that her clinician shares a responsibility with her to interpret and act upon those interests, rather than this being fully her own responsibility. A telecare environment promotes self-management in a meaningful way when it allows patient and doctor to jointly and interactively tailor that environment to the patient's needs.

I start out by discussing which telecare technologies are usually taken to enhance self-management. Patients perform measurements at home and are responsible for uploading data. E-coaching provides new tools for patients to plan, monitor, and control a healthier lifestyle. Online portals allow patients to systematically and more precisely register and report their symptoms and problems to their clinicians. Staying at home or at work also allows patients to stay in charge of their lives in a more general sense, making health care less disruptive and more comfortable. I will discuss results from an interdisciplinary research project on attitudes of trust among COPD patients that use telecoaching, and hypertension patients that use telemonitoring systems.

Next, I develop an analogy between the concept of self-management and that of informed consent. Both are understood as contributing to patient autonomy, and both may actually undermine that autonomy if operationalized in the wrong way. In the case of informed consent, the problem is that patients face increasingly unworkable consent forms in order for institutions to establish that the patient has signed off on all relevant information about their treatment. In the case of self-management, the problem could become that caretakers and telecare developers will increasingly view themselves as service providers that the autonomous patient decides to make use of in order to manage their health.

A more promising way to think about autonomy is in terms of trust (e.g. O'Neil 2000, Autonomy and Trust in Bioethics, Cambridge UP) and tailoring. You respect the autonomy of a patient by giving her good reasons to trust that you provide her with information and care tailored to her individual needs and values. In the case of consent, that means providing information which enables the patient to decide between treatment alternatives from her own perspective. In the case of self-management, it means that health care providers are responsible for their patients in a way that service-providers are not responsible for their customers. The patient needs good reasons to trust that her self-caring activities address her medical needs in ways that she herself may not be in the best position to understand, which means that she trusts her clinical environment - both her medical doctor and the relevant home health technology - to "manage her self-management."

Parallel 2f: Moral Psychology (I)

Moral Intuitions and Moral Foundations
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Two of the most influential and philosophically interesting recent psychological accounts of moral cognition are the Social Intuitionist (SI) model and Moral Foundations (MF) theory. SI holds that moral judgments are made intuitively; the function of moral reasoning, then, is to rationalize those intuitions ex post. MF holds that people's moral intuitions have five (more recently: six) distinct foundations. These two theories – both developed by Jonathan Haidt – are supposed to complement and mutually support each other. I wish to argue, firstly, that the two are actually incompatible. Secondly, this leads to the question which of them we ought to reject. I will argue: both.

Here is how the argument goes: in order for Haidt's pessimism about the role of moral reasoning to go through, it must be assumed not only that people cannot articulate the morally relevant reasons they might have for their moral judgments, but that they stick to their
judgments even when such reasons are objectively absent. Only the latter case deserves to be described as genuine dumbfounding. However, the claim, presupposed by SI – that the only morally relevant reasons there are, are harm-based consequentialist reasons – is strikingly inconsistent with the main claim of MF, which is that harm-based consequentialist reasons are not the only morally relevant ones.

If SI and MF are mutually incompatible, which of the two should be given up? On the one hand, I will argue that we should give up SI, because its claim that moral reasoning plays no formative role for moral judgment is empirically false. In fact, it can be shown that both distal and proximal moral reasoning have a significant impact on subjects’ moral intuitions. On the other hand, it turns out that the very evidence which leads to a rejection of SI also casts doubt on MF. When it comes to the content of people’s moral convictions, moral reasoning tends to selectively undermine only those intuitions which are based on the foundations that go beyond harm and rights (such as purity, authority, and community).

Beyond cheating and authenticity: Why enhanced agents deserve less praise
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It is a common opinion that subjects who deliver good performances under the influence of pharmacological enhancers deserve less praise than those who deliver the same performance without using those enhancers. People tend for example to attribute less praise to successful athletes and students when they find out that these have used drugs to enhance their athletic or cognitive performances. In the current philosophical literature this judgement is usually justified in two different ways. On the one hand, some think that the less-praise intuition is justified by a concern for fairness. They think that the reason why we may attribute enhanced athletes or students less praise is simply that they played against the rules, and therefore that they cheated. Reduced praise for good performance is in this perspective justified by the counterbalancing effect of the blame that agents deserve for cheating (the cheating thesis). On the other hand, many think that the less-praise intuition is grounded in a metaphysical concern for the subject’s identity. They think that the reason why enhanced athletes/students deserve less praise is that the use of enhancers made that performance not attributable to them or to their capacities in the first place. The diminution of praiseworthiness depends in this perspective on the enhanced subjects’ not being themselves at the time of action or not really acting in the circumstances (the authenticity thesis).

In this paper we propose a better and more comprehensive justification for the ‘less-praise for enhanced agents’ judgement, based on a more fine-grained analysis of the nature of the activities involved. We argue that human activities are defined also through their ‘point’. The point of various sports and educational tests is to measure (or to promote) certain specific athletic or intellectual abilities. For example, the point of (professional) cycling is to measure the ability to cover long distances by bike and without engines; the point of university tests to measure the ability of students to remember notions without opening their books or searching the web, and so on. Certain rules are then not only regulative but also constitutive – i.e. essential for the existence and the definition – of these kind of activities. We then claim that the general reason why praise is not deserved by enhanced athletes and students is because the nature of sport and education excludes the use of (pharmacological) enhancers. This must not be read as a essentialist claim about the nature of sport and education – the use of pharmacological enhancers could legitimately become part of the nature of these activities in the future. However, as things stand, this is not in fact what these activities involve. Consequently, enhanced athletes and students engage in different activities than the ones for which praise was meant to be attributed – they are engaged in enhanced-sport and in enhanced-education. This explains why enhanced athletes and students, in general, may not deserve praise – because if they deserve praise then it is for engaging in a different activity. We hold this justification to be better than the authenticity thesis, as this unreasonably sticks to the idea that enhanced athletes cannot be attributed their performances, and therefore they cannot be praised for these under any description. We hold our justification to be more comprehensive than the cheating thesis as this claims that the only occasions in which the ‘less-praise for enhanced agents’ judgement is justified is when the praise that the agents would deserve is counterbalanced by the blame for some particular morally objectionable or unfair behaviour on their part.

How do I tell who I am? Re-considering narrative identity
Alexandre Erler

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In The Constitution of Selves, Marya Schechtman helpfully distinguishes between two possible senses of the question: “who am I?": one having to do with the reidentification of an individual through time, and another one concerning the characterization of a person in terms of the fundamental qualities that make her who she is (Schechtman, 1996). While the reidentification question has already been the subject of a vast philosophical literature, less attention has been given by philosophers to the characterization question, even though,
just like the former, it is arguably a significant one for each of us. Knowing who we are is often assumed to be of value for its own sake, and it is also deemed an essential source of guidance for the important choices we need to make in our lives. As David DeGrazia puts it, the characterization question is concerned with our narrative identity, as opposed to our numerical identity through time. The practical significance of our understanding of narrative identity has also recently become salient in the “human enhancement” debate (DeGrazia, 2005).

Schechtman’s account of narrative identity is one of the most widely discussed and influential ones within contemporary analytical philosophy. On her view, the features that are part of our narrative identity are those that figure in the self-told story of our lives, provided that this story meets constraints about “articulation” and “reality”. Yet as Hilde Lindemann has pointed out (Lindemann Nelson, 2001), there are various problems with Schechtman’s analysis (problems that transfer to other views, like DeGrazia’s, inspired by hers). In this paper, building on Lindemann’s work, I begin by further setting out what these problems are. First, Schechtman’s account leaves out the importance of other people’s view and treatment of us for shaping our identity, and gives too much weight to our own first-person perspective; and secondly, the reality constraint she proposes is inadequate, due to its dependence on the contingent state of people’s knowledge of a person. In addition, Schechtman’s assumption that the possession of a coherent self-narrative is a necessary condition of personhood is potentially problematic too.

In the second part of the paper, I propose an alternative account of narrative identity that endeavours to avoid such problems. It incorporates Lindemann’s insights yet still differs significantly from her own solution, especially in the greater emphasis I place on analysing a person’s identity from an objective perspective. My account relies on four key criteria: proper attributability, stability, distinctiveness and impact on the person’s life course. I suggest that the notion of a “true self”, quite popular outside academic philosophy, can be given a plausible construal if we understand it as a subset of narrative identity in my sense. I then consider and respond to potential objections to my analysis: that it is paternalistic and neglects the priority of the first-person perspective; that it paints an implausible picture of a self that is “given”; that it is no longer an account of narrative identity given the reduced role it grants to the person’s self-told inner story (and to the stories others tell about her); and that it renders the concept of narrative identity overly inclusive, making it applicable to non-human animals.

I argue that my account is in a better position than rival ones to vindicate the common assumption that the discipline of psychology is a key source of self-knowledge for us. I also show that it has more palatable implications than Schechtman’s analysis regarding e.g. people with severe retrograde amnesia. If correct, my view implies that a feature can contribute to defining who we really are even if it is not part of our self-narrative. Among other things, it thereby shows the inadequacy of one major response to concerns about identity in the context of the debate on human enhancement.

Parallel 2g: Democracy / Collective Decision Making

**Time:** Friday, 15/Nov/2013: 5:15pm - 6:45pm  ·  **Location:** Shanghai (M2-12)

**Session Chair:** Constanze Binder

**Political Leadership and Mediatization**

**Remko van Broekhoven**

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Mediatized Leadership vs. Weber’s Politics as a Vocation

Mainstream political philosophy is remarkably silent on the relation between political leadership and the mass media. Yet an account of the way in which leaders do and should react to media needs and requirements seems highly relevant for a philosophical understanding of contemporary democratic societies. I focus on the question where sovereignty in the public domain is and should be located: in the demos, in its leaders, or in the mass media that pretend to connect the former with the latter.

Given the absence of studies in political philosophy that address this question, I first turn to a landmark study in political communication: ‘Mediatization’ of Politics: A Challenge for Democracy? (1999) by Gianpietro Mazzoleni and Winfried Schulz. Mazzoleni and Schulz introduced the concept of ‘mediatization’ as a process in which news media change politics profoundly by making it dependent on them. They conclude, however, that democracy is not fundamentally threatened by the mass media because political institutions remain ‘in control’ of political processes and functions.
In my paper I explore the conceptual consistency of this thesis and its consequences for political leadership. My thesis will be that an interdependent relationship exists between media on the one hand, and political leaders on the other. Such interdependency, countering theses of both a supposed unilateral dependency of politics on the media and sovereign political control of the media, is founded on an understanding of the media-political relationship neglected by Mazzoleni and Schulz.

While they state that ‘politics’ remains fundamentally in control, I will argue that precisely the temptation for political leaders such as (prime) ministers, party leaders and parliamentarians to cater to media needs, instead of rendering account to citizens, makes ‘control’ relative to the point of illusive. As has been shown by empiric research, politicians are frequently giving media what they ask of them, or anticipating media needs by marketing and ‘image management’. In order to withstand such mediatized leadership, a simple notion of the independence of individual politicians from the media is not feasible. Still, relative independence, conceived as a type of character-based personal sovereignty can be found in a classic work on leadership that I will introduce to this debate.

In Politics as a Vocation (1919) Max Weber put forward the leadership qualities of passion, responsibility, and proportion as an antidote to the overriding powers of his time: bureaucracy and the ‘demagogic’ challenge of democracy itself, inviting leaders to follow their electorate instead of leading it. In my paper I will argue that the combination of such capacities, when adequately reconceptualized for an age of mass media, offers a strikingly convincing vision for coping with the danger of ‘mediacracy’ as well. Vocational politics would amount to matter-of-factness instead of personalization, public spiritedness as opposed to popularity contests, and a long-term vision beyond the hype of the moment.

Thus I intend to enrich the mediatization approach not just with a more balanced view of the power relation between media and leaders, but also with a normative-theoretical model of leadership challenging politicians to aspire after independence in a situation of interdependency. Both contributions help to understand democracy as a system in which powerful mass media have come to stay, without however replacing citizens or their elected leaders if it comes to governing the polis.

**Majority Judgment, an ideal election mechanism (?)**

**Harrie de Swart**

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It is well known that existing election mechanisms in many cases yield paradoxical, i.e., counter-intuitive, outcomes. The question then arises naturally whether one may develop an election mechanism that does not produce counter-intuitive results and that has only nice properties. However, around 1950 Kenneth Arrow proved his famous Impossibility Theorem: an election mechanism that is both Pareto Optimal (PO) and Independent of Irrelevant Alternatives (IIA) cannot exist. The first property, PO, says that if every voter prefers alternative x to alternative y, then also in the outcome after applying the election mechanism x should socially or collectively be preferred to y. Most election mechanisms have this property. The second property, IIA, says that in a collective choice between two alternatives x and y, a third alternative z may have no influence. This last condition is frequently violated, in particular in the Dutch election system. Arrow’s Impossibility Theorem seems to imply that in practice we can only try to develop an election mechanism that - although not perfect - is not too bad or as good as possible. Since Arrow’s result, all research in social choice theory assumes that the voters give a ranking, i.e., an order of preference, of the candidates or alternatives.

Around 2010 Balinski and Laraki have proposed a new election mechanism, called Majority Judgment, in which the voters are asked to give an evaluation of each candidate instead of a ranking of the candidates, which frequently - like in the Netherlands - is restricted to indicating their most preferred alternative. An evaluation of all candidates gives more information than a ranking: from an evaluation one can deduce a ranking, but conversely, from a ranking of the candidates one cannot deduce an evaluation of the candidates.

Given the evaluations of a particular candidate by the voters, Balinski and Laraki take the median value of these evaluations as the collective or social evaluation of this candidate. For instance, if an alternative gets the evaluations ‘excellent’, ‘good’, ‘acceptable’, ‘poor’ and ‘reject’, then ‘acceptable’ is the median value and hence, by definition, the collective evaluation of the candidate in question. Next, Balinski and Laraki give a procedure to break ties between candidates.

Majority Judgment has many nice properties and escapes Arrow’s Impossibility Theorem. The latter only applies to election mechanisms that are based on individual rankings of the candidates by the voters. However, also Majority Judgment seems to give counter-intuitive results is some particular cases.

We shall give some controversial examples and defend the outcomes under Majority Judgment, which is possible by looking at these examples through other glasses than we are used to. In case one is not convinced, we shall give an alternative that fits the traditional way of thinking more closely, but still is in the framework of Balinski and Laraki, that is, in terms of evaluations of the candidates.
Collective Outcomes and Fragmented Responsibility
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Given the burdens and benefits that flow from being attributed responsibility and the regulatory function that it serves in the life of an institution and the coordination of our social life, it is obvious that we need to get our responsibility structures right. Institutions that yield absurd or incoherent allocations of responsibility are not only unfair but will also be counterproductive because the attribution will fail to serve its regulatory function.

One possible defect in this respect is the existence of ‘responsibility voids’ (Braham and Van Hees 2012) situations in which we cannot assign responsibility to any individual for some outcome. This study examines the conditions under which we can guarantee the absence of such voids. More precisely, we ask if it is formally possible to construct a minimally democratic institutional form that passes from a set of known individual strategies to an allocation of responsibility that guarantees the absence of voids. It is shown that such structures do exist but that they can never preclude the fragmentation of responsibility, that is, not all individuals involved can be held responsible for the very same features of the outcomes. The results shed new light on the many hands problem: the problem does not show so much that it is difficult to establish who is to be held responsible for which features of some collective outcome, but rather that not all individuals involved bear the same kind of responsibility for it.

Parallel 2h: Metaphysics

Time: Friday, 15/Nov/2013: 5:15pm - 6:45pm · Location: Aberdeen (M3-03)
Session Chair: F.A. Muller

Beyond semanticsism and epistemicism: On some current debates in metametaphysics and how (not) to solve them.
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Metaphysical disputes come in several varieties, one of which is an existence dispute, when two parties disagree on whether there are certain things. Some instances of this type of dispute appear to look ‘substantive’, in that there is genuine disagreement, where others are alleged not to. As a result, (meta)metaphysicians have tried to come up with reasoned accounts as to which metaphysical disputes are non-substantive, and why. In this talk I take up the case of two metaphysical disputes, that of co-location and composition, and argue against extant positions which deem these to be non-substantive. I further argue that the grounds on which metaphysical debates are generally deemed to be non-substantive can be challenged more widely. In particular, two such grounds come under scrutiny, sc. epistemicism and semanticsism, as recently discussed in Karen Benett’s work. These positions respectively locate the stalemate of allegedly non-substantive disputes in, either, our epistemic limits, or in disputed notions of meaning, including analyticity. I argue that both positions face inherent problems, do not adequately characterize the disputes they are designed to characterize, and - most importantly - underestimate the need for a semantics of the phrase ‘nothing over and above’, as in (e.g.) a composite’s being ‘nothing over and above’ its parts. I outline such a semantics building on Frank Jackson’s notion of ‘inclusion by entailment’. The result is a more satisfying characterization of what is at issue in such metaphysical disputes – more satisfying, that is, than epistemicism and semanticsism. Importantly, such a characterization does not by itself afford us a resolution of the metaphysical dispute itself. In that vein, the position I propose aligns with writers who see a clear demarcation (and to some extent, even a ‘division of labour’) between metaphysics and meta-metaphysics.

Quine on Transcendence
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W.V. Quine characterizes his naturalism as the “abandonment of the goal of a first philosophy” prior to science. Applied to metaphysics, this naturalism amounts to the thesis that we cannot seek truth about the nature of reality from some external supra-scientific perspective. According to Quine, the metaphysician can only try “to improve, clarify, and understand the system from within” as a “busy
sailor adrift on Neurath's boat" [1981: 72]. Although there is room for hypotheses about the most general aspects of reality, they ought to be hypotheses internal to science.

Quine famously formulated his naturalized metaphysics in response to Carnap’s “Empiricism, Semantics, and Ontology” [1950], arguing that the latter’s distinction between internal and external questions cannot be maintained. Quine proposed that both ontological and scientific statements are partly theoretical and partly pragmatic in character, and hence that ontological questions end up “on a par with questions of natural science” [1951: 211].

Although the genesis of Quine’s views on metaphysics is pretty clear, it is important to note that Quine’s argument against Carnap does not answer all questions about the naturalist’s rejection of first philosophy. Since the traditional metaphysician would not have sided with Carnap in the first place, Quine’s argument against Carnap does not affect the first philosopher’s position. And since the idea of a first philosophy forms the very core of what the naturalist rejects, a Quinean argument against the traditional metaphysician would be very welcome to improve the naturalist’s dialectical position.

Yet, both Quine’s friends and foes claim that a naturalized metaphysics ultimately cannot be argued for. In the Stanford Encyclopedia of Philosophy article on Quine, for example, Peter Hylton argues that there is just “no foundation for Quine’s naturalism” and that naturalism is not based on anything else. According to Hylton, Quine just denies that there is a distinctively first philosophical standpoint [2010]. Similarly, David Macarthur argues that “Quine offers few, if any, arguments in favour of naturalism” and that the latter’s endorsement of naturalism is better characterized as an article of faith [2008: 3]. In sum, rather than a direct argument, it seems to be the internal coherence and plausibility of a naturalist perspective that is supposed to convince the first philosopher to board Neurath’s ship.

In this paper, I will argue that this picture is historically incorrect and that Quine, especially in the later stages of his career, does provide us with an argument against the first philosopher. I will show how Quine identifies traditional metaphysics with the attempt to transcend our conceptual scheme and argue that he appeals to what I will call a strong semantic holism to reject the possibility of this particular type of transcendence. I will show that, according to Quine, we do not have to convince the first philosopher to board Neurath’s ship. Rather, his argument implies that the traditional metaphysician has been a busy sailor all along.

My paper will be structured as follows. I will start by sketching the Carnap-Quine debate and by showing why the latter’s response to the former cannot serve as a satisfactory reply to the first philosopher. Next, I will show that a different argument could provide the naturalist with such a satisfactory response, and show that Quine actually does defend this argument in his later work. I will end this paper with a dismissal of the worry that a Quinean naturalist, as described here, cannot account for the success and progress of science. The traditional metaphysician could argue that Quine’s rejection of transcendence, which underlies his argument against the first philosopher, results in a radically immanent position; a view that conflicts with the naturalist’s conviction that science is in the business of discovering rather than inventing truths. I will show, however, that Quine distinguishes different types of transcendence, and that the ones needed to circumvent this problem are not affected by the argument he uses to dismiss the ideas of the first philosopher.

**Conceptual Truth**

**Jesse Mulder**

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Conceptual truth and essential truth - It is often claimed that principles of individuation imply essential properties of the things thus individuated. This inference, which I call the essentialist inference, consists in a move from individuating properties to essential properties. E.g., sets are individuated by the members they have, hence sets have their members essentially. If this type of inference is any good, it provides good grounds for adopting some version of essentialism.

How does this peculiar type of inference work? First, I discuss the logical form of such inferences. Although various alternative formulations of principles of individuation have been proposed, it is reasonable to think of a principle of individuation for Fs as involving an individuating condition, ϕ, which is such that given that x and y are both Fs, ϕ applies to both x and y iff x and y are identical. Now, the essentialist inference works roughly as follows: if x is an F, and individuating condition ϕ applies to x, then ϕ essentially applies to x. Applied to sets: if x is a set, and a, b, c are the members of x, then a, b, c are essentially members of x.

Now, there are various examples familiar from the literature to show that this cannot be the proper analysis of the essentialist inference. The problem is that many different statements of the form of principles of individuation may be true of the kind of entities we are interested in, resulting in an undesirable explosion of essential features. Suppose, for example, that someone reads a different play of Shakespeare’s each year, until he has read them all. Then, there is a bijection from years in which our reader reads to the plays of
Shakespeare, so that you can “individuate” Shakespeare’s plays by means of these merely accidental facts about how they relate to our reader. We don’t want to conclude, of course, that Shakespeare’s plays are essentially read in particular years by our reader – he might, after all, have had a quite different hobby.

I diagnose this situation as follows: the essentialist inference is not a purely formal inference. Although there most likely is a logical form that all principles of individuation have in common, it is not true that any statement of that form is a principle of individuation, and hence there is no valid inference based purely on that form. I submit that principles of individuation license essentialist conclusions not because of their form but rather because of the peculiar role they play within the project of ontology. The remainder of my presentation thus focuses on the questions what exactly this peculiar role is, and why it licenses the essentialist inference in just the cases we want.

As an approximation, one may compare the role principles of individuation play with the role definitions play. What is true “by definition” has a certain modal status: it is automatically true, it cannot fail to be true. I argue that a similar modal weight can be ascribed to principles of individuation. In short, principles of individuation are conceptual truths, and this separates them from other statements that happen to share their logical form.

We can see what makes principles of individuation have this special status if we clarify the role they play in the project of the ontologist. An ontology typically provides a list of fundamental categories to which everything that exists can be reduced. The type of reduction in question here is as follows: for any non-fundamental kind K, there is a fundamental ontological category C such that Ks are just Cs satisfying a certain set of conditions Γ. Thus, singletons are just sets satisfying the condition having just one member. Whether or not the conditions can be satisfactorily spelled out (as in traditional definitions), or rather remain elusive (so that onlyapproximations in terms of, say, family resemblance is possible), is an interesting question, but irrelevant to our project. The ontologist’s job is to specify a set of fundamental ontological categories to which all else is reducible along the sketched lines: the individuation of non-fundamental kinds of things depends upon the individuation of the fundamental categories. My claim is that the essentialist inference only goes through when dealing with a principle of individuation for such fundamental ontological categories.

The reason why the essentialist inference goes through precisely for principles of individuation for fundamental ontological categories is that such categories set the conceptual boundaries within which questions of identity, possibility, and necessity can be given adequate meaning. For any non-basic kind K, we may intelligibly hold that for any given K it is possible that it is not-K, even if no K in fact ever is not-K, because its individuation does not depend on its being K but rather on the ontological category to which K reduces in the way described – e.g., for any given bachelor it is possible that he is married. That being K is contingent in this way can thus only be understood against a background of ontological categories that fix identity for Ks independently of their being K. Since the individuation of a fundamental ontological category C is sui generis, does not take place against the background of a domain of already individuated entities but rather provides such a domain, no C can possibly fail to be C. That is precisely what the essentialist inference amounts to. It rests on the conceptual truths associated with the fundamental ontological categories.

The weakest possible ontology is an ontology that includes only bare particulars, entities that are completely flexible in what they can be: a set, a concrete object, a trope, etc. On such an ontology, the entities’ individuation is brute, and hence the only essentialist conclusions that can be drawn are the trivial ones of essential self-identity and other-distinctness. However, despite being trivial, this shows that the essentialist inference applies even in the weakest possible ontological case. Some amount of essentialism is therefore inescapable.

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**Parallel 2i: Aesthetics / philosophy of art meets political philosophy**

**Time:** Friday, 15/Nov/2013: 5:15pm - 6:45pm  ·  **Location:** Auckland (M3-04)

**Session Chair:** Rob van Gerwen

**Emotional Democracy - an Aesthetic Approach**

**Josef Früchtl**

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The idea of democracy as a result of a historical development within Western culture is essentially connected with the guarantee to the political subjects to be treated as free, equal and autonomous (self-determining) citizens who do have an institutionally guaranteed possibility of forming the process of legislation. It is predominantly connected, too, with the concept of a rational discourse which tends to exclude emotions, passions, or sentiments. But once this idea is contrasted with the factual circumstances where emotions never can
be excluded (completely) from the political discourse, the decisive question is not whether but to what extent or in which sense emotions actually play and normatively have to play a role in democracy.

During the past two decades there was an increasing discussion about this question, doubting on the one hand the general assumption that reason and emotion in principal exclude each other, often by using new research results of the neuro-sciences, and on the other hand the specific consequence that democracy and emotions exclude each other.

In my paper I would like to approach this discussion form a specific perspective. An internal problem of democracy, namely, is the one of pluralism. It simply includes that every political subject has the right to raise his or her voice and to vote. Thus it includes, too, the possibility and even tendency towards an increasing diversity and even fundamental difference.

To avoid that tendency, democracy – as a form of government and a form of life, as a political and a cultural task – insists on the strong voice of reason. In democratic deliberation the only force operative is “the force of the better argument” (Habermas), and the hermeneutics of the other is that one of a “generalized other” (Benhabib) reigned by impartiality.

During the past forty years it was above all the feminist critique that stressed these two points. It stressed the alternatives as well, namely that public discussion in politics has to give space, first, to a broader idea of communication that includes rhetoric and storytelling, and, secondly, to an idea of understanding that puts the accent on feeling; the question, then, is: ‘what does it feel like to be in the shoes of the other?’

Working out these alternative ideas often is based on a hermeneutic approach of language and theories of psychoanalysis. In contrast, I would like to remember a suggestion Kant has offered in his third Critique. Because here aesthetic judgments, or nowadays better: aesthetic experiences are presented as being based on feeling and at the same time allowing intersubjectivity.

The link to aesthetics becomes important yet in another way. To dispute about aesthetic matters, namely, means to facilitate the communisation of a confrontation: between concepts and images, understanding and imagination, sense and nonsense, but also the higher and lower social classes, those who are politically included and those who are excluded. It is characteristic for the realm of aesthetics that it gains its power through interplay of a confrontation.

It is the guiding assumption of my paper that this specific aesthetic kind of common sense can be made productive for the democratic common sense as well. The pre-democratic era of the 18th century, thus, could offer an element of a solution for the “post-democratic” era (Crouch, Rancière) of the 21st century.

**The Constitutional Game of Make-Believe, A simulation theory of fiction use in the public sphere**

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This article analyzes the fiction of constitution in a synthesis between political philosophy and simulation theory. Seeing that the constitutional foundation of political communities is often referred to as being imaginary, the question is raised how we - citizens of those communities - are able to experience this imaginary sphere and use it to our advantage. As the answers already given in legal and political philosophy tend to be merely pragmatic, here it is argued that insights from simulation theory can shed new light on the mechanisms involved in our ability to adhere to, and profit from, the constitutional fiction. To that effect the use of this fiction is reconstructed as a prop-involving simulation game that has active and passive players, and that is guided by certain rules and conventions. It is argued that our ability to adhere to this public form of pretense stems from the capacity to have separate spheres of consciousness: one to go along in the imaginary world of constitutional hegemony, and one to generate our own personal response to it. In the interaction between these two spheres of consciousness we develop our normative commitments and collective identity, while playing the constitutional game of make-believe.
citizenship at the board level of corporations. Even the model of stakeholder democracy is not equipped to capture the full ethical meaning of corporate citizenship. The third presentation looks at the arena of external supervisory bodies, such as credit rating agencies, as a means to promote corporate citizenship behaviour, to conclude that conflicts of interest make it inherently difficult for such organisations to help governing corporations in a meaningful way. Corporate citizenship seems to be best applied as a regulative idea in a Kantian sense, to denote ethical aspirations of which the empirical conditions are not yet present.

Governing corporations as corporate citizens
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Corporate governance is about governing corporations and deals with the responsible exercise of the rights and obligations of the different constituents of a corporation. The legal aspects involved in such governance are becoming increasingly relevant. The corporate failures earlier this century and also the current financial and economic crises are partly attributable to failing governance in the legal sense. The legal reflexes to these events include inter alia measures to improve supervision of financial institutions and increased liability for company directors. When analysing the developments in corporate governance it is therefore useful to explore the legal meaning of both the term “corporation” and the term “govern”.

The term corporation derives from the Latin term corpus, ‘body’ and corporare ‘form into a body’. The corporation is a body created by the law. This concept allows the vision that a corporation is to be seen as if it were a person. This person created by the law has corporate personhood and such corporate personality allows the corporation to act in a fashion that is similar to acts of a natural person. Corporations own assets, have liabilities and, similar to natural persons, aim at their own well-being and continued life. The purpose of the corporation is therefore related to the protection of its wellbeing and continued life.

The practical question is whether behind such purpose there is also another, more primary, goal. There are three visions. The first vision is that the ultimate goal of the corporation is related to the interests of those who invest risk capital in the corporation: the shareholders. The second vision is that such ultimate goal is related to a wider group of interested parties (stakeholders) who together constitute the corporation: workers, suppliers, local communities. The third vision says that continuation and thriving of ‘the enterprise as such’ should be the primary yardstick of corporate governance.

Currently, there are intensive debates about how to define these three concepts of corporate governance, as each of them can be expressed in various forms, and as they each highlight a specifically important aspect of the socio-economic functioning of corporations.

Based on modern (interest based) approaches to ethical decision making (Rawl’s justice as fairness, Habermas’s principle of universalisation), it can be demonstrated that the ethical legitimacy of all three models of corporate governance is only partial. Each of the models captures only a specific, limited combination of qualifications, from a larger set of important necessary conditions of ethical legitimacy (Pareto superiority, consent, fairness).

Complicating matters even more, there is the problem of virtual (future real) interest, which are not represented in any of the three corporate governance models described above. Rights of future generations are an example of this. Future generations will bear foreseeable consequences of the behaviour of firms (such as future ecological problems), but their interests are not represented effectively by any of the present parties who argue and bargain with corporations as stakeholders. From the perspective of future interests, all three corporate governance models examined here must be disqualified, leaving the ethical legitimacy of the corporation a question that as today still does not have a satisfactory answer. This puts up a problem for the debate on corporations as ‘citizens’. An orientation towards the common good is a crucial element in the concept of citizenship, with the republication tradition. Natural persons can voluntarily adopt such a stance. For corporations, the adoption of a genuine ‘civic’ attitude is inherently much more difficult. One of the reasons for this is that specific interests need more explicitly institutionalised advocacy in the policy deliberations of corporations. The stakeholder democracy model is the best available corporate governance model to do this, but even this model is fundamentally insufficient, when judged from a citizenship perspective.

Corporate citizenship and the risk of outsourcing responsibility: The case of the credit rating agencies
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Credit Rating Agencies have become the topic of intense debate in the wake of the global financial crisis. Policy makers have blamed them for being among the main causes underlying the explosion of Asset Backed Securities that started the Credit Crisis in 2007. Companies in the financial services industry have accused them of intentional deception and have started legal action against them.
Economists describe the market of Credit Rating Agencies as oligopolistic, with high barriers to entry, and attribute this to governmental regulation, but also emphasise that Credit Rating Agencies fulfil the respectable role of decreasing asymmetry of information between market participants. Legal scholars find that Credit Rating Agencies are fraught with conflicts of interest deriving from a remuneration model according to which the issuer of a security pays the agency for the rating – or, if the issuer is dissatisfied with the rating, decides not to purchase it. And even though the business ethics literature on Credit Rating Agencies is still rather scarce, some analysis of proposals for regulation of Credit Rating Agencies have been forthcoming recently.

Even though there are around 150 Credit Rating Agencies worldwide, three of them dominate the market. Moody’s and Standard and Poor’s each have shares of around 40 per cent; Fitch around 15 per cent. There is hardly any sector with the same sort of numbers, and it is unsurprising that Credit Rating Agencies wield enormous power.

Traditionally, Credit Rating Agencies are seen as fulfilling the function of providing information about companies and monitoring their creditworthiness. This has obvious advantages to the public. It is generally seen as contributing to the ideals of justice and equality when asymmetries of information decreases because, very often, such asymmetries are loci of differences in power.

The way the function is fulfilled, however, may seem to weaken the case of the Credit Rating Agencies’. Credit Rating Agencies exert enormous influence on financial markets. Investors do respond to changes in rating, sometimes they even overreact, and the influence of bond ratings is not restricted to the price of company debt (bonds), but also affects the price of equity (company shares). Moreover, dominating around 95 per cent of the market, the three biggest Credit Rating Agencies significantly impact their around 150 competitors as well as the corporations and countries they rate. Downgrading a country can have disastrous consequences for the lives of many citizens.

One response would suggest that governments break up the oligopoly and increase competition. Interestingly, however, such a traditional response may decrease the quality of the ratings. A number of studies in economics suggest that issuers of securities would have larger opportunity to shop around Credit Rating Agencies until they find an agency with whose rating they are satisfied, and that Credit Rating Agencies will respond to this tendency among issuers by giving more favourable ratings (ratings of lower quality, that is).

Legal scholars and business ethicists have blamed the ‘issuer-pays’ model and its resultant conflicts of interest for this anomaly. But an equally important factor is that Credit Rating Agencies owe much of their power to the fact that banks and pension funds just as much as national and local governments have outsourced credit assessment to Credit Rating Agencies without realising that when credit assessment is outsourced at such a large scale, this leads to a wholly new dynamics.

As we saw, already in the 1930s did governments use the assessments of Credit Rating Agencies in specifications of capital requirements for banks. This provided Credit Rating Agencies with an initial sort of governmental stamp of approval ultimately giving the biggest three of them the power they now have. Today, the investments opportunities a pension fund manager or the manager of the funds of local community has are typically restricted to assets that have obtained investment grade rating. Managers investing before the start of the subprime crisis did not need to assess the credit risks of Mortgage-Backed Securities. Almost all of them obtained the highest rating. They were ‘safe’. These managers did not need to make these assessments themselves.

One way to interpret this develop is that regulators increasingly adopt a corporate citizenship view according to which Credit Rating Agencies satisfy an alleged societal need for credit risk information. In the paper, I discuss a number of consequences of this development.

First, Credit Rating Agencies obtain power which otherwise they would not have had. If investors would do their own financial due diligence or hire consultants instead of working on the basis of ratings paid by the issuer, it would be less important for issuers to obtain a (good) rating from a Credit Rating Agency.

Second, ratings will not only be taken at face value, that is, as only providing information about the creditworthiness of a certain borrower. Rather, they will also be interpreted as signals of how the market will develop. If, for instance, a pension fund manager hears that Moody’s downgrades XYZ beyond investment grade, this information will not only impact their own positions in XYZ (as they are legally obliged to disinvest), but also their views about other institutional investments who are, now, under the legal obligation to disinvest.

Third, governments and pension funds displace their responsibility for the consequences of their investments to other the Credit Rating Agencies. Using work on the ethics of belief as well as recent work in behavioural economics, I argue that this is fraught with ethical problems, not so much because one makes oneself dependent on an agent whose assessment may potentially be wrong. Rather, when managers outsource credit risk assessment, they risk losing a sense for the fact that such assessments are always based on contested assumptions and models in situations of imperfect and incomplete information.
Debunking the myth of “good corporate citizenship”

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The idea of ‘good corporate citizenship’ has become popular in business ethics discourse among both practitioners and theorists. It is presented both as describing and justifying particular kinds of good corporate behaviour, within what is loosely described as ‘corporate social responsibility’. However, while corporate behavior is eminently open to moral analysis, linking it to the idea of ‘citizenship’ implies a political dimension that may itself have implications for moral analysis, in terms, for example, of the kind of agent a corporation is taken to be and its relations with other -human- agents. It is this political dimension that we critically examine in this paper with the resources of political philosophy.

Citizenship, on our analysis, is centrally concerned with an agent’s political status and relationships that is with the agent’s position in the political regime she lives in and her political relationships to the state and to other citizens. However, both status and relationships are specified differently by different accounts. Two distinct approaches to such specification, which have been extremely influential and longstanding traditions in political philosophy, are the republican and liberal conceptions of citizenship. In brief, republican citizenship focuses on political agency, on public spiritedness and political participation. The good republican citizen is active in co-determining and furthering the public interest, and accepts responsibility both to rule for and to be ruled by the interests of the community. Liberal citizenship, by contrast, focuses on the legal status of individuals with regard to the state and other individuals. It emphasizes a distinction between private and public spheres and the freedom of citizens to live private lives as well as to engage in political relationships. To be a good liberal citizen one must only respect the equal rights and freedoms of others and the proscriptive laws of the state.

We argue that the concept of ‘good corporate citizenship’ combines features of both liberal and republican conceptions of citizenship. Thus, we argue that the idea of corporate citizenship is a chimera - a creature constituted with parts of two or more different animals. Two questions arise which return us to more traditional business ethics concerns. Is this chimera a monster, as the name implies? Is it a viable organism? With regard to the former question, we note that, far from supporting conceptions of moral responsibility for the consequences of one’s actions that much the corporate social responsibility literature argues for, this chimerical conception of citizenship may actually enable bad corporate behavior. The powerful body of republican citizenship can be combined with a liberal head. That is to say, this kind of citizen feels empowered to, and is permitted to, participate in political activities, such as lobbying officials or funding political campaigns, and it may do so with all the weight that a company’s concentration of wealth and organizational resources permits (the republican emphasis on political agency). Yet such interventions may also be legitimately carried out to advance the private interests of the corporate agent, rather than reflecting any kind of public spiritedness (the liberal emphasis on the right to pursue one’s own private interests). Thus, corporate ‘citizens’ may assign themselves leadership roles in politics commensurate with their economic power, while remaining substantially politically accountable to other citizens. One implication of this is that through their political participation corporations may be able to alter (and reduce) the moral obligations currently placed on them by social expectations. For example by building a political consensus behind the framing of environmental protection as undermining the competitiveness of the national economy, or unions as ‘job killers’, society’s understanding of companies’ moral (beyond legal) responsibilities to ‘minimise’ pollution or to treat workers ‘decently’ may shift in a way that is quite convenient for corporate agents.

The latter question concerns the theoretical coherence of this chimerical conception of citizenship. Although the ‘republican-body, liberal-head’ is one plausible configuration, there is considerable scope for flexibility in how the idea of corporate citizenship is interpreted. The corporate agent has considerable freedom for opportunistic cherry-picking of different aspects of either conception as and when it suits them. Yet this freedom makes the whole conception of corporate citizenship seem too weak, vague, or incoherent to offer normative guidance to behavior. Corporations may for example lobby for political favours in a way that corrupts the political institutions involved and the trust that other citizens have in them. That such behaviour can apparently always be justified with regards to some framing of the rights of a corporate citizen reveals that the normative obligations side of citizenship is missing. But without this it is unclear how a corporate ‘citizen’ can ever be considered ‘good’.

In conclusion, we argue for distinguishing the moral from the political. Whether or not companies should be good, and how they should be persuaded to be so, is a completely separate issue from their political status or relationships. Eliding the two can undermine both, since, we argue, the idea of good corporate citizenship seems rather more suited to excusing morally bad behaviour than to structuring, justifying, and promoting good behaviour.
Autonomy and Persuasive Technology. A Philosophical Case Study of Speed Alerts and Speed Limiters in Cars

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Autonomy and Persuasive Technology. A Philosophical Case Study of Speed Alerts and Speed Limiters in Cars.

This paper presents a case study of the ethical aspects of using behaviour-changing technologies to promote driver’s keeping of the speed limits. Its aim is twofold: first, to make a moral case for such technologies on the basis of the harm principle, and second, to contribute to the development of ethical criteria that guide their (governmental) employment.

The autonomy of car drivers is restricted by the traffic law, which imposes speed limits. These limits have a clear and straightforward ground in the harm-principle according to which legal coercion can be justified on the basis of the need to protect others from harm (Mill, 1982/1859, Feinberg, 1984). This principle applies since it is a statistically well-established fact that speeding causes many avoidable deaths. Governments therefore have the important task to see to it that drivers obey the law. Although this is traditionally done by means of education, surveillance, and penalties, new automotive technologies can also help to promote obedience of speed limits.

The Intelligent Speed Assistant (ISA) comes in several varieties. The advisory version of the ISA is basically a speed alert that informs and warns drivers when they exceed a speed limit. As such they are a piece of persuasive technology. Persuasive technology is technology designed to change behaviour, while relying on voluntary user participation (Fogg, 2003). Mandatory ISA is a speed limiter that goes further, since, based on a GPS localization system coupled to a database that contains the local speed limits. It makes speeding technically impossible. Thus, it isn’t persuasive technology (although a general term for this type of technology appears to be lacking). According to the best available estimates, these advisory and mandatory ISA are highly effective in reducing casualties: 18-24 % and 37-59 % respectively (Carsten and Tate, 2001). On the face of it, it seems therefore reasonable for governments to employ one or both versions of the ISA, and, moreover, to do so on the very same ground as underlies imposing speed limits in the first place: the harm principle.

The paper investigates this assumption: is there a moral case for governmental employment of advisory and/or mandatory ISA to enhance conformity to the speed limits on grounds of the harm-principle? First a conceptualization of driver autonomy is developed, in order to be able to see how it is affected by both ISAs. Lomasky (1997), while engaged in a defence of auto mobility, argues for the increased and highly flexible opportunity to travel provided by auto mobility (including several associated goods) as a major enhancement of personal autonomy. Expanding on Lomasky’s treatment, it is argued that, though less important, also the way in which driving from A to B is executed is part of driver autonomy; this includes enjoyment and accompanying feelings of freedom and authenticity.

Advisory ISA, which operates by informing and warning still allows for exceeding the speed limit, but will impede the joy of driving for some drivers. Mandatory-ISA denies drivers the option to exceed the speed limit and thus is a greater limitation of driver autonomy. Still both versions of the ISA do not infringe on what may plausibly be regarded as the core of driver autonomy: the freedom to commute in a flexible, efficient and private way. In the paper, it is argued that the harm principle justifies the additional costs to driver autonomy imposed by the advisory and mandatory versions of the ISA in the same way as it justifies legal speed limits. (In case a convincing argument could be made for the right to speed in certain emergency situations as judged by the driver, the mandatory ISA could be designed with a limited option to overrule the system).

In addition to driver autonomy, the paper investigates a couple of other moral considerations that bear on government employment of the ISA for enhancing driver obedience to speed limits. One of them regards the moral acceptability of the risks introduced by automation technology as it is included in the mandatory ISA. A good ethical case can be made that these risks should be magnitudes smaller than voluntary accepted risks, since some drivers will not consent to them. It seems not yet established that mandatory-ISA satisfy this requirement, and in the paper it is argued that this is a reason in favour of the advisory (persuasive) version of the ISA. On the other hand, the mandatory version seems to perform much better than advisory ISA in cost-benefit analysis (Carsten and Tate, 2001). The paper also investigates whether there may be additional (moral) reasons not to enforce the speed limits by means of technology, and to leave drivers the option to transgress the law. The upshot of the discussion is that there is a moral case for governmental employment of advisory ISA, where the case for mandatory ISA is yet more tentative.
The paper concludes with a discussion of how this case study informs the ethics of persuasive technology more generally. A major research question concerns distinguishing different types of behaviour-changing technologies and their impact on autonomy. Related, there is the need for ethical criteria for deciding when to use which type. The aim of the case study is to provide insights that contribute to the formulation of these criteria.

**From Pig to Pork and Back: Animal Technologies as Disclosing World devices**

Michiel Korthals

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From a pragmatist point of view, one should focus not on ethical principles but on ethical practices of human–animal relationships. These practices, such as keeping company animals, agricultural animals and laboratory animals, have their own goals of excellence. The pragmatist approach is typically contextual and bottom up and non-foundationalist in the sense that is doesn’t expect that abstract principles can function as rock bottoms to derive more concrete norms from. Different practices allow for the same animal to have different status: a pig can be pet, meat producing animal or laboratory animal. Although modernization implies that these practices are compartmentalized and isolated from each other into sectors, there are no clear boundaries between those practices, and people are continuously confronted with phenomena that connect practices. In particular the symbolic values of many animals have often a practice-transgressing impact, even where the distance between these sectors is huge. So pigs are perceived as both clever and curious and as dirty and lazy and thereby exemplify important ethical values people appreciate or hate in humans although they are also perceived and used as mere material for pork. Pigs in use are not only instruments but their nakedness tells us something about procreation and lactation; their fear and courage affect how we could lead our life. In striving for the good life, humans are in need of these kinds of meanings. The gap between practices of food production and consumption however entails that consumers are confronted with impoverished flows of meaning regarding animals in particular due to mass media and lack of differentiated personal experience. Nevertheless, to cope with these meaning connections bridging practices in a society with isolated sectors and to make those sectors more porous, we lack metaphorical and novel competencies. Certain art forms and technologies can increase our competences here. Art and technologies enable us to enhance our capacities and those of animals in order to let flourish both ‘parties’. I will discuss several examples of artful imagery and technological devices that have these meaning enhancing features from the sector of nature parks, farming and laboratories. I will conclude with certain design recommendations with the aim to enhance our and the animals’ capacities to discover meanings and to develop their responsive interaction.

**The Ethics of Ecological Innovation. Biomimicry and Biomimesis as a new way of thinking and acting ecologically**

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Since the end of the 20th century, we have become increasingly aware of the earth’s vulnerability to human interventions. Reports such as The Limits to Growth (Meadows et al. 1972) have confronted us with the boundaries of nature’s tolerance. At the same time, we have discovered that the mechanisms and processes of nature are much more complex and interwoven than we ever imagined (Benyus, 1997; McDonough & Braungart, 2002; Sloterdijk & Heinrichs, 2006; Mathews, 2011). These two insights into the dynamics of nature have laid the foundation of a new chapter in the history of the life sciences. Increasingly, our technologies become biomimetic, i.e. similar to nature.

As an alternative for the eco-system destructing technologies of the industrial age, biomimetic approaches of technology and innovation borrow from nature’s own pool of “technologies” and initiate applications that are strikingly similar to nature’s own processes. Biomimicry or biomimesis is “a new science that studies nature’s models and then imitates or takes inspiration from these designs and processes to solve human problems” (Benyus, 1997). Nature is seen here as an inspiring source of knowledge – a solar cell inspired by a leaf for instance – which enables nature-based technological innovations.

According to the proponents of biomimicry, it introduces a more eco-system friendly and therefore more ethical approach of innovation, which is no longer characterized by the domination and exploitation of nature but by learning and exploration. According to the opponents of biomimicry, the concept is so loose that one might wonder whether it is more than a slogan forged by chemists in order to play a role in the field of sustainability. If one thing becomes clear in the current discussion about the potentiality of biomimicry as a new way of thinking and acting ecologically, however, it is that the concept itself and its ethical implications are philosophically underdeveloped.
In order to explore the potentiality of biomimicry as a more eco-system friendly and therefore more ethical approach of innovation, we will reflect on the concept in this paper. In the first part of the paper, we will analyse fundamental concepts which are related to biomimicry; Nature (nature as model, nature as measure, nature as mentor), the dichotomy between nature and technology, and the intrinsic relation between technological innovations and mimicry.

In the second part of the paper, we will describe and analyse a central assumption of biomimesis and its ethical implications: the one-to-one transferability of a concept or mechanism from living systems to non-living systems. Because of this transferability, biomimetic innovations seem to be more natural and therefore, ethically preferable. This assumption is questionable, however, because a simple and direct replica of a biological prototype is rarely successful. We will argue that some form of procedure of interpretation or translation from biology to technological innovation is always required. In the paper, we will discuss the consequences of the necessity of interpretation and translation for the assumption of the one-to-one applicability of biology on technological innovations in general, and the ethical implications involved in particular. Based on our critical assessment of the ethics of ecological innovation, we provide an agenda for future research on the concept itself and its ethical implications.

Parallel 2II: Political & social philosophy (I)

**Time:** Friday, 15/Nov/2013: 5:15pm - 6:45pm  ·  **Location:** Heidelberg (M1-16)

**Session Chair:** Annemarie Kalis

**Are Dirty Hands Inevitable?**

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In this paper I discuss the question of 'dirty hands' - under which circumstances, if at all, are political agents justified in violating fundamental moral norms in order to avoid disastrous outcomes? - and argue that the philosophical discussion in the wake of Michael Walzer's influential article generates a number of theoretical and practical problems that can only be addressed once the atomistic focus on individual cases is abandoned. In a first step, I discuss the relationship between moral dilemmas and the problem of dirty hands in terms of 'inescapable wrongdoing' (Christopher Gowans ); in a second step I address the question whether this problem exists at all and how it is to be understood by way of defending the phenomenology of affective reactions such as 'tragic remorse' (Stephen de Wijze) against consequentialist critics who see them as understandable but ultimately irrational reactions; in a third step I will show that the discussion on dirty hands suffers from three problems: a misconceived alternative between 'political realism' and 'moralism', atomism (i.e. a focus on isolated acts rather than background structures and social and political conditions) and decisionism (i.e. a focus on the heroic individual at the expense of political institutions and public discussions).

**Ancient & contemporary Confucianism: From the correction of names to the disciplinary nation state**

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Confucianism is often seen as an essentially continuous tradition that preaches a communitarian loyalty to family and political leaders. After having been criticized both by modernist nationalists and communists as a backward ideology and as a survival from China's feudal past, dominant voices in contemporary China present Confucianism as a quintessentially and purely Chinese philosophical tradition, which - in a quasi-communitarian line of argument - is claimed to preach loyalty to family, group and nation over individual rights. This quasi-communitarianism rests on a specifically modern (and, one might almost add, German Romantic) concept of 'Asian values'; in many ways, however, this modern concept marks a radical departure from pre-modern Confucian notions and doctrines. Thus, to mention but one aspect, classical Confucianism had much more room for conceptions of criticism of rulers than present-day communitarian readings would acknowledge (cf. De Bary 2000). More recently, Yu Dan has argued that Confucianism is in essence a philosophy of 'harmony', in a reading that not only appears completely depoliticized, but also transforms some notions of classical Confucian thought beyond recognition (cf. Bell 2008).

In this contribution, I will argue that such contemporary redefinitions do not simply rest on ideological readings; they betray deeper conceptual transformations in the very conceptions they presuppose: concepts of the state, individual subjectivity, collective identity,- and indeed of philosophy itself. Between classical Confucianism, Medieval Neoconfucianism and present-day Confucianist articulations, substantial conceptual and normative discontinuities appear. This transformation, I will argue, primarily hinges on a redefinition of the
role of language in both individual subjectivity (or intentionality) and government. Thus, in the Analects, Confucius himself claims that power functions primarily through the so-called ‘correction of names’, i.e. through the appropriate indication of social roles that will not only shape their behaviour but be constitutive of their very intentionality (cf. Leezenberg 2010). Present-day, post-communist Confucianism could hardly be further removed from this doctrine, as it presupposes a radically different linguistic ideology (in which a language is expressive of an individual or national soul), and a radically different conception of the state as based on modern means of communication and modern forms of disciplinary power.

Thus, my argument will not simply be that the ‘Confucian tradition’ may provide conceptual and normative alternatives to Western liberalism; rather, I will explore discontinuities in this tradition, and try to establish which, if any, genuine disagreements remain between modern liberal and modern Confucianist conceptions of government and individual rights and duties. Thus, I will indirectly also address the question of how modern Western conceptions of individual and collective identity, and modern ideologies of languages as first and foremost national entities, have become universalized over the past two centuries.

Irreversible social change

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One of the ethical problems with global climate change is that it is not only accompanied by ecosystem changes that are detrimental to our wellbeing, but also that some of those changes are irreversible, such as species going extinct through habitat loss. Environmental ethicists have claimed that this irreversibility is an extra, moral, reason to prevent irreversible damage (climate change, species loss) over and above reasons concerning the value of what is lost in the change. This special treatment of irreversibility is for example made explicit in the precautionary principle as stated in the 1992 UN Rio Declaration (Principle 15), which claims that lack of full scientific certainty is no reason to postpone taking action against ‘threats of serious or irreversible damage’. In a similar vein, economists have suggested that valuing irreversible damages cannot adequately be done by standard cost-benefit analysis and requires other principles, such as the Safe Minimum Standard (Bishop 1978).

Interestingly, the notion of irreversible damage is usually tied to ecological changes. Those changes can lead to loss of value either because the process disrupted or species lost has intrinsic value, or because it is of instrumental value to us (Norton 2005, Chapter 5). In this paper we propose that the notion can, and should, also be applied to social changes, such as damage to institutions, cultures or social relations. Social institutions can be valuable for the same reasons as ecological processes or species: they can be intrinsically valuable, e.g. as part of a cultural identity or heritage, and instrumentally valuable, e.g. through supporting the economy or maintaining and updating local knowledge, enabling a community’s long-term survival (Norton 2005, chapter 2). Moreover, irreversible environmental and social changes can be closely tied, such as when soil degradation or sea level rise enforces lifestyle adaptation. Yet the importance of social structures for sustainable development tends to be undervalued (cf. Adger ea. 2009).

In this paper we examine the applicability of the notion of irreversible change to social structures. As a theoretical framework we use Habermas’s concept of ‘colonisation of the lifeworld’ (Habermas 1985/1987) to help explicate some of the drivers for irreversible social change, and articulate what can be lost in this change. More specifically, in the first part of our paper we work out a notion of social irreversibility and compare it to existing notions of ecological irreversibility. We argue that irreversible social damages may have physical causes (such as a language dying with its last speaker) and social causes (such as a law coming into effect), yet that both can count as irreversible. We also argue that, as with ecological irreversibility, social irreversibility gives us a moral reason for action in itself, and a moral reason for going beyond cost-benefit analysis when evaluating such changes economically.

In the second part of our paper we conduct a case study on irreversible social changes brought about in Tanzania by the global biofuel trade. Academic studies on the impact of the biofuel trade have largely focused on economic and environmental impacts, whereas local communities are also very much concerned about social impacts and distortion of the social fabric (Amigun et al. 2011). In particular, we argue that past land acquisition projects for biofuel projects have led to socially irreversible damages, and that many decisions to discontinue biofuel projects have not adequately taken into account the potential for irreversible social damages for local smallholder farmers. We close by offering recommendations on how policy-makers and investors in the global biofuel chain could take potentially irreversible social damages into account in their decision-making process, and evaluate them responsibly.
Scholasticism and The Cartesianism of Robert Desgabets
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During the second half of the seventeenth century, Cartesianism came under attack. Authors such as Simon Foucher (1644-1696) raised two problems for Descartes. (1) Firstly, Foucher believed that Descartes’ ‘clear and distinct ideas’ were unfit to represent the external world to us. Immaterial ideas and material bodies are ontologically too far apart for the former to represent the latter. (2) Secondly, even if ideas could, in principle, represent the external world, there is no guarantee they do so reliably. For all we know, there might be a radical mismatch between the external world and our conceptions of it. This is a possibility that Descartes, despite his efforts, was unable to exclude. In the Meditations, Descartes had created an invincible enemy.

While more and more authors came to be worried by (1) and (2), others came to Descartes’ defence. So-called ‘Radical Cartesians’ (Schmaltz 2002) argued that problems could be solved by further developing Descartes’ doctrines. In this paper, I study the Radical Cartesian Robert Desgabets (1610-1678). While Desgabets has recently been getting some of the attention he deserves (e.g. Cook 2002), his doctrines continue to raise questions. I show that for a good understanding of Desgabets, we need to take into account the scholastic background to his philosophy. Addressing (1) and (2), Desgabets further developed Descartes’ doctrines while at the same time enriching them with scholastic concepts and distinctions.

Section 1 discusses Desgabets’ answer to (1). Desgabets recognizes that our ideas must somehow resemble their objects, but contends that this resemblance is sui generis. Ideas need not literally resemble or be ontologically of one kind with their objects. The resemblance that must obtain between ideas and their objects is ‘intentional and not ontological’ (Desgabets 1675, 117). As we shall see, this distinction goes back at least to Aquinas. Moreover, the distinction between intentional (or representational) and ontological resemblance was still much alive among early-modern scholastics. Thus, speaking of intellectual representations and their objects, Antonio Rubio wrote that ‘similitude according to being is not required’. Similarly, Francisco Suárez explained that concepts need only resemble their objects ‘intentionally and in representing’ (Rubio 1613, 331; Suárez 1856, 285b).

It is questionable whether harkening back to scholastic tradition is sufficient to address (1). In concluding this section, I explain that Foucher had reason to be dissatisfied with Desgabets’ answer to his challenge. Not only is the term ‘intentional resemblance’ uninformative, but moreover, the scholastics differed among themselves about the scope and validity of the distinction between intentional and ontological resemblance. (Cf. Scribano 2003.)

Section 2 discusses Desgabets’ approach to (2). According to Desgabets, there can be no radical mismatch between external reality and our conceptions of it. In order to show this, he first appeals to Descartes’ voluntarism. According to this theory, God freely decreed such eternal truths as that 2+2=4. Desgabets significantly extends the scope of this theory. God not only willed the eternal truths, but also freely decreed what was to be possible or even so much as conceivable. How did Desgabets envisage this?

According to Desgabets’ extended voluntarism, the decree whereby God made certain things possible or conceivable was not different from the decree whereby he created the world. Indeed, to say that something is possible or conceivable just is to say that it is part of God’s creation: ‘everything has been made in one time. What was not created that first time has remained forever absolutely impossible, inconceivable and unsayable’ (Desgabets 1983-5, 29). Whatever is possible exists. Whatever we can conceive of exists. Hence, a radical mismatch between the world and our conceptions is impossible.

At first sight, Desgabets’ conclusion seems too strong. For it implies that, if I can conceive of a squared circle, it must exist. Desgabets deals with this problem by saying that, strictly speaking, we cannot conceive of squared circles. Therefore, he is not committed to their existence. As we shall see, Desgabets draws on scholastic sources to explain what it means to conceive of something ‘strictly speaking’. But while we cannot really conceive of squared circles, Desgabets does allow that we can conceive of Caesar and future individuals such as John. So must he not hold that they exist? Desgabets answers that we must draw a distinction between ‘the being of essence’ (esse essentiae) and ‘the being of existence’ (esse existentiae). Caesar and John are conceivable, and therefore must have some kind of being. Yet, their being differs from yours and mine. While Caesar and John only have esse essentiae, we have both esse essentiae and esse existentiae (Desgabets 1983-5, 179).
This paper is part of a larger project on which I am currently working, which is devoted to Spinoza's moral philosophy and its evolution from the early writings to the Ethics. One of the working hypotheses of my project views Spinoza as struggling to solve the Cartesian tension between the epistemological and the practical element of the practice of virtue. In this paper, I will substantiate this general claim concerning Spinoza's first writing, by showing how such an attempt coincides with the dismissal of the methodological doubt and the subordination of the quest for the supreme good to the quest for adequate knowledge.

Indeed, Descartes' methodological doubt is not only at the core of his epistemology, but it also has important consequences for the Cartesian ethics. In the Discourse, in parallel with his method to reach the truth, Descartes proposes a method to practice virtue, which he calls a moral par provision. Far from being "provisional", this moral focuses on the condition of constitutive epistemological weakness of the finite subject, by drawing a feasible way to reach the good, even without having attained an adequate knowledge (cf. Shapiro 2008). In this paper, I would like to explore Spinoza's treatment of Descartes's methodological doubt in his early treatise on method, entitled Treatise on the emendation of the intellect (TIE). Spinoza’s attitude towards Descartes seems particularly problematic in this work, which is deeply indebted to Cartesian terminology (cf. Mignini 1997) and seems addressed to a Cartesian audience, although in order to argue non-Cartesian claims, such as the "complete intelligibility of the reality" (cf. Matheron 1987). I would like to advance our understanding of this issue by viewing Spinoza’s work as an attempt to fix Descartes' epistemology and ethics from the inside of the Cartesian framework. Specifically, I will argue that Spinoza’s dismissal of the doubt is deeply grounded in his ethical project, which imposes an approach to epistemology rather opposite to that of Descartes.

My argument is divided into three main steps. First, I will sketch the connection between Descartes’ treatment of doubt and his moral par provision. I will show that the epistemological criterion based on the possibility to assent only to clear and distinct ideas cannot be used in the practical context, where we have to take decisions even without the support of intellectual knowledge. Accordingly, Descartes tries to make the practice of virtue independent from the actual adequateness of our judgments.

Second, I will outline Spinoza’s reaction to Descartes. Actually, Spinoza’s TIE firstly appears a work in moral philosophy, devoted to found the supreme good, rather than scientific knowledge (cf. Moreau 1994). According to Spinoza, the supreme good consists in the “knowledge of the union which the mind has with the whole nature” (TIE, §13). This knowledge implies both reaching an adequate idea of God as first principle of any other knowledge, and recognizing that “all beings that come into existence do so in accordance with an eternal order and Nature’s fixed laws” (TIE, §12). Consequently, Spinoza’s method consists in taking the innate idea of God we have as the criterion to distinguish between ideas that are true and those that are non-true, that is, imaginative, false or doubtful. These three kinds of inadequate ideas have the same ground, namely, they do not imply a necessary knowledge of their objects. At the same time, Spinoza makes clear that necessary knowledge cannot be inferred from doubtful ideas. Against Descartes, indeed, Spinoza equates truth and certainty by claiming that “since truth needs no sign, and to have the objective essences of things, or – which is the same thing – their ideas, is enough to remove all doubt, it follows that the true method does not consist in seeking a sign of truth after acquiring ideas” (TIE, §36). Accordingly, if an idea is true, it must be also certain, and if we can prove its truth it is impossible to doubt of it. For this reason, Descartes’ methodological doubt appears misleading because it begins with doubting of all ideas to acknowledge that the doubt can be eliminating only by reaching an adequate idea of God. However, in this case – Spinoza argues – the clarification of the
idea of God should be the starting point of the process, rather than the result of the methodological inquiry. It follows that, according to Spinoza, the fundament of knowledge cannot be the Ego Cogito, but rather God itself.

Third, I discuss the ethical consequences of Spinoza’s method. The most important is the assumption that it is impossible to grasp adequate ideas starting from non-adequate ideas. Accordingly, it is impossible to practice virtue without the support of an adequate knowledge. To ground this view, Spinoza reinforces Descartes’ innatism and dismisses Descartes’ account of error. In Spinoza’s view, error is not the result of the power of the will extended outside the limits of the intellect. Rather, error is a mere privation or incompleteness, according to which false ideas are such only because they lack of something. It follows that only a more complete knowledge can eliminate the inadegateness of our ideas. Therefore, the way to conceives of the right institutum vitae results totally independent from the will. More likely, it has to be grounded on the capabilities of the mind to reach a more adequate knowledge by the emendation of the intellect. However, the emphasis on the importance of adequate knowledge, leads Spinoza to disregard a proper inquiry on imagination and the specific causes that produce inadequate ideas (cf. Sangiacomo 2012). Rather, Spinoza equates the method to reach the truth with the method to reach the good. Thus, while Descartes seems to dismiss the traditional stoic view according to which a perfect knowledge is a necessary condition to the practice of virtue, Spinoza’s reworking of the Cartesian method appears as a stoic correction of Descartes’ ethical view.

Sir Kenelm Digby on the relation between soul and body

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In the lengthy Two Treatises (1644), the catholic philosopher Sir Kenelm Digby (1603–1665) presents his natural philosophy, starting with a description of the basic elements out of which the material world is composed and ending with an account of the separated soul. As he writes in the opening section, both treatises are in fact aimed at a single goal, namely to firmly and securely establish the aspects in which Digby and Descartes are markedly different. (1) Digby seems very much unconcerned with the question of how mind methodology affects his arguments and conclusions on the relation between mind and body, focusing especially on the following two qualities. At the same time, Digby’s conception of the right method differs in the above mentioned important respects from that of Descartes, his enthusiasm for the Cartesian project notwithstanding. In this paper, I will therefore discuss how Digby’s different systems “emendation of the intellect. However, the emphasis on the importance of adequate knowledge, leads Spinoza to disregard a proper inquiry on imagination and the specific causes that produce inadequate ideas (cf. Sangiacomo 2012). Rather, Spinoza equates the method to reach the truth with the method to reach the good. Thus, while Descartes seems to dismiss the traditional stoic view according to which a perfect knowledge is a necessary condition to the practice of virtue, Spinoza’s reworking of the Cartesian method appears as a stoic correction of Descartes’ ethical view.

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Digby was instrumental in the early reception of Descartes’s philosophy in England. It was he, for instance, who brought Descartes’s writings to the attention of Thomas Hobbes. And although Digby was not a Cartesian in any strict sense, he tried to incorporate many Cartesian elements into his own philosophy, often described as eclectic. The Two Treatises show ample evidence of this. ‘Monsir des Cartes’, Digby writes, ‘by his great and Heroick Attempts, and by shewing mankind how to steer and husband their reason to best advantage, hath left us no excuse for being ignorant of any thing worth the knowing’ (Digby, 346). But this does not mean that Digby agrees with Descartes on all points. For instance, Descartes’s explanation of the pumping motion of the heart, of memory, and of the process by which material objects create (conscious) sensation are all either rejected or modified by him. But Digby was clearly very much inspired by Descartes’s philosophical project.

More important than Digby’s modifications of particular elements of Descartes’s philosophy, however, are the methodological differences between the two philosophers. Neither Descartes’s cogito nor his methodological doubt play any serious role in Digby’s analysis. Certainty we can obtain by ‘beginning from the simplest and plainest notions, and composing them orderly’ (Digby, 434). And in the single mention of the cogito it is lumped together with Avicenna’s flying man argument as simply one more proof for the immortality of the soul. Moreover, whereas Descartes establishes the ontological distinction between mind and body by means of the clear and distinct ideas we have of both, Digby, by contrast, establishes it by showing “the limits on the behaviour of mechanical systems” (Garber:1998). Lastly, whereas Descartes emphasizes the radical differences between what he is doing and the Aristotelian philosophical approach, Digby claims that that the general framework of his natural philosophy is perfectly consistent with Aristotle.

(Digby, 436–441) The overall structure of the treatises seems to support this claim; it has, rightly, been described as ‘a journey through the realms of Aristotelian natural philosophy’ (Sutton:2013).

Like Descartes, Digby was convinced that the main reason philosophy was in such disarray is lack of a proper method. Not only do philosophers often not start at the proper beginning, which for Digby is the basic notion of quantity, but there is also a tendency to model material substances on the basis of spiritual ones rather than vice versa, which then leads to the introduction of all sorts of occult qualities. At the same time, Digby’s conception of the right method differs in the above mentioned important respects from that of Descartes, his enthusiasm for the Cartesian project notwithstanding. In this paper, I will therefore discuss how Digby’s different methodology affects his arguments and conclusions on the relation between mind and body, focusing especially on the following two aspects in which Digby and Descartes are markedly different. (1) Digby seems very much unconcerned with the question of how mind
and body are connected (Garber & Wilson:1998), even though he does discuss ‘that so main and agitated question among the Philosophers, Why a rational Soul is imprisoned in a gross Body of Flesh and Blood’. (2) Digby has much to say about the manner in which the mind will function after it has been separated from the body, whereas Descartes only rarely even mentions the immortality of the soul.

**Parallel 3c: Logic (II)**

*Time:* Saturday, 16/Nov/2013: 11:45am - 1:15pm · *Location:* Harvard (M2-08)

**Session Chair:** Sander Beckers

### Ontological Omniscience: The Case of Lewisian Modal Realism

**Janine Reinert**

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A simple argument against Lewisian Modal Realism (MR) as portrayed in On The Plurality of Worlds ([Lew86]) arises from an interaction between its treat-ment of doxastic content and of modality. It is easily shown that it is either impossible to doubt the theory on ontological grounds, or equivalently, that if it is possible to maintain doubt about MR's existential postulate, it has to be false. The argument hinges on the fact that MR's main ontological hypothesis, if true, is necessarily true. The thesis that there exists a plurality of concrete and (causally as well as spatiotemporally) isolated worlds, which I will henceforth refer to as the existential claim, EC, is what Divers has called an ‘extraordinary claim’ of MR [Div02, 48]. ‘Extraordinary’ means roughly the following: While (pluralities of) other possibila can be said to exist at (that is: as parts of worlds), each world is only (improper) part of itself. A plurality of at least two worlds cannot exist at any single world. EC thus calls for a different interpretation, which instead of parsing existence as existence-at understands it as existence simpliciter (cf. [Div99]). By reductio ad absurdum it is easily shown that if EC is true at some world, it has to be true at all worlds, and therefore is necessary in MR (cf. [Div99] on the redundancy interpretation in cases of ‘advanced modalizing’).

The necessity of EC now poses a problem for Lewis’s treatment of doxastic content: While he is absolutely aware that many philosophers have found EC incredible, this disbelief turns out to be impossible on the Hintikka-style analysis Lewis offers in [Lew86, 27-9]. Doxastic content is given in terms of an agent’s doxastically accessible worlds at a given time, i.e. ‘\[World W is one of those if he believes nothing, either explicitly or implicitly, to rule out the hypothesis that W is the world where he lives.\]’ [Lew86, 27]. If Lewis’s concrete worlds are the only worlds there are, then this class has to be empty if the agent’s belief system includes belief in the falsity of EC. But this amounts to a trivialization of belief due to doubt about MR, and this is inadequate with respect to actually (or merely possibly) held beliefs. We can therefore conclude that either, if MR is true, every doxastic agent with a non-trivial belief system in fact has implicit belief in EC, or that if someone (non-trivially) believes in the falsity of EC, MR has to be false.

After a detailed presentation of this argument, I will defend it against the claim that this argument is just an ‘artefact’ of the analysis of doxastic content and, as a case of logical omniscience, is not peculiar to MR. I will then apply Lewis’s strategies to make seemingly impossible belief possible to the presented case and explain why none of these can explain away the given case. I will conclude with a discussion of why also the introduction of impossible worlds could not block the presented argument, and argue that as a case of ontological omniscience, the argument from doubt discredits MR as an ontological foundation of doxastic semantics altogether.

### Ontic Indeterminacy of Self-identity: Evans Reconsidered

**Nikoletta Nemesi**

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In his seminal paper entitled ‘Can There Be Vague Objects’, Evans presents a purported proof against the possibility of ontic vagueness. The proof builds upon the assumption that vague objects imply ontic indeterminacy of identity. So that he can conclude that there cannot be vague objects, Evans provides a formal reductio ad absurdum argument which attempts to demonstrate that ontic indeterminacy of identity is impossible, since the idea of identity statements with indeterminate truth value is inconsistent.

Tye, Akiba and Miller, among others, have already pointed out that, contrary to Evans’s assumption, vague objects do not necessarily entail indeterminate identity. Accepting Evans’s formal argument, the above mentioned authors reject the possibility of ontic indeterminate identity while admitting the existence of ontic vagueness in the form of vague objects, on the grounds that it does not follow from Evans’s proof against de re identity statements with indeterminate truth value that there cannot be vague objects.
Unlike Tye, Akiba and Miller, Lowe allows for the possibility of ontic indeterminate identity by questioning the validity of Evans’s formal argument itself. After positing a property of ‘being identical to a, of being just that object’ and distinguishing it from the property of ‘being self-identical’, Lowe argues that there are two possible parsings of the argument:

If premise (3) of the argument draws upon the logical law of identity—which it presumably does—, then it simply says of any object that it is not indeterminate whether it is self-identical. In this case, the argument is not strong enough to sustain the conclusion that identity cannot be indeterminate, for there still remains the possibility that it might be indeterminate whether an object is just that object. On this parsing, Evans’s purported proof is problematic because it tries to draw a metaphysical inference from the purely logical law of identity.

So that Evans’s conclusion can be inferred from the premises, Lowe maintains, premise (3) requires a reading according to which it states of any object that it is not indeterminate whether it is just that object (which statement, nonetheless, does not follow from the law of identity). In this case, however, the argument is question-begging, since it implicitly presupposes what it purports to establish—namely, that identity cannot be indeterminate.

Although Lowe seems to take it for granted that self-identity cannot be ontically indeterminate, I aim to show that from Evans’s formal argument, the impossibility of ontic indeterminate self-identity does not follow, either—unless one assumes that the argument is circular. In neither of these cases, I submit, can Evans’s formal argument be regarded as a valid proof against the possibility of ontic indeterminate identity: Either the argument appeals to the determinacy of self-identity due to the logical law of identity, in which case the argument is too weak to establish that ontic indeterminacy of self-identity is not possible; or it alludes to an alleged determinacy of self-identity originating from ontic facts, in which case it cannot be regarded as a valid proof against the possibility of ontic indeterminacy of self-identity on the grounds that it presupposes what it is supposed to prove.

Solomonoff Prediction in Philosophical Perspective

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The 1960 and 1964 papers of Raymond J. Solomonoff mark the birth of the branch of theoretical computer science that is now known as algorithmic information theory or Kolmogorov complexity. The theory of prediction that emerges from those papers can be summarized in the slogan that in a universal setting, there are universal predictors. Here the term ‘universality’ is to informally convey the feature of full generality, of including everything. The question of the universality of the setting revolves for large part around the status of the central assumption of computability. Different positions regarding this assumption give rise to different interpretations of the formal setting. The aim of this talk is to provide an understanding of Solomonoff’s result and its possible interpretations. This will be achieved by relating Solomonoff’s ideas to two themes from the philosophy of science. First, it is insightful to frame the discussion in terms of the scientific realism debate. The common and arguably most straightforward interpretation of Solomonoff Prediction adopts a realist stance, but it commits us to a questionable metaphysical assumption of computability. I argue that a pragmatic interpretation, that trades the reliability of the universal predictors for their optimality, holds more promise. Second, I relate Solomonoff’s work to the current debate about induction. Universal prediction can be seen in opposition to a recent emphasis on local and material induction, while it is much in line with meta-inductivist ideas.

Parallel 3d: Metaphysics / philosophy of science

Time: Saturday, 16/Nov/2013: 11:45am - 1:15pm · Location: Melbourne (M2-09)
Session Chair: Stefan Koller

Armchair thinking about the laboratory of the mind

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In this paper I will plunge us all into the thin air of imaginative rationalization. Starting from an adequate abstract account of how a normal experiment can be understood, I will introduce a model based approach to thought experiments that is inspired by the work of Cooper. This is done with the purpose of closing the modern debate on thought experiments once and for all.

The account provides an answer to the much discussed question of how it can be that thought experiments fail - which is not trivial, for, after all, the experiments are only to be thought through, not actually performed.
Although I believe that a unified account should be given of thought experiments in both science and philosophy, this does not mean that they are not distinct. I will argue that philosophical thought experiments, especially in metaphysics (but perhaps not in epistemology), are fundamentally different from scientific ones as they mainly deal with the question of foundational (categorical) coherence and not with the question of consistency, certainty, empirical adequacy, or otherwise.

This analysis is able to explain why philosophical thought experiments are never settled definitively - the debate never stops, in contrast to the debate over scientific thought experiments. Nevertheless, I propose an account of foundational coherence inspired by Whitehead (Process and Reality (1928)) that allows for progress here too. The progress is to be demonstrated by showing that most mind-body thought experiments are doomed to failure.

**What are we doing when we are interpreting quantum mechanics?**

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Since its creation in the 1920ies, quantum mechanics has been the subject of vehement debates about the very nature of this theory and what it tells us, and perhaps more tellingly does not tell us, about reality. Interpretations of quantum mechanics are intended to provide answers to the various philosophical questions that quantum mechanics gives rise to (and no other physical theory gives rise to). But what “is” an interpretation of quantum mechanics? Is it some verbal sauce that we poor over the pasta of the theory? No. We argue that interpretations of quantum mechanics are best characterised as deductive extensions of a minimal quantum mechanics (minimal in the sense of sufficiently strong to save the phenomena), in a language that extends the language of minimal quantum mechanics. Other quantum theories in physics, notably relativistic quantum field theory and super string theories, can be treated similarly.

**Scientific knowledge as Epistemic Tools**

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Are common ideas on ‘what knowledge is’, adequate for understanding how knowledge is produced and used in scientific practices? Commonly, we assume that knowledge describes or represents something (called ‘world’), and next, that its representational character explains why knowledge can be used in performing epistemic tasks: Knowledge can be used because it represent its supposed external target objects such as atoms or DNA more or less accurately, in relevant respects and sufficient degrees. Yet, we can also reverse this order by assuming that something (called ‘knowledge’) is constructed for a function, namely for performing epistemic tasks, and next, that this functional character explains ‘what knowledge is’. On this account, knowledge is firstly constructed as a tool for thinking about the world, rather than as a representation of it.

In this presentation, I will defend that the notion of knowledge as epistemic tool presents us with a comprehensive account of scientific knowledge that not only provides a different take on: (1) the traditional question of how scientific knowledge is justified, but also explains (2) how it is possible to construct successful scientific knowledge, (3) how scientific knowledge is related to the world, and (4) how it is possible to use scientific knowledge in thinking about the world. Traditional philosophy of science has ignored or deliberately avoided the second and the fourth issue – it has focused on the first, and it has dragged the third issue into the domain of metaphysics.

Scientific knowledge as epistemic tool involves a different way of thinking about ‘what knowledge is’ – that is, it involves giving up some basic intuitions. For example, rather than a model of DNA, scientists have constructed a model that enables them to think about the phenomenon of inheritance – it is a model for the observed phenomenon (e.g., the ability of cells to reproduce). Also, the model is not firstly tagged onto, and justified by a hidden biochemical structure. Rather it is tagged onto and (partly) justified by perceivable phenomena and measurable data that are mostly produced by technological instruments. Furthermore, and due to this situation, using scientific knowledge for thinking about a phenomenon such as inheritance (e.g., thinking about how inherited traits change or get disrupted by natural causes, or, how to technologically change or knock-out inherited traits) takes the same route backwards. Manupulations are not performed directly on the supposed structure such as the biochemical structure of DNA. Rather, the supposed manipulation consists of technological procedures by means of instruments.

Both philosophers of science and textbooks in science have the tendency to detach scientific models from the crucial aspects that take part in the construction of knowledge, thereby suggesting that scientific knowledge, such as a concept or a model, firstly points at and/or represents an inherent, independent underlying structure. Alternatively, keeping these aspects on board, so to speak, that is, maintaining them as part of the scientific concept or model, helps explaining several important characteristics of it, such as: (1) how the
model is tagged onto tangible things (e.g., essential aspects of measurements and instruments) and (2) that the model is constructed in view of specific epistemic purposes – which in turn guides and enables its proper and productive epistemic uses.

### Parallel 3e: Political & social philosophy (II)

**Time:** Saturday, 16/Nov/2013: 11:45am - 1:15pm  ·  **Location:** Rochester (M2-10)

**Session Chair:** Thomas Wells

**Searle and the social ontology of money, bank credit and economic cycles**  
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**Introduction**

Money figures prominently in Searle’s writings on social ontology, occasionally in connection to banking. This paper ties these considerations in with a specific problem debated in the economic literature on the topic of fractional reserve banking. The goal is to test whether social ontology might offer an added explanatory power in this debate.

The first part of the paper lays out the relevant ontological elements in Searle’s writings on money, and the writings of economist Jesus Huerta de Soto on banking. The second part investigates the debate between Huerta de Soto and some of his fellow economists on the topic of fractional reserve banking, from within the ontology developed in part one. The final part draws some conclusions from this debate for Searle’s understanding of social ontology.

1: The ontology of money and banking

At one particular place, Searle characterizes money as the continuous possibility of buying something. Moreover, this always bottoms out in a power for the possessor of that money, which is a capacity or potency that might exist even without ever being exercised. This ties in remarkably close to the terminology used by Huerta de Soto in his account of the legal and economic nature of bank deposits. What is deposited or transferred in the case of a deposit or a loan is essentially the capacity or availability of the money to buy something, rather than the physical money as such.

2: The ontology of fractional reserve banking

But whereas Searle occasionally refers to fractional reserve banking as a stroke of genius, Huerta de Soto sees it as deeply problematic. Although an explicit connection between the two authors thus far hasn’t been made, what distinguishes Huerta de Soto’s approach in discussions with his fellow economists is precisely this ‘ontological’ character of his arguments. So in the case of a bank deposit in a fractional reserve bank, the difference with his opponents hinges on whether the availability of the money is taken as ontologically irreducible, or as a mere shorthand for a statistical probability.

With a realist ontology, the mutual ownership of the same money by more than one person is immediately incompatible. A possibility or capacity, taken as such, cannot be owned by more than one person. Nevertheless, it might take quite some time before the incompatibility is revealed or discovered, i.e. when the capacity is simultaneously acted upon. From the latter perspective, mutual ownership is quite unproblematic, since as long as the relevant probabilities are adequately calculated, no actual incompatibility really occurs.

Although reframing the debate in terms of the social ontology involved clearly won’t be enough to solve it, it can go a long way in clarifying the often hidden assumptions at work in the arguments used.

3: The possibility of social ontological systemic failure

Searle has conjectured that social ontology might help to clarify actual debates in the social sciences, and this case seems to be a first positive proof of it.

Moreover, regardless of whether Huerta de Soto’s account is in the end right or not, his theory suggests the possibility of something like a social ontological systemic failure. This could occur when a status function declaration reiterating a lower-level y-term creates deontic powers that are incompatible with the deontic powers on that lower level. E.g., what we count as money might be purely contingent, but the social ontology that is thereby created might possess certain necessary features that limit what something like a loan or deposit can (not) be.
The Credit Rating Actor-Network

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As people hold widely differing views regarding the definition, scale, chronology and impact of globalisation, this paper argues that globalisation is a widely contested subject. Furthermore, since globalisation also seems to hold a wide and varying array of aspects, including for instance, trade and transactions, capital and investment movements, migration and movement of people and the dissemination of knowledge, the question is raised if globalisation can be considered a process in its own right, or whether we should consider it as a container concept. This question becomes even more pressing when one looks at the way globalisation is analysed, which really leaves no clear path for understanding globalisation. Some have argued for a holistic, multidimensional approach, but since globalisation is highly complex it seems questionable whether it is truly possible to grasp the interplay of all the involved actors and aspects across multiple countries and cultures into one approach. Additionally, globalisation also seems to be highly unpredictable. If anything the global financial crisis of recent years is not only ample proof of the complexity of globalisation, but also of its unpredictability. Nobody had predicted the crisis, there is still debate about its possible causes, and much of its consequences were unforeseen. While certainly in hindsight the links between causes and consequences can be made clear, these links remain associational and are not one of necessary causation, hence the unpredictability of the crisis. Therefore, analysing globalisation or events that are related to globalisation (such as the global financial crisis) through a holistic, multidimensional approach might not only be very hard due to its complexity, but also due to its unpredictability. However, other scholars have been able to cast away the complexity and unpredictability of globalisation by applying a one-dimensional approach. The process of globalisation in this approach is usually conceptualised as having a top-down, structural underpinning of either two forms, the first of which is associated with the idea that both progress and economic development are autonomous, objective and linear processes, while the other is associated with dependency theory and world-systems theory. Both structural conceptualisations of globalisation processes have a strong essentialist character, which leads them to accept an “externalization of power” (Smith & Doel, p. 29), a top-down, structural logic which underpins the explanation of economic development, but also of the role and position of cities, firms and individuals. This results in economic determinism and disempowerment: events, such as for example the global financial crisis, are explained as a repetition of the structural relations and these same structural relations accord to some cities, firms and individuals a privileged position while denying it to others.

The fact that globalisation is a widely contested subject, that it holds a wide and varying array of aspects and that attempts to analyse it lead to a number of substantial problems, raises doubt about globalisation being a process in its own right. It therefore also raises the question whether or not globalisation is subject for analysis. But if we are to analyse globalisation this at least should be an analysis that does not lead us to accept an ‘externalisation of power’ and results in economic determinism and disempowerment, and it should also be an analysis that is able to take into account the complexity and unpredictability of globalisation. This paper argues that application of Actor-Network Theory to globalisation processes provides us with such an analysis. An analysis that is non-essentialist and also that is no longer top-down, but bottom-up. The paper hypothesises the idea that application of ANT will be able to show that globalisation is a process in its own right since it is constituted bottom-up by networks of association between different performative actors.

In order to proof the hypothesis the paper will focus on the global financial crisis as a very particular event within globalisation processes and more in particular on the aspect of credit rating agencies as a (possible) exemplary case-study of a network of association (next to many others which will be dealt with in other papers) within this crisis. Since the global financial crisis a number of charges has been levelled against the Credit Rating Agencies (see Davies, p. 124-128). First, it is said that Credit Rating Agencies are subject to conflicts of interest, since the issuer of the debt obligation is also the one who pays the agency for rating the obligation. The agencies might therefore be tempted to grant a high rating, just to secure their business with the issuer. A US Senate investigation in 2010 showed that positive ratings were sometimes part of fee negotiations between issuers and Credit Rating Agencies (Kirchgasssner & Sieff, 2010). Second, in the case of securitisations it is said that the relation between the issuer and the agencies is different than with corporate bonds, since the agencies advise the issuer on how to structure the securitization to achieve a desired rating. This raises doubt about the objectivity of the agencies. Finally, issuers are said to engage in ‘ratings shopping’, choosing that agency which is offering the highest rating. Agencies might therefore be tempted to offer high ratings. Additionally, it is said that regulators use ratings to extensively in their regulation, which has added to the crisis. For instance, within the Basel II capital requirements ratings were used much more than during Basel I. This discouraged investors to do their own risk assessment, using the ratings instead. The credit rating agency case-study is aimed at answering whether or not these charges are true, but more importantly it is aimed at the question what role credit rating agencies as a network of association has played and still plays within this crisis. This requires to identify all the actors within the credit rating agencies’ network, their relationships and the outcomes of these relationships. By identifying these elements the paper will
not only be able to show how credit rating agencies as one of many networks of association constitute globalisation processes, but also how the performative nature of many of the actors within this network works.

**Friendship as a necessary condition for students to excel - a Nietzschean approach in higher professional education**

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Both in America and Europe the question arises of whether the current education system is able to train professionals to become capable of performing effectively in a complex and ever faster changing environment (Shapiro, Lauritzen & Irving, 2011). Our knowledge and skills are becoming outdated at a much faster rate than ever before. The philosopher Ronald Barnett adds the term ‘supercomplexity’ to highlight the fact that ‘we can no longer be sure how even to describe the world that faces us’ (Barnett, 2009, p.439).

If Dutch professional higher education (hoger beroepsonderwijs) wants to prepare students for their professional life, transferring the prevailing truths of a discipline to the students is not sufficient. Students should also be offered an educational environment that stimulates them to develop themselves and to continually search for different, more appropriate truths than they are taught or got accustomed to.

In professional higher education, bringing truths into discussion and searching for new truths is not common: education is mainly one way communication (Joosten, 2011). One of the exceptions is the group of honours programs which have been developed in the last decade. As in the academic honour programs, in the professional honour programs students are stimulated to search for new truths. In both type of programs this search for new truths is associated with a specific educational environment: small groups of students and intense interactions between teacher and students. The exact nature of the interactions between teacher and students remains, however, unclear. If professional higher education wants to prepare all students for professional life which is more and more being characterised by increasing complexity, rapid change and a shorter horizon of expectations, it is important to further explore the nature of these interactions.

The central question of this paper is: what type of interactions between teacher and students stimulate students to search for new truths? In order to answer this question, I will dwell on the ideas on friendship of the German philosopher Friedrich Nietzsche, especially on his concept of star friendship which he described in The Gay Science (1887/2001). Nietzsche is one of the most prominent philosophers who explored friendship in relation with finding truth. To a large extent, he based his conception of friendship, as the shared search for truth, on Plato’s ideal of friendship as articulated by Socrates for example in the dialogue Symposium. For Nietzsche, truth is, however, not absolute. It can change. In addition, Nietzsche emphasises that the joint quest for truth requires opposition, even if this opposition is at the expense of the friendship. One needs opposition in order to keep oneself from having too much faith in one’s convictions, otherwise new truths are not possible. In The Gay Science, Nietzsche writes: ‘Powder smoke, in fact, mends friendship even more!’ (2001, p.28).On the other hand, friends offer an opportunity to escape the solitariness which is the result of the urge for truth. One can rest at one’s friend and take a (short) break from the urge for truth. Such a friendship – resting place and battlefield – is not easy to begin nor to maintain. It requires cautiousness of both friends.

Starting with Nietzsche’s radical thought, this paper aims at sincerely grasping the probabilities and challenges of understanding friendship between teacher and students as a necessary (but not sufficient) prerequisite for preparing students for today’s professional life. Which responsibilities do teacher and students have? What are the risks of such relationships? Is friendship which promotes excellence possible in contemporary mass education with its emphasis on efficiency? What exactly are the benefits of such relationships between teacher and students?
Rational Sentimentalism and Sentimental Rationalism

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Moral sentimentalists explicate moral judgments in terms of emotions. Many sentimentalists are subjectivists about moral judgments and deny that there are moral truths that transcend the perspective of a particular subject or community. Moral rationalists, in contrast, believe that there are objective truths about moral matters. These truths can be appreciated by means of rational argumentation. Most sentimentalists and rationalists hold that emotions are often fickle. This explains why the third alternative – a position in which both emotions and arguments play constructive roles – has relatively few adherents. In this paper I defend this third alternative by explaining both how emotions can be rational and how rationality requires the emotions.

The idea that emotions can be rational plays a central role in rational sentimentalism as defended by Daniel Jacobson and Justin D’Arms. I use the term ‘rational sentimentalism’ for the position according to which rationality requires emotions or sentiments, which are dispositions to experience emotions. The first part of the paper provides an explication and defence of the thesis that sentiments constitute the weights of considerations that provide the basis for moral judgments - the thesis of what I call 'sentimental rationalism'.

The second part of the paper uses what I call 'the cognitive dissonance model of moral reasoning', which plays a central role in contemporary moral psychology, as direct evidence for the interaction between arguments and emotions, and indirect evidence for rational sentimentalism and sentimental rationalism.

Reasons and their Weights

According to rational sentimentalism emotions can be fitting or appropriate. When something or someone disgusts you, for instance, your disgust response might fit its object and might thereby be rational. An even stronger claim is that emotions can provide reasons. The connection between emotions and values can be used to make sense of this claim. Sentimentalists hold that values depend on emotions. Rational emotions play a crucial role in the evaluation of value. Appropriate admiration, for instance, reflects the value of what is admired. Some sentimentalists even claim that values are constituted by sentiments. As values provide the basis for reasons, sentiments also constitute reasons.

I argue that we should accept at best a qualified version of this claim. One might think, for instance, that someone’s disgust response can provide her with a reason for action if the object at which the target is directed were to trigger her to vomit if she would proceed with her action. In this case, however, it is the anticipation of vomiting that provides the agent with a reason, not the disgust itself. The claim that emotions can be rational commits us only to the weaker claim that emotions can serve as indicators of reasons. Emotions also serve to assess how much weight to attach to reasons, which means that they function as second-order reasons. It is far from obvious that in this role they can serve as indicators of reasons, as there might not be anything to which they can point. On the alternative picture that I propose, emotions in equilibrium constitute the weight of reasons. This is the thesis of sentimental rationalism.

The Cognitive Dissonance Model of Moral Reasoning

If both rational sentimentalism and sentimental rationalism are true, then emotions contribute in important ways to reasoning. This idea derives support from what I call 'the cognitive dissonance model of moral reasoning’. Theories concerning moral identity, moral disengagement, and moral hypocrisy share the idea that cognitive dissonance plays an important role in moral reasoning. The underlying idea is that people who experience a cognitive conflict also experience anticipatory guilt feelings. Those anticipatory guilt feelings trigger a process of reasoning aimed at resolving conflict. Most of the empirical evidence is concerned with how this can go wrong: people often resolve the conflict by deceiving themselves. The empirical evidence, however, also reveals which factors make it more difficult for people to fool themselves. This suggests that in some cases conflicts are resolved without self-deception.

In this model, emotions serve as signals of cognitive failures. As they trigger processes of reasoning aimed at fixing mistakes, they also serve as engines of practical reasoning. Those who deceive themselves engage in motivated reasoning, which depends on desires or emotions. They do so either by mistaking a bad argument for a good argument, or by attributing too much weight to an argument that is sound as such. An anticipatory guilt feeling is rational when it points to a cognitive failure the agent made. This is consistent with rational sentimentalism. When emotions can lead someone to attribute too much weight to a consideration, emotions apparently have
something to do with second-order reasons. This is consistent with sentimental rationalism. We have, then, strong reasons to believe that emotions play an indispensable role in reasoning.

**Vice and Character Skepticism**  
**Tom Bates**  
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In this paper I present a counter argument to a form of character scepticism known as ‘situationism’. Situationists are sceptical about ‘global’ notions of character – roughly, character traits that are manifested in relevant behaviour across diverse trait-relevant situations, and which can motivate the relevant behaviour even in the absence of supporting situational factors. Proponents of situationism claim that these notions are widely held in everyday talk about character and in certain moral theories, most notably virtue ethical theories. But, they object, a survey of relevant empirical data reveals that there is no support for this kind of character. Thus, virtue ethicists and folk psychologists have some work to do if they want to defend their use of this kind of character.

In the paper I will argue that the situationist argument – that the empirical data gives us a reason to doubt the existence of global character traits – does not go through as the situationist has overlooked a subset of global traits – namely vices – which could be causing behaviour. If we are willing to explore the possibility that people are quite likely to have numerous moderate vices as part of their character then we can accommodate the apparently troubling empirical findings without having to give up the notion of global character.

The possibility of vice raises some further questions that I will address: Is this possibility a benefit to the proponent of virtue ethics? What about the folk psychologist? Does the data only support the possibility of vice or are virtues also possible? What is left of the situationist critique if the vice response holds weight? And, if the vice model is accurate, what should we change about our discourse and practice regarding character?

**Parallel 3g: Meta-ethics (I)**

**Time:** Saturday, 16/Nov/2013: 11:45am - 1:15pm  
**Location:** Shanghai (M2-12)  
**Session Chair:** Maureen Sie

**Moral Progress**  
**Bert Musschenga**  
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Many philosophers (Peter Singer, Dale Jamieson, Thomas Scanlon, Jesse Prinz, Martha Nussbaum, Michele Moody-Adams, Jürgen Habermas, to mention a few) think that there is moral progress – in the sense that a subsequent state of a society is better that the preceding one. However, most of them find that moral progress is always local and partial, and not overall and comprehensive. Philip Kitcher is one of the few who think that we should also look for overall moral progress. Statements about moral progress must remain unfounded as long as we cannot measure it. But is it possible at all to measure moral progress? This is the question I want to discuss in my paper. Since morality has various dimensions, the first problem is to find out what the relevant dimensions are for measuring moral progress: moral beliefs, moral behaviour, moral motivation, moral character, or the institutional framework of society? The second problem with statements on moral progress is that it is not clear who is entitled to determine whether progress has occurred. Is it the current generation or the previous one? The previous generations is usually inclined to see moral decline where the current generation perceives moral progress. The third problem is what the evaluative basis is for determining that moral changes constitute moral progress. When there is agreement on the evaluative basis, another problem comes to the fore. Changes are rarely to completely morally positive. They foster some values, while affecting other values negatively. Is it possible to make up a balance of gains and losses when these values are incommensurable?
When we say that a market produced some result, such as fixing a price, or that the financial market reacted favourably or unfavourably to some piece of regulation, it looks like we attribute agency to markets. I explore two ways of analyzing such statements. According to the first reading, such attributions are literally true. This requires that the markets in question are collective agents. Using the group agency theory by Pettit and List, I argue that paradigmatic markets fail to qualify as group agents.

According to the second analysis, attributions of agency to markets should be understood as attributions of shared agency to all or some of the participants in that market. Building on Bratman, I argue that when market participants in oligopolistic markets collude or co-operate, they sometimes act together to achieve certain aims that none of the participants could achieve on their own. Thus, there is a clear if somewhat metaphorical way in which we can say that such markets act, namely by way of (some of) the oligopolists in that market acting together.

However, it often looks like we attribute agency to markets that are polypolistic in structure, or to markets where no collusion or co-operation takes place. For instance, how should we interpret the statement that the market for Greek government bonds reacts unfavourably to a proposed debt re-structuring? On the second analysis, such statements attribute shared agency to holders of Greek government bonds. Are such attributions plausible? One challenge in evaluating such claims is that we do not have a clear idea of what it is for large numbers of agents to act together, since accounts of shared agency such as Bratman’s focus on the analysis of small groups of agents. I use strategies developed by Shapiro to extend Bratman’s account of shared agency to large groups, and introduce the idea of a market mechanism as taking up the role that shared intentions play in Bratman’s original account. I argue that the resulting list of sufficient conditions for shared agency is indeed sometimes, although rarely, met by participants in polypolistic markets. Thus, the account allows us to make sense of some attributions of agency to markets, and provides at the same time the grounds for explaining why other instances of such attributions are misguided.

Parallel 3h: Applied ethics

**Time:** Saturday, 16/Nov/2013: 11:45am - 1:15pm  ·  **Location:** Aberdeen (M3-03)

**Session Chair:** Jona Specker

**Care-based public health communication - the case of infant feeding**

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In this paper, the case of infant feeding information is used to illustrate the need to include insights from the ethics of care in communication concerning public health risks.

There are generally two risk-weighing principles. First, the collectivist principle is used in conventional risk analysis and according to that, an option should be accepted if the sum of individual benefits outweighs the sum of all individual risks. This principle is used in analysing risks of large-scale societal projects. Second, in clinical practice, an individual risk-weighing principle is used. According to the latter, an option, e.g. a certain treatment or medication, is only seen as acceptable if the benefits for the individual outweigh the risks for that individual (Hansson 2004). Public health is a peculiar hybrid, since it is about an individual good, i.e. health, but is per definition concerned with the general health of the population. The foundation of public health is utilitarian, since its aim is to maximize the public’s health. Against the background of such collectivist or semi-collectivist risk analyses, public health communication necessarily becomes a tool to inform the public about health risks calculated, not in accordance with the best interest of individuals in mind, but more or less with the health of the population at large in focus. However, because health is an individual and oftentimes a deeply personal matter, this collectivist focus of risk analysis and risk communication in public health is ethically questionable.

There is no neutral way to present risk messages. Messages about risks to health and safety have to be framed one way or the other and a selection has to be made concerning which risks to inform the public about (C.F. Tversky & Kahneman 1974, Thaler & Sunstein 2008). The challenge, as conventionally understood, is to do this in an effective way, i.e. to make sure that people adjust their behaviour in the intended way. For example, a smoking campaign aims to convince people to quit smoking and it is successful if people actually...
quit smoking. However, if the ideas that health is a deeply personal matter and that there are no neutral messages are accepted, the message could also be framed in more or less ethically acceptable ways.

This requires that risk communication is analysed at three levels: the message itself, the procedure by which messages are communicated and the effects it has on recipients. The three levels can, together with an ethics of care approach, be used to identify three conditions for ethical risk communication in public health matters. I will argue that ethical risk communication has a risk message based on care, the message is decided in a legitimate procedure and the effects of the message are considered important to risk communicators. To illustrate this idea, I will discuss the current infant feeding information provided to parents in most countries. Most sources providing information on infant feeding strongly recommend breastfeeding and merely state the risks of bottle feeding and the benefits of breastfeeding. The WHO and UNICEF recommend that women breastfeed their babies and that health professionals promote breastfeeding. This creates severe pressure on women to breastfeed, a pressure which is ethically questionable since many women have physical, psychological or emotional problems relating to breastfeeding. In a previous paper, Sabine Roeser and I used insights from the ethics of risk to criticize the current breastfeeding policy (Nihlén Fahlquist & Roeser 2011). In a qualitative survey published online, I collected stories from women who could not or chose not to breastfeed. Their experiences will be analyzed in order to illustrate the need to include care ethical values in risk communication concerning public health.

Conscientious objection 2.0: Why the simple answers do not work

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The aim of this paper is to question whether diverse contemporary forms of ‘conscientious objection’ are legitimately described as such. In the last decades, media have reported on many different people claiming the right to follow their conscience in various situations. There are pacifists refusing conscription, doctors objecting to euthanasia, civil servants declaring themselves unwilling to marry gay couples, etc. All of them are called ‘conscientious objectors’. Ethicists also like to frame the matter in this way, assuming that the above-mentioned situations are sufficiently like to discuss them as cases of ‘conscientious objection’. As a result, it seems like arguments advanced in favour of one type of conscientious objection (say, in health care) could also be used to defend conscientious objection in other situations. In this paper, I challenge this approach.

In the first section, I present three paradigmatic forms of conscientious objection: objections by health care providers, by individuals working in public administration and by citizens conscripted for military service. I show how they can all be thought of as situations of conflict between personal convictions, on the one hand, and legal or professional expectations on the other. As such, the cases under consideration really display some congruency and ethicists are right to emphasize this.

Authors also seem to assume, however, that these various practices can be found by appealing to some general arguments for or against ‘following one’s conscience’. In the second section, I will discuss two arguments that are particularly popular: (a) the integrity argument and (b) the communication argument. Proponents of (a) hold that there is a (prima facie) reason to allow an agent to follow her conscience because doing so allows her to preserve her integrity (Brock 2008, Sulmasy 2008). Defenders of (b) think that we should only tolerate those conscientious objectors who take a communicative attitude and give reasons for their behaviour (Card 2007, Brownlee 2013). Both arguments promise a neutral assessment of conscientious objections: rather than looking at the convictions held by the conscientious objector, they assess her objections as conscientious. The question is no longer whether we praise or reproach her for the values she holds or for the consequences of her behaviour; but rather whether she (a) objects to preserve her integrity; or (b) communicates sufficiently and skilfully.

Do these arguments help us to come to terms with the above-mentioned cases? In the third section, I will argue that they do not. Both the integrity defence as the communication defence display significant shortcomings. Without further qualifications, the integrity defense will bring us to accept every act of conscientious objection, no matter how absurd or biased. The committed sexist civil servant can insist that he preserves integrity by refusing to shake hands with women; the committed vegetarian supermarket clerk can refuse to help customers who buy meat. It seems that integrity alone does not determine when an objection is serious or credible enough to grant exceptions to citizens, employees, civil servants, or health workers.

The communication defence, on the other hand, expects conscientious objectors to argue for their case. The reason to tolerate them is that they make a relevant contribution to democratic debate. This line of reasoning gives us good reasons to tolerate those conscientious objectors who make public statements, operating much like civil disobedients, but it forces us to dismiss all objections made out of religious reasons, as well as objections by people who cannot seek the public eye (which will be the case with many objections by health care workers, as well as by other professionals with a duty of confidentiality).
Rather than focusing on integrity or communication, it would be useful if those engaged in the debate on conscientious objection would pay attention to other relevant features of conscientious objection. It may be unhelpful to treat conscientious objectors merely as conscientious objectors, as this forces us to abstract from the values they hold and of the consequences of their behaviour. Reconsidering the paradigmatic cases, I note that our intuitions about conscientious objectors often depend on how we evaluate the objector’s values; as well as on the impact on those to whom services are refused. Also, we may need to look at the consequences of refusal on the objector herself. I conclude with a short and provisional overview of the variables that should be included in such a content- and context-sensitive assessment of conscientious objection.

On professionals being afraid to do what they should do: A first analysis of the concept of professional action timidity

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Every now and then professionals are confronted with critical situations that make a strong call for action. The wellbeing or even the life of vulnerable clients is at stake, and professionals are urged to ‘do their duty’. Take for example a family guard or youth care worker who suspects child abuse in a family and has to take action to protect the child from further harm. In many occasions, professionals know what to do, and act as they should in such critical situations. Yet, there are also occasions in which they seem to be struck with ‘action timidity’. To be clear, this is a neologism that we introduce as a translation of the Dutch word ‘handelingsverlegenheid’.

It is remarkable that this term, frequently used nowadays in practical (professional and political) contexts, is absent from practical philosophical and ethical literature. It seems to be related to phenomena like akrasia and moral perplexity that are widely discussed in literature. Yet, it does not conflate with them. This raises the interesting question whether we have to do with a new phenomenon, not yet studied before in the philosophy of action and in ethics. Should ‘action timidity’ be considered as a new object of action philosophical and ethical reflection? Or is it just the same meat with different gravy? But about which meat are we talking then?

Meanwhile, the term is used in practical contexts without a clear analysis and definition and without a proper view on the normative assumptions that accompany its use. Professionals, to whom ‘action timidity’ is ascribed, are thereby criticized. Yet, the normative considerations implied in the use of the term stay mainly implicit and it is not clear from the outset whether these considerations are justified and whether they would survive critical ethical reflection.

Thus, while the term ‘action timidity’ may be theoretically interesting and is practically relevant, it still lacks a conceptual analysis that reveals whether we are confronted with a new phenomenon and how normative considerations are at work in its frequent use. The goal of this paper is, therefore, to introduce the notion into practical philosophy and ethical theory and fill the void of a lacking conceptual analysis.

Parallel 3i: Aesthetics/philosophy of art

Time: Saturday, 16/Nov/2013: 11:45am - 1:15pm  · Location: Auckland (M3-04)
Session Chair: Josef Früchtl

Art in public space and Public Art. The Site-Specificity of Meaning.

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When the people wanted Richard Serra’s Tilted Arc removed from Federal Plaza in New York City, Serra argued that the work would be destroyed by its displacement. The meaning of the work depends on its location: the work’s meaning is site-specific. Empirically, or juridically the issue is solved—the work was removed—but philosophically it is still an open question. The knife of site-specificity appears to cut both ways. Installing Tilted Arc on the Plaza likewise destroyed the site-specific meanings that the square has built over the years and has shared with its occupants.

Which conceptual framework will help us map the issue? 1. Which types of objects are at stake with Public Art? 2. Which types of location are at stake in Public Art? 3. How is meaning generated by a public space, or a work of Public Art? 4. How must the ontology of Public Art be conceived if its nature depends on reciprocated site-specificity? Working from examples, I sort out these philosophical
issues. Among others, I discuss statues, local interventions by Irene Janze, Serra’s Tilted Arc, Banksy, Anno Dijkstra’s sculptures after photographs.

These examples all represent different views onto the direction-of-fit of meaning. Serra simply put something that counted as art within art practice, in a public space, possibly abusing an authority acquired within art practice in a domain where it holds no sway. The gesture was certainly influential, at least in art, but perhaps as a work of Public Art its merits were, perhaps, simply flawed. Statues seem least debatable, because they derive their legitimation from public narratives concerning the place they are placed in (memorials fit in similar manner, though the scope of the narratives which legitimate them is expanded). Irene Janze actively intervenes in meanings which, she finds, are already active at the scene: she teases them out and re-appropriates them. Banksy places accessible pictures which comment on the site. Lastly, more or less anonymously, Anno Dijkstra spreads little sculptures made after horrible news photos, in the streets, making the intrusion of art in public space the very theme of the reception of his works. People are allowed to do as they please with the little sculpture they found. Some throw it away, but most take it home. Once home, the problems begin: where to put the horrible sculpture, how to explain their placement to one's visitors, and so on. Some people report they couldn't find a satisfactory place, and decided to return it to the street.

The paper discusses these cases to develop an explication of the philosophical issue of the site-specificity of meaning, and the ontology of Public Art.

**Disentangling the role of intuition in defining art**

**Annelies Monseré**

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It is mostly taken for granted that philosophers of art rely on intuitions as evidence for definitions of art. Both defenders and foes of this method assume this. Noël Carroll, for example, unapologetically defends this intuition-based methodology and claims that intuitions “are mother’s milk to analytic philosophers”, while Richard Kamber maintains that philosophers of art wrongly presuppose the universality of their own intuitions. Consequently, there is much talk of intuition in philosophers’ texts and it seems standard philosophical practice to test our intuitions regarding what is art by formulating counterexamples to existing definitions of art. Many philosophers of art, such as Gary Iseminger, Noël Carroll, Jerrold Levinson, Berys Gaut and Robert Stecker, purportedly consult their intuitions in order to defend or verify theories of art.

In metaphilosophy, there is a lot of debate regarding the role of intuitions in philosophical research. This methodology has been defended by armchair philosophers and criticized by more empirical oriented philosophers such as, most recently, experimental philosophers. As in the philosophy of art, most philosophers in metaphilosophy presuppose an evidential role for intuitions in conceptual analysis. However, recent voices within the debate, such as Herman Cappelen and Max Deutsch, argue that intuition does not play the role in philosophy that is ascribed to it. As such, philosophers do not need to worry about the claim that intuition cannot be used as evidence for conceptual analysis or philosophical theories in general. Philosophers of art have not paid sufficient attention to this metaphilosophical debate. Therefore, it is needed to examine the role intuitions play in definitions of art more carefully. For this reason, I will explore how the term ‘intuition’ is used and whether the term is used univocally by philosophers of art. I will show that the term seems to denote many different conceptions of ‘intuition’.

Finally, it will be argued that very often the term is used rhetorically and that talk of intuition may best be eliminated. Generally, philosophers of art provide arguments for their theories and do not rely on intuitions as evidence. However, from this observation it does not follow that critiques of the use of intuition as evidence in philosophy have no force whatsoever. Talk of intuitions is often used to mask incomplete or unconvincing arguments. Consequently, talk of intuitions renders definitions of art methodologically unsound: intuitions are invoked when arguments fail and the other way around. It will be concluded that much confusion and arbitrariness regarding definitions of art follows from this illegitimate talk of intuition.

**Death and the image: plea for an aesthetics of shock**

**Dimitri Goossens**

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In the 18th century philosopher Giambattista Vico stated that ‘humanitas’ is linked with the word ‘humando’, to bury. In stating this he emphasized that humanity is not a species (homo sapiens is a species), it is an understanding of mortality, a way of coping with mortality. Being human means foremost to bury our fellow humans. Mortality probably was the most primordial mystery for mankind and in coping with it….we became human. So in fact the theme of death and the experience of death should be at the core of our human
research and interest. If not... we could end up skipping a serious part of our humanity. And especially in aesthetics and philosophy of art it should form the crux of research because in asking ourselves how we can relate to this biggest mystery of all... our mortality... we discover that it is only possible through the image or the work of art.

This article will emphasize the importance of an aesthetics of shock and anxiety in the face of death in imagery and artworks. It will do this by exploring the relationship between the image and death. Two images of death, the skull and the cadaver, will be analysed to explain why an aesthetics of shock and its existential anxiety is important to come to terms with our 'humanity'. Finally the article will show how these analyses relate to the work of Georges Bataille on death, transgression and art. It will show how important the writings of Bataille and Heidegger (on existential anxiety) are for the understanding of shocking art today as not merely 'savage fantasies' but as essentially explorations of 'being human' as 'being mortal'.

When it comes to death we can only relate to it indirectly. To experience death directly would mean to perish, to die oneself. Death comes to us as an untimely visitor only through the death of others, through images of death in literature, popular culture, movies, artworks... So mankind has generated an infinite number of images of death. But, more fundamentally, the experience of death generated the image. This becomes clear through an analysis of the various words concerning imagery (imago, figura, eidolon, signum) and through an analysis of what may be the most primordial of all images... the gravestone. It will be proven that all these terms of the image carry in them death. Following this the text will make clear that the gravestone lies at the ground of all possible representative imagery. The burial ground with its gravestone is the birth ground of the image.

An analysis of the skull and the cadaver in art and imagery will show that the phenomenology of the gravestone keeps on working in these images, like in all representative images. But skull and cadaver have a similar shocking effect on the viewer or spectator. This effect will be explored through various examples in art and popular culture. It can be compared with the transgressive experience as analysed by Georges Bataille and with the analysis of existential anxiety and the 'being-towards-death' of Martin Heidegger. First the phenomenology of the skull and the cadaver will be explained through the metaphor of the halting-place (with its existentials of time and place). This aspect of shock as a halting-place, the role of disgust in halting the spectator, will be related to Bataille's theme of transgression and his metaphor of the 'déchirure' or rupture. This aspect of halting-place as a rupture will be compared to the role of anxiety in Heidegger's analysis in 'Being and Time'. These comparisons will make clear that shocking imagery can be of great existential and moral value in sketching out and bumping into our boundaries of human values and existence.

Finally an argumentative plea will be made for the importance of an aesthetics of shock, focusing on existential anxiety, in contemporary popular visual culture and contemporary visual arts.

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Parallel 3j: Epistemology (I)

**Time:** Saturday, 16/Nov/2013: 11:45am - 1:15pm  
**Location:** Praag (M3-05)

**Session Chair:** Guido Melchior

**What, if anything, is an epistemic context?**

**Tim de Mey**

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A skeptical paradox has the following form:

1. S knows that p
2. S doesn't know that not q
3. If S knows that p, then S knows that not q

In such a sceptical paradox, q is a sceptical alternative to p.

The triad is inconsistent, so one premise has to be denied. According to the sceptic, (1) has to be denied because of (2) and (3). According to G.E. Moore and the (neo-)Mooreans, (2) has to be denied because of (1) of (3). Taken together, the disagreement between the Mooreans and the sceptics, nicely illustrates that "one philosopher's modus ponens is another philosopher's modus tollens".

Some contemporary philosophers have developed and defended the idea that whether we should agree with the sceptic that (1) has to be denied or rather with the Mooreans that (2) has to be denied, depends on the context. The context determines the salience of the
sceptical alternative q. In cases in which the sceptical alternative is salient, we should agree with the sceptics. In cases in which the sceptical alternative isn't salient, we should agree with the Mooreans.

However, there is a "third way" and that is to deny premise (3), i.e., the deductive closure principle for knowledge. According to what I will call "relevantists" (such as Dretske and Nozick), the context determines whether a sceptical alternative is relevant. If the sceptical alternative isn't relevant, S can know that p without knowing that not q. So in fact (3) is denied because of (1) and (2). However, if the sceptical alternative is relevant, we face again the two possibilities that we are already familiar with: the sceptical approach in which (1) is denied and the Moorean approach in which (2) is denied.

So both contextualists and relevantists rely heavily on "contexts", but they seem to disagree on their specific scope and function. Moreover, although contextualists and relevantists offer many tempting "cases", they do not explain what a context precisely is and how exactly it plays the role that it is supposed to play.

In this paper, I offer two explications of "context": one on behalf of the contextualist and one on behalf of the relevantist. Subsequently, I argue that the contextualist's context is basically an "internalist's" context, and that the relevantist's context is basically an "externalist's" context. Finally, I side with the relevantist: only externalist's contexts can make a difference as to whether S knows that p or not, and there are many cases in which the deductive closure principle for knowledge doesn't hold.

**Fallibilism, Context-Sensitiveness and Inquiry**

**Paniel Reyes-Cardenas**

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It has been said that the impact of philosophy is dim and hardly relevant for interdisciplinary approaches. This opinion is misguided and wrong, it lacks the acknowledgement of the huge informative methodological impact that philosophy has comported to a number of disciplines ranging from the experimental sciences to the social sciences and even in technology. In this paper I shall reject that claim by introducing three philosophical topics crucial to Inquiry in all disciplines of knowledge and methodology in and outside philosophy. I will (1) speak about Inquiry as a goal-directed activity that generates beliefs, then (2) I will characterize inquiry as a process of questioning in a systematic manner that (3) takes for granted the context-sensitiveness and fallibilism of those beliefs. I shall conclude that philosophical inquiry is not only beneficial but essential for the systematic progress of knowledge.

As mentioned before, Inquiry is a goal-directed activity, and what we reach as an aim of inquiry is a belief that we want to hold as true. Now, to perform inquiries we need to have impinging doubts that prompt us to carry on in the way of inquiry, such are the case of the so-called big questions, but it also applies for concrete inquiries. Unless we take the logic of questions seriously, we shall have a flawed understanding of central issues in the philosophies of language and mind: assertions and beliefs are elicited or activated by questions and questioning. (see Hookway 1990, 10) Some aspects of this questioning are the following, and they are first and foremost characteristics of Questions in epistemology:

- They formulate cognitive goals
- They elicit information
- Used to have indirect question complements in reflection, to exercise regulative control over inquiries (Hintikka 2007)
- They are formulated in a pragmatic or contextual consideration

Our best way to understand concepts such as knowledge is by examining their role in regulating our inquiries. Questions establish our cognitive goals, so therefore our progress in inquiry can be monitored and traced if we can discover to what extent we have answered a relevant question. Doing questions elicits salient considerations if an inquiry is to prosper.

Consider the case of a murder, if I am a detective it won't be any wise to ask who killed x? But who had any relevant relationship R that was relevant as a cause for the murder of x.

Fallibilism, as the doctrine that our beliefs must be sensitive to error and our theories prone to correction entails a concrete philosophical character to any kind of inquiry. However, only philosophical inquiry is wide enough to encompass the consequences to adopt fallibilism. Fallibilism helps us to distinguish when a question is logically real and relevant as a real doubt prompting inquiry. So a question is locally real (for a community) when that community recognizes some things as straight answers to it, and recognizes that some evidence would favour one of those answers over the rest. (Hookway 2008 17) that it's its cognitive frame, but we must recognise that we do not hold absolute certainty for any of our beliefs, even in well-settled beliefs as mathematics or logic, there is always room for improvement or revision. This is good news though, it means that our cognitive interest meets a balance with our pragmatic interest, and makes our believes sensitive to context and, even more importantly, sensitive to error. In this paper the relationship between inquiry, the context-
sensitiveness of beliefs and the importance of questioning will become apparent. Examples on how to apply these epistemic virtues beyond epistemology and philosophy will be shown.

The Permissiveness of Rationality

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Assuming that evidence is a determinant of doxastic rationality, how permissive are the constraints that evidence imposes on what it is rational to believe? Does evidence uniquely determine what it is rational to believe? Or can evidence leave some ‘slack’ for different but equally rational belief states? A recent suggestion in this matter is the Uniqueness Thesis. (White 2005, 445; Feldman 2007, 205; Matheson 2011, 360):

(UT): Given an agent’s total evidence, there can be only one belief state that it is rational for this agent to adopt regarding a proposition. The denial of this suggestion has been called Epistemic Permissiveness

(White 2005, 445):

(EP): Given an agent's total evidence, there can be more than one belief state that it is rational for this agent to adopt regarding a proposition.

In my paper I examine a seminal argument for (UT), submitted by White (2005), Feldman (2007), and Matheson (2011). First I present and unpack this (somewhat broadstroke) argument, and tentatively fill in some of the omitted details. Then I confront this argument with the Duhem-Quine problem of under determination, which precisely raises the issue against (UT) that total evidence does not always uniquely determine what it is rational to believe. The upshot of this problem is that the argument for (UT) is incomplete; it needs an additional feature to establish the presupposed unique relation between total evidence and rational belief. I investigate two natural candidates for this additional feature, namely Bayesian Epistemology and AGM Belief Revision. This investigation, however, indicates that such an additional feature is not sufficient to ‘shake off’ the problem of under determination. My conclusion is that, without a good reason to think that total evidence uniquely determines what it is rational to believe in cases of under determination, (UT) is untenable.

This result has important bearings on the problem of peer disagreement, which is the issue of whether it can be rational to disagree with someone who has the same evidential and cognitive properties. If, as my investigation indicates, evidential and cognitive properties (that is, total evidence) do not uniquely determine what it is rational to believe in cases of under determination, then neither will the shared evidential and cognitive properties of disagreeing peers. This suggests that rational peer disagreement is possible in such cases.

Parallel 3k: Philosophy of mind (I)

Time: Saturday, 16/Nov/2013: 11:45am - 1:15pm  ·  Location: Lund (M1-18)

Session Chair: Marc Slors

Psychology and the notion of validity

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The standard experimental paradigm within the psychology of reasoning is to ask participants to either produce a valid (deductive) argument or to judge whether a given argument is (deductively) valid. In order to interpret how participants have performed psychologists need an interpretational framework from which they can determine which arguments are valid and which are not. Up until recently it has been standard to simply use the definition of validity from first-order classical logic. However, when psychologists started to interpret their data using the notion of classical validity they were shocked to find that people performed quite badly according to these standards. For example, they found that participants were more reluctant to consider arguments by modus tollens to be valid then arguments by modus ponens (Manktelow, 2012, p. 61) and that performance could be affected by the content of an argument (Manktelow, 2012, pp. 74-77). At first researchers were quick to judge that these results implied that people might not be as rational as had been previously believed. However, that view was considered to be in contradiction with the experience that people seem to be quite successful in their daily endeavours. This led researchers to look for a more empirically adequate notion of validity. For instance, Wason, who is generally considered to be the father of the psychology of reasoning, believed that participants were judging whether an
argument is relevantly valid (Wason, 1968). More recently, proponents of the "New Paradigm" have turned to Bayesian probability theory as interpretational framework and hold that participants ought to be judging whether an argument is probabilistically valid (e.g. Oaksford & Chater, 2007, pp. 221-227).

In this paper I will critically re-examine how the logical notion of validity relates to psychological research. It is clear that some interpretational framework is needed to make psychology of reasoning possible at all, but it is not clear whether this interpretational theory must be logic. I will argue on the basis of a recent debate within the philosophy of logic about logical pluralism (Beall & Restall, 2006) that no conceptualization of the consequence relation will yield a straight forward competence theory of logical reasoning that psychologist have been seeking. The search for a unique empirically adequate notion of validity is misguided. My argument will rely on the empirical data gathered by Stenning & Van Lambalgen which is used to ground the descriptive claim that participants are interpreting reasoning tasks using different notions of validity (Stenning & Van Lambalgen, 2008). However, I believe that Stenning & Van Lambalgen's account needs to be supplemented with an account of why participants behave appropriately when they perform these different interpretations. I believe Beall & Restall's logical pluralism can provide this account. As such I will reject the view in the recent SEP-entry on logical pluralism by Gillian Russell (Russell, 2013) that these insights from philosophical logic have no explanatory value in the field of psychology. Although I agree with Russell that we should not forget that human cognition is bounded and fallible, this does not mean that a charitable reading of participants' behaviour based on logical pluralism has nothing to add to our understanding. First, logical pluralism can account for our feeling that there is something wrong with the validity of arguments which depend on the paradoxes of material implication, even though we fully understand that these arguments are classically valid. Second, I will argue against Russell's claim that logical pluralism "fails to explain why the subjects later judge that their earlier answers were wrong" (Russell, 2013) by pointing out that this phenomenon is actually well explained if the explanation of the "correct" answer given by the experimenter after the experiment helps the participant to determine how she "ought" to have interpreted the reasoning task. Third, logical pluralism might be able to account for some of the content effects that have been found, since the content of a reasoning task might help or hinder participants to interpret a reasoning task in a specific way.

A better insight in how the notion of validity relates to the psychology of reasoning might contribute to both psychology and philosophical logic. The traditional view that logic and psychology are completely unrelated should be rejected since we no longer hold the presupposition on which it is based. That view was mainly grounded on Frege and Russell's now outdated metaphysical belief that logic is about the most general structure of the universe. Within psychology, a more sophisticated view of the notion of validity might help develop new experimental paradigms which take into account the different, but equally valid, ways in which participants might be able to interpret reasoning tasks. Philosophical logic, on the other hand, could benefit because empirical considerations might make us reconsider our philosophical views. For instance, the insightful account by Stenning & Van Lambalgen that participants may be using some form of default logic in some reasoning tasks (Stenning & Van Lambalgen, 2008, p. 177-216) might make us reconsider Beall & Restall's claim that all possible consequence relations must be necessarily truth-preserving (Beall & Restall, 2006, p. 91).

Phenomenological effects of Deep Brain Stimulation for Obsessive-Compulsive Disorder patients: An enactive, affordance-based model

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I. Background

Nowadays, psychiatric disorders are often regarded as diseases of the brain. Although cognitive neuroscientific research has great potential for enriching our understanding of psychiatric disorders, there is a growing recognition that these findings need to be embedded in a larger, interdisciplinary picture to account for the complexity of psychiatric disorders. Treatment with Deep Brain Stimulation (DBS) seems to fit a brain-chauvinist approach to psychiatric disorders. However, phenomenological investigations may provide valuable insights to arrive at a better understanding of both the effects of treatment and the phenomenology of the disorder.

II. Deep Brain Stimulation for Obsessive-Compulsive Disorder patients

People suffering from Obsessive-Compulsive Disorder (OCD) think things they do not want to think and do things they do not want to do. OCD patients suffer from obsessions: recurrent and persistent thoughts, impulses, or images that are experienced as intrusive and inappropriate and that cause marked anxiety or distress. Moreover, they try to ignore or suppress these obsessions, or to neutralize them with some other thought or action: the compulsions. [2]. Approximately 2 % of the general population suffers from OCD. Even
when the best available treatments are applied, approximately 10% of patients remain severely afflicted [3]. For these treatment resistant patients, DBS may be an option.

Deep brain stimulation is a neurosurgical treatment which involves the implantation of electrodes in the brain. These electrodes give a continuous electrical pulse to the brain area in which they are implanted. DBS is mainly used for people who suffer from advanced Parkinson’s disease. In the last decade, the use of DBS for psychiatric disorders is being tested. At the Academic Medical Center 42 OCD patients and 19 patients with major depression are currently being treated with DBS in the Nucleus Accumbens. So far, the results are promising: for about 2/3 of the patients DBS is effective [3].

III. The need for phenomenology

For those patients who respond well, the effects of DBS are both global and thorough. In fact, it seems that standard measurements of OCD are insufficient to capture these global changes. In line with a phenomenological approach to psychiatric disorders, our qualitative research indicates that patients indeed seem to experience a different way of being in the world. Because the effects of DBS can be very quick and direct, this provides a unique opportunity to witness the phenomenological changes from disorder to recovery. Our aim is to make the changed ‘way of being in the world’ of these patients more tangible.

IV. Preliminary results: an affordance-based model

We propose that the changed world of psychiatric patients such as OCD patients can be fleshed out in terms of changes in the field of relevant affordances. Affordances refer to a person’s possibilities for action provided by the environment [4-6]. It is a truly relational notion: what affords action, what invites or repels, depends both upon the abilities and concerns of the person and on what the environment offers. Those affordances that are most in line with our concerns are the most relevant. In any situation, there are many possibilities for action available to us: we are immersed in a whole field of affordances.

This field has three main dimensions: (a) the time scale, (b) the spatial scope of the field, and (c) the relevance of the affordances that are perceived. Figure 1 gives a schematic depiction of different fields of relevant affordances.

Figure 1: Structure of the field of relevant affordances

Our various concerns shape our field of affordances: our concerns determine what appears as salient to us. To the extent that both our needs and concerns and the environment change, the field of relevant affordances changes too. It is thus a dynamic field: in ‘width’ (the breadth of our diverse interests and concerns); in ‘depth’ (the time span of our horizon of affordances); and in ‘height’ (the relevance of our concerns).

Figure 1b depicts the field of relevant affordances of a depressed patient. Nothing stands out anymore; it is all the same grey, unattractive world that one is surrounded by. The field of patients suffering from OCD (fig. 1c) is narrowed down extremely to just the immediate affordance of what has to be done now. Before any other affordance may announce itself, completing the compulsion has first priority. The field of OCD is very much a field of anxiety: anxiety too narrows down one’s focus and takes primacy over all other perceptions and actions.

Following this model we can understand the effects of DBS treatment for OCD patients in terms of (1) changes in the structure of the field of relevant affordances, and (2) changes in the way of relating to this field.

1) The structure of the field of relevant affordances changes in all three respects:
   a) the scope of patients’ interests broadens
   b) they orient themselves on a larger time scale, both with regard to the future and the past
   c) their detection of relevance becomes more adequate, that is, in line with their concerns

2) The way in which patients relate to the world changes. With regard to the qualities of relating we can see that patients are:
   a) more engaged
   b) more outward directed
   c) more flexible, and
   d) more unreflective.

Thus we see a shift from inward deliberation to more practical, unreflective engagement with the world.
V. Conclusion

Our research provides a modest example of how phenomenological analysis can contribute to a more integrative understanding and treatment of psychiatric disorders. More in general, it fits within an enactive approach to psychiatry that is holistic without being vague [7].

Skilled Intentionality

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There are important structural similarities in the way that animals and humans engage in unreflective yet skilled activities, including unreflective social interactions in the case of higher animals. Firstly, it is a form of unreflective embodied intelligence that is 'motivated' by the situation. Secondly, both humans and non-human animals are responsive to 'affordances' (Gibson, 1979; Chemero, 2003, 2009); to possibilities for action offered by an environment. Thirdly, both humans and animals are selectively responsive to one affordance rather than another, i.e. to relevant affordances. Social affordances are a subcategory of affordances, namely possibilities for social interaction offered by an environment: a friend’s sad face invites comforting behaviour, a person waiting for a coffee machine can afford a conversation, and an extended hand affords a handshake. I will relate this to recent insights in the nature of the bodily or skilled intentionality. Such ‘motor intentionality’ can be characterized as “our direct bodily inclination to act in a situated, environmental context” (Kelly, 2005, p. 106). Standard interpretations of bodily intentionality see grasping an object as the paradigmatic example of motor intentionality. I will discuss the implications of another, novel perspective that emphasizes the importance of unreflective switches from one activity to another and understands bodily, or better, skilled intentionality in terms of simultaneous bodily responsiveness to multiple affordances; to a whole field of relevant affordances. Relevant social affordances are integrated in this field. Real-life examples from the practice of architecture allows us to see that central cases of what traditionally is called ‘higher’ cognition, can be understood in terms of embodied cognition as skilled affordance responsiveness in concrete situations. I will suggest that for animals and humans alike, the function of skilled intentionality is the tendency towards an optimal grip on the field of affordances.

Parallel 3l: Justice

Time: Saturday, 16/Nov/2013: 11:45am - 1:15pm · Location: Heidelberg (M1-16)

Session Chair: Ingrid Robeyns

Conceptions of the Person in Constructivist Theories of Justice

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Constructivist approaches to justice claim that principles of justice cannot be discovered or intuited from an independent realm of values. Instead, we should ourselves ‘construct’ the principles of justice that should regulate social and political institutions through a specific procedure of construction. According to constructivism “objectivity is secured not through an independent order of moral values or facts, but through the standards of practical reason and the conception of the person that are incorporated into and represented in the procedure of construction” (Reath 2006, 200). Recently, different versions of constructivism have been developed which all share the following three features: 1) a conception of the person 2) a specific procedure of construction which is modelled on the basis of this conception of the person 3) principles of justice that are constructed through the procedure of construction. For instance, John Rawls’ variant of constructivism starts from the conception of the person as being free and equal, introduces the original position as a privileged selection procedure which is modelled on the basis of this conception of the person, and puts forward the two principles of ‘justice as fairness’ as the outcome of this procedure of construction.

The justificatory weight of constructivist theories of justice is borne mainly by the specific conception of the person that grounds the constructivist procedure. Yet, the exact status and justification of these conceptions of the person has not sufficiently been analyzed. First, it is unclear what kind of conception of conception of the person is invoked in constructivism: is the conception of the person a description of the actual capacities and abilities of people or is it a thoroughly normative conception of how we should treat people? Second, it is unclear how a conception of the person is justified. The question as to the justification of conceptions of the person is
particularly important because, on pain of infinite regress, the basic materials of construction can itself not be constructed but should be justified otherwise: "not everything, then, is constructed: we must have some material, as it were, from which to begin." (Rawls 2005, 104) In addition, specific conceptions of the person – such as Rawls’ conception of persons as being free and equal – are not uncontroversial and in need of justification.

In this paper, I will analyse the status of conceptions of the person in constructivism and discuss different possible justificatory strategies. I will do so by comparing the justifications of conceptions of the person provided by three different constructivist theories of justice; the theories of John Rawls, Rainer Forst, and (the early work of) Martha Nussbaum. The first two authors explicitly identify themselves as constructivists. The inclusion of Nussbaum on this list might be more surprising. However, given the general definition of constructivism provided above, Nussbaum’s Aristotelian approach to justice qualifies as an archetypical constructivist even if she does not herself adopt this label.

The structure of the paper is as follows: in the first section, I briefly introduce the constructivist methodology and the different conceptions of the person employed by Rawls, Forst and Nussbaum. In the second section, I analyse the status of conceptions of the person in constructivism and, consequently, propose conditions that should be fulfilled by any justification of such a conception. In the subsequent sections, I analyse the different justificatory strategies put forward by Rawls, Forst and Nussbaum on the basis of these conditions. I argue that both Rawls and Forst fail to provide a plausible justification of a conception of the person. I claim that although on one specific reading of Nussbaum’s ‘self-validating’ argument she does provide a convincing justificatory strategy for a conception of the person, this strategy cannot provide a justification of her specific conception of the person in terms of human flourishing. I will end the paper with some comments on the implications of this analysis for constructivist approaches to justice.

**Action-guidance and Theories of Justice**

Constanze Binder

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In recent years an intense debate among political philosophers developed about the role of theories of justice in the guidance of political action. The objective of this paper is to gain a clearer understanding of the concept of action-guidance and the requirements it imposes upon (ideal) theories of justice. For this purpose, we focus on one way how to understand the ideal non-ideal theory distinction, namely as the distinction between theories of perfect justice and comparative theories to justice (Sen 2009). In a first step, it is argued that no matter which role one assigns to political philosophers in the ‘making’ of public policy, a comparative theory to justice is required. In a second step, the question whether a theory of perfect justice is a necessary requirement for a comparative theory of justice is explored. It is argued that the only reason to affirm this necessity is the position that an inquiry into a perfectly just society is the only (best) way to understand the metric and principles or criteria of justice. In a third and last step, the specific demands of comparative approaches are further specified and defended against a number of criticisms in the literature.

**A Measure of Justice**

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Some acts are more just than others. For example, paying back a loan in full is more just than paying back only half that amount, other things equal. And offering partial compensation for negligently harming someone is more just than offering no compensation at all. Examples like these suggest that justice comes in degrees and invite us to consider whether it’s possible to develop a quantitative measure of justice, one that would specify how much more just one act is relative to another. In this paper, I attempt to develop such a measure. The availability of a quantitative tool like this might not only put decision makers in a better position to identify optimal levels of justice when choosing among various options, but it might also help them make more intelligent choices when attempting to resolve trade-offs between justice and other types of moral value.

But how might one begin developing a quantitative measure of justice? What would such a measure look like? My analysis begins by noting that a model of justice in action should numerically represent how well an agent serves the goal of justice in her circumstances. Since I assume a desert-based conception of justice, the model aims to represent numerically the degree to which the agent gives to others what they deserve. Crucially, the measure I develop is normalized, with an upper bound of 1 representing perfect achievement with regard to satisfying the requirements of justice, and a lower bound of 0 representing a state of no achievement (or worst possible achievement) with regard to satisfying the requirements of justice. Keeping the measure normalized will help facilitate inter-decisional and inter-personal comparisons of justice and also makes possible comparisons of justice with other conflicting sources of value.
For actions resulting in outcomes that are somewhere in between the extremes, the model assigns larger numbers as they more closely approximate perfection. To develop an adequate, quantitative definition of approximation, I discuss some basic concepts that play a foundational role in the model's construction, including desert-claims, desert-claim satisfaction, and a unit of measure I call j-value. I treat desert claims as a species of prima facie obligation, with desert claims satisfaction as something that comes in degrees. Although the full satisfaction of any one claim is defined as producing one unit of j-value, I offer some suggestions for how one might differentially weight various types of desert claims. J-value is then defined for actions as well.

With definitions of key terms and concepts in place, I discuss several different ratio measures that attempt to quantify the relative degree to which the agent satisfies the total set of desert claims held against her at the time of action. As it turns out, finding a suitable, quantitative measure of justice is more difficult to obtain than one might initially think. A simple ratio that compares the degree to which the requirements of justice are fulfilled by a given action to the total number of requirements held against the agent in that situation will not suffice, provided that we admit that net-injustices are possible. In these problematic cases, the boundary conditions for the original measure are violated. In other problematic cases involving "zero optimums", cases in which the best a person can do is to preserve the status quo, the simplest, most intuitive ratio measures go undefined.

To avoid these problems, I introduce an improved measure of justice. The measure is comprised of a "ratio of differences". Specifically, the model compares the difference between an action's j-value and the j-value of the minimizing option in the agent's alternative set to the difference between the j-values of the maximizing and minimizing options in that same set. More intuitively, this model sets the amount of justice in an option equal to its share of the total amount of j-value at stake in the circumstances. Once this basic model is established and is shown to avoid the problematic cases involving zero optimums and net-injustices, I adjust the measure to accommodate decisions made under uncertainty in order to mitigate the role that luck plays in determining the moral value of an action. The key notion in this adjustment is "expected j-value", a measure of an action's probabilistically-weighted average level of j-value as determined by the evidence available to the agent at the time of action.

Finally, I discuss the connection between justice and risk-taking and consider reasons for taking risk as a separate factor influencing the justice in an action. I discuss some possible ways of measuring risk in a desert-based context, and I introduce two possible ways of trying to integrate risk into a quantitative model of justice. I first explore using the "coefficient of variation". The coefficient of variation divides an option's risk level by its expected j-value. The ratio provides an efficiency metric that allows quantitative comparisons of alternatives that fail to dominate each other on both the expected j-value and risk dimensions. However, the measure goes undefined in cases with zero expected j-value. It also fails to distinguish cases in which the risk level for each option is zero, even if the actions yield different amounts of expected j-value. In light of these problems, I settle for additive approach on which the justice of an action is determined by the weighted sum an action's normalized risks score and its expected level of desert claim satisfaction. This approach is shown to satisfy two efficiency properties and generates fairly plausible results in cases where risk seems to be an obvious moral concern.

Parallel 4a: Early modern philosophy

**Time:** Saturday, 16/Nov/2013: 2:45pm - 4:15pm · **Location:** Galway (M2-06)

**Session Chair:** Han van Ruler

**Spinoza on form**

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One of the defining features of Spinoza's monism is his parallelism-thesis. Proposition 7 of part II of the Ethics states that 'the order and connection of ideas is the same as the order and connection of things'. This statement implies that there is a numerical identity between singular things that are conceived under the attribute of extension and singular things that are understood to operate under the attribute of thought. That is to say: a man and the idea of that man are the same thing, conceived under another attribute. To be sure, the contended parallelism goes even further. For Spinoza seems to claim that the parallelism is also applicable to things that are understood to operate under the same attribute. This becomes clear from a remarkable passage in the scholium of IIP21:

'So the idea of the mind and the mind itself are one and the same thing, which is conceived under one and the same attribute, namely, thought. [...] For the idea of the mind, that is, the idea of the idea, is nothing but the form of the idea insofar as this is considered as a mode of thinking without relation to the object.'
The idea of the idea (idea ideae) is an idea that not only has itself as its object (ideatum), but that moreover refers to an ideatum that is a mode of thinking itself. This introduces an aspect of duality within the attribute of thought that is in need of closer scrutiny. For when the idea of the idea is numerical identical to its ideatum and when both moreover operate under the same attribute, how can they actually be conceived to be apart in a certain respect? I argue that the concept of ‘form’ plays a decisive role in explaining the way in which Spinoza understands the important concept ideae. Understanding the way in which Spinoza contrasts the form of an idea with the idea itself, we might be able to solve some contradictions that seem to linger in the Ethics.

Substantial laughter: Aristotle and Descartes in Dutch satire around 1700
Frank Daudeij
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As Rudolf Dekker has shown in ‘Humour in Dutch Culture of the Golden Age (2001)’ the Dutch knew their way with laughter. So it is no surprise that the radical writers like Ericus Walton, Adriaan Koerbagh and the anonymous author of first Dutch novel ‘the life of Philopater’ (1691) used harsh satirical strategies to bring their radical message across. Inger Leemans poses in ‘Het Woord is aan de Onderkant (2002)’ that many scabrous printers, writers and engravers of pornography decorated their lustrous depiction of the carnal with radical ideas as well. Many historians of the radical enlightenment however tend to use these kind of rhetorical strategies and specific sources just as an illustration for hasty conclusion on the impact of certain ideas (J.I. Israel: Enlightenment Contested, 2006) or to neglect them at all (M. Wielema, The March of the Libertines, 2004). In my paper I will analyse the representation of the clash between Aristotelians and Cartesians by several Dutch satirists between 1670 and 1730. The goal is to show how even in a genre which exists to attack accepted norms, the tendency to make fun of a certain school of thinking shifts around 1700 to a smiling eye upon scholarly world in general. Signs of a time wherein citizens seems to adapt themselves not to a new philosophy to follow, but to the fact that there will be constantly new philosophers who want to be followed.

Affects and Activity in Leibniz’s De Affectibus
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In this paper I will discuss the picture of mind which emerges from Leibniz’s early memoir De Affectibus (1679). I suggest that one can find in the memoir the seeds of his later dynamics of the mind as presented in the 1704 work Nouveaux essais sur l’entendement humain. Despite some significant conceptual novelties such as the theory of the unconscious and the idea of a componential volition, I argue that the principal doctrines of De Affectibus such as a struggle between competing thought sequences and roughly Aristotelian view of activity related to development to perfection persisted to the Nouveaux essais. I believe that the reason for this is that Leibniz rejected very early the Cartesian theory of passion and action and his earlier Hobbesian mechanism and chose to follow the Spinozistic idea of power as striving.

Leibniz’s early philosophy of mind was heavily influenced by Hobbes. In his mechanical writing from 1671, Theoria motus abstracti, he stated that every body in collision transfers to the other a conatus equal to its own without thereby losing any of its original conatus (TMA, §10). The multiple conatuses last only for a moment before they are resolved into one (TMA, §17). If they are unequal, the resultant conatus will retain the direction of the greatest one, and have for its magnitude the difference between the original conatuses. Two years later, in Confessio Philosophi he said that what a conatus is in a body, an affect is in a mind.

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Leibniz preferred the term affectus to passion and defined it as an occupation of the soul which arises of the sentiment of the soul concerning good and evil. Related to this opinion is the will as Leibniz defined opinion as an understanding which follows from volition. The occupation of the soul is an inclination towards something and because volition is involved, the inclination is toward something which is preferred. Thus Leibniz’s conception of an affect is thoroughly rational and the mere different use of terms distinguishes him from the Cartesian framework.
Leibniz discussed a series of thoughts in the mind. This is comparable to series of things or series of determinations in the world. In the beginning of the series there is an affect which is an emotional mental state. Leibniz understood the series or sequence of thoughts as an inclination or a tendency of the mind to pass to another state or thought, or to a train of thoughts. Leibniz saw thought as the cause for another thought if there is no thought that is contrary to it. What is needed to initialize the series is the affect, the first thought, which automatically determines the sequence.

Unfortunately Leibniz did not tell us what this first affect or conatus is. All we know that it is enough to cause a series of thoughts. I believe that in this respect Leibniz had both Hobbes and Spinoza in mind. In his letter to Hobbes in July 1670, much before he had heard of Spinoza, he lamented that Hobbes had failed to see the proper significance of the conatus for a true theory of the soul (A II, 1, 58)

Although the law like process of thought sequences in the mind in De Affectibus might seem like a mechanical one, the difference is in the continuity – while in mechanics the cause determines the next state, in the mind the sequence continues and leads to a series of changes. Because the first affect is intentional (concerning some good which is sought for), the whole series of thoughts is teleological. The sequence continues until the desired good is reached or found unreachable. Different series can also be rivalling with each other.

The determination of series does not happen mechanically, but by some kind of power or force. Thus it is an inclination, a tendency.

The standard in comparing and preferring different inclinations is perfection which is presented as equivalent to reality. Because our reason is inherently disposed to the good, the sequence of thoughts is also inclined to perfection unless another sequence of thoughts replaces it. The soul is determined to the series of thoughts which in itself is most perfect. Involved in this determination is action and passion which he defined as follows: “An action is the state of a thing according to which something does follow, arising from its nature. A passion is the state of a thing, according to which something is prevented from following from its nature” (A VI, 4, 1428-1429). Thus action leads us to further the thought sequences while passion is something that hinders us to do that. As action refers to the substance itself, not to any kind of communication between two different kinds of entities, it is clear that Leibniz is closer to Spinoza than Descartes in De Affectibus although Leibniz’s views are clearly related to final causes.

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**Parallel 4b: Philosophy of technical artefacts**

*Time: Saturday, 16/Nov/2013: 2:45pm - 4:15pm · Location: Basel (M2-07)*

**Session Chair:** Hans Radder

**Function, functional kinds and the (ir)reductionism**

**Maarten Franssen**

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The concept of ‘function’ plays a crucial role in technology, in grounding the notion of an artefact, and plays a crucial explanatory role in biology and, more haphazardly and controversially, in social science. It has always been a challenge to come up with a clear explication of the concept of function that would clarify how this notion could do its work in such diverse contexts. However, a unified theory of function has never arrived. Instead, we have become stuck with, roughly, two competing theories (or families of theories): the system or causal-role theory associated with Cummins and Boorse, and the etiological theory associated with Wright and Millikan. The diversity within both camps is considerable, however, and some accounts distinguish three or even more different views. As a result, it has been doubted whether a unified theory of function is possible, or whether the various areas where the notion of function is used – biology, social science, technology, everyday human affairs – each require their own theory. The consequence of this situation is more serious than just disappointment of our ability to account for the apparent unity of functional discourse. In several basic arguments in philosophy – notably the philosophy of science and philosophy of mind –, crucial reference is made to the notion of function per se, in particular to the derived notion of functional kind, in arguments for or against the possibility of reduction. Central to this argument is the claim that concepts in the special sciences are functionally defined, and therefore multiply realizable out of more basic, ultimately physical, constituents, which makes the derivability of generalizations governing these kinds from laws in terms of underlying kinds a hopeless task. However, given that there is so much confusion and disagreement concerning the notion of function, the notion of a functional kind cannot be accepted as clear and unproblematic. In this paper I first sketch how the current diversity of function definitions contains the seed of a unified conception of function after all. Secondly, I argue that in the light of the notion of a functional kind that this unified conception of function gives rise to, many anti-reductionist arguments (but not all) are flawed.
The reason why we are still lacking a unified account is that all accounts hitherto assume that function ascriptions are property-like: only one basic statement is at issue, which has the form $\Phi x$, where $\Phi$ is a predicate variable for which any specific predicate referring to a specific function can be substituted. Theories of function proceed to give necessary and sufficient conditions for when a statement of the form $\Phi x$ is true. However, the presupposition that all function statements have the simple form $\Phi x$ is mistaken, and a proper and unified understanding of functional talk is only possible when this presupposition is rejected. It is precisely a key feature of the notion of function that an object can be ‘related’ to a function in two ways: it can have the function – in the sense of ‘having been invested with it’, a sense to be made precise – and it can perform the function. The two basic theories of function mentioned above are not competing theories but each give a account of just one of the two ‘relations’ between an object and a function: that of the having of a function in the case of the etiological theories, and of the performing of a function in the case of the causal-role theories.

For the concept of function to apply to a subject area both a certain structural complexity (for the performing) and a certain historical complexity to which the structural complexity is subject (for the having) are required. The competing theories of function to be found in the literature all require that an object to which a function is ascribed is a component of a larger system, and the object’s function is defined in terms of how the properties of the functional object are related to properties of the larger system. In any context where we are discussing the function of things in systems of a particular kind, the functional object should be identifiable as a component of a larger system in a non-circular way, i.e., not in terms of its function, which can only be done by identifying it as belonging to some structural kind. Etiological theories of function even explicitly require an object or entity with a function to be a member of a particular kind, in order to make room for the possibility of malfunction, and this kind must, again on pain of circularity, be definable not in terms of its function but as a structural kind. This introduces a vicious ambiguity into much functional talk, since, at least in the contexts covered by technology and the sciences, necessarily every entity that belongs to a functional kind also belongs to some structural kind, but it is typically not recognized that one should disambiguate whether a term referring to an entity with a function, say, ‘heart’, refers to the functional kind – say, ‘anything supporting the circulation of nutrients through the body of an organism by pumping a fluid through a connected systems of vessels’ – or the structural kind – say, ‘organ consisting of muscle cells of a particular kind, developed out of embryonic tissue of a particular kind the functional kind’. The analysis reveals that the structural kinds are more fundamental than the functional kinds, since functional kinds can only be introduced through underlying structural kinds, to which we must have sufficient empirical and nomological access to ground them as kinds in the first place. As a result, the anti-reductionist arguments based on the multiple realizability of functional kinds lose most of their force.

Ought-to-be and Ought-to-do; Normative Statements about Artefacts

Anthonie Meijers

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In everyday life we use norms and ought-statements in a rather liberal way: they apply to human actions (while driving you ought to obey the traffic rules), to artefacts (a car ought to meet emission standards, a computer ought not to crash), to persons (a competent teacher ought to have certain characteristics), to beliefs (they ought to be based on evidence), to desires (they ought to conform to certain moral standards), to arguments (they ought to be logically valid), and so on. For many philosophers, however, this liberalism goes too far and even involves category mistakes. They want to restrict the domain of ought-statements to human actions and human reasoning, to what agents think and do. Joseph Raz, for example, believes that “statements of the form ‘x ought to $\Phi$’ are logically equivalent to statements of the form ‘There is a reason for x to $\Phi$’”, where reasons are taken as the basic normative concept. The restriction of ought-statements to human actions and human reasoning is not surprising. For most philosophers ‘ought’ is primarily a concept that belongs to the moral domain and therefore to the domain of human reasons and actions. Ought-statements do not apply to states of affairs.

Henri-Neri Casteñeda leaves open that very possibility. In his deontic logic he formulates the issue in terms of the distinction between ought-to-be statements that apply to states of affairs, and ought-to-do statements that apply to human actions. He gives the following example of an ought-to-be statement: “there ought to be no pain in the world”. This statement articulates something about the world without considering who is under an obligation to act. It is an impersonal, non-agential statement that does not attribute responsibility to anyone, as opposed to agential ought-to-do statements that do. At the same time it is a moral statement, it expresses a moral ought about what the world should be like. In Casteñeda’s view, then, “deontic statements divide neatly into: (i) those that involve agents and actions and support imperatives and (ii) those that involve states of affairs and are agentless and have by them-selves nothing to do with imperatives. The former belong to what used to be called the Ought-to-do and the latter to the Ought-to-be”.

In my paper I will defend the view that there is a class of genuine ought-to-be statements that apply to artefacts, i.e., material objects that are intentionally designed and made for certain purposes. This context is to a large extent unexplored territory. I will first explore the
varieties of ought-statements that apply to artefacts. These statements can be of an agential and non-agential kind. I will then discuss five interpretations of ‘ought’: moral, instrumental, epistemological, rational, and evaluative. This paves the way for a discussion of possible strategies to reduce artefact ought-to-be statements to ought-statements of a different kind. I argue that these strategies fail. I will then sketch an outline of a positive account of ought-to-be statements as applied to artefacts. My aim here is to show that there are genuine, non-reducible ought-to-be statements about artefacts, while keeping the general idea that the sources of normativity are in the end to be found in human agents and their intentionality. Finally I will take up the discussion concerning the principle of ‘ought implies can’ and I argue that in the case of ought-to-be statements we should allow for situations in which this principle does not hold.

Morality, Artifacts, Affordances

Sven Diekmann
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A number of authors have proposed alternative views on the role of technology and artefacts in ethics. Winner (1986) argues that technological systems, such as a nuclear power, establish and also require specific societal structures and norms. Verbeek (2005, 2006) describes how artefacts ‘transform’ human perception and how they ‘invite’ to particular activities (for instance, glasses transform sight and plastic cups invite being discarded). Keulartz et al. (2004) suggest that the moral character of artefacts cannot be discussed within a traditional ethical framework; instead, a novel pragmatist ethics is required, which combines traditional ethics, discourse ethics, scenario analysis, and conflict management. All these authors agree that artefacts play an influential role in ethics, and all depict interdependencies between human action and technologies. Unfortunately, they remain silent about what it is, exactly, that make artefacts morally valuable. Drawing on the notion of affordances, I propose an analysis of artefacts that addresses this issue. The claim is that the moral value of each artefact depends on the affordances this artefact provides. The core of this article is a formal moral evaluation of individual artefacts, based on these affordances.

The notion of affordances was introduced by Gibson. He describes affordances as “offerings of nature… possibilities or opportunities” available to actors (Gibson, 1986, p. 18). Gibson states that “[t]he affordances of the environment are what it offers the animal, what it provides or furnishes, either for good or ill” (Gibson, 1986, p. 127). Gibson gives many examples: ground affords support, air affords breathing, food affords nutrition, clay affords modelling, stairs afford descent, and ropes afford knotting (Gibson, 1986, pp. 127–135). The notion of affordances also includes opportunities for events that cannot be controlled by an actor, but which nevertheless happen to him or her (Gibson, 1986, p. 137). For example, a cliff affords falling and injury, traffic affords stress (traffic jams) and accidents. Taking into account opportunities for actions as well as opportunities for events, I conceptualize an affordance as an opportunity to bring about a state-of-affairs. Assuming that states-of-affairs have moral value, I argue that every affordance has equal moral value to the state-of-affairs that it allows bringing about.

However, each affordance is more or less relevant for an artefact. For example, knives afford ‘cutting’ and ‘throwing’ (among other things), but ‘cutting’ is more relevant than ‘throwing’. Thus, there is a degree of relevance of each affordance for each artefact. Together, I claim, the moral values of affordances and the degrees of relevance determine the moral value of artefacts. In particular, I argue that the moral value of an artefact is the sum of the moral values of its affordances, weighted by the degrees of relevance of its affordances. As I show, this claim is equivalent to the three conditions: (1) no artefact has more than a countable number of affordances; (2) if all affordances have the same moral value, the artefact has exactly the moral value of its affordances; and (3) if two affordances have the same degree of relevance, their influence on the moral value of an artefact is equal.

Using this approach, I can distinguish degrees of moral value among different types of artefacts, such as guns. Additionally, I come to conclusions about how to design morally valuable artefacts, and draw a moral distinction between artefacts and natural objects.
Parallel 4c: Early modern / modern / contemporary philosophy

**Time:** Saturday, 16/Nov/2013: 2:45pm - 4:15pm  ·  **Location:** Harvard (M2-08)
**Session Chair:** Paul Ziche

**The Quest for Sovereignty: The Case of Francisco Vitoria**
**Erik De Bom**

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The notion of sovereignty by no means is a modern concept closely associated with the Peace of Westphalia (1648). Although there is no reference in the texts themselves of the treatise to sovereignty or independence and although historical practice has shown that external sovereignty for a long time largely remained a fiction in that most states did not acquire anything like that, but rather cooperated through various institutions with the services of the empire, it is possible, as Pärtel Pirimäe has argued, to approach the question of sovereignty from a normative point of view. The textual and historical criticisms do not exclude the possibility that the idea of sovereignty took shape even before the conclusion of the Westphalian Peace. To test this thesis I want to turn to the work of Francisco Vitoria. And there is good reason to do so. First of all and from a general point of view, as Jens Bartelson has rightly stressed: 'when the political scientist stumbles upon the state as a unit of analysis, and is forced to define it as an object of investigation, he will once again become entangled in a discourse on sovereignty as its defining property; for what makes a state a state?' Various intellectual historians of the early-modern period have puzzled their head over this question, but none of them has explicitly focused on the notion of sovereignty, nor has delved in the vast literature of the School of Salamanca in general and the works of Vitoria in particular. A second, more specific reason to concentrate especially on Vitoria's writings is that in his work various disciplines were ingeniously intertwined: theology and philosophy, and ethics (of which politics was part) and law. This might be the clue to understanding how sovereignty has become a 'protean word' of which it is not clear whether it relates to the political, legal or economic sphere. It also may shed light on its typical Janus-faced character, that is its simultaneous direction inward to the population of the country, over which it fulfils a role of supremacy, and outward to other countries, towards which a relation of independence is maintained and above which no other power is recognised. When turning to the ideas of Vitoria in our quest for the concept of sovereignty, it is, however, important to bear in mind that sovereignty was not the leading principle in the 15th and 16th centuries understanding of state order. Instead, the point of departure was the communitas perfecta directed at the common good. One of the aims of the present paper is to clarify how the embryonic understanding of sovereignty fitted in this framework. At the same time, I will try to reveal how Vitoria based his notion of sovereignty on a legal, philosophical and theological basis.

**Reinhold's Soundness Condition**
**Elise Frketich**

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The main question this paper will endeavour to explore is: What is Reinhold's version of foundationalism in a Kantian spirit? Reinhold raises arguments against what he takes to be Kant's first principle throughout his Elementarphilosophie. This reveals that Reinhold interprets Kant's critical project as a version of the traditional foundationalist structure. Foundationalism is the theory of the justification of knowledge which avoids an infinite regress by positing an, or in some cases, many axiomatic first principle(s). A first principle can, of course, only be a first principle if it does not require further justification. One of the reasons Reinhold was able to become one of the earliest commentators to popularise Kant's work was due to him associating Kant's systematic structure with one that was already familiar to the greater philosophical community. Whether Reinhold was accurate in classifying Kant's project as foundationalist is beyond the scope of this paper. However, that (and how) he did has, in my opinion, important historical significance. It was this turn towards foundationalism that greatly influenced the structural development of the German Idealists through influencing their interpretation of Kant.

Reinhold launches two main arguments against what he identifies as the first principle of Kant's critical system. A brief look at these arguments reveals the most important criterion, according to Reinhold, of a first principle. This criterion, properly understood, reveals in turn the requirements Reinhold held with respect to his version of a foundationalist system, which he portrayed as Kantian. Reinhold's two main objections are: i) Kant's first principle is not properly grounded, and ii) It is universally valid (allgemeingültig) but not universally
acceptable (allgemeingeltend) (Reinhold, Über das Fundament, 70). In other words, Reinhold argues that the principle he identifies as Kant’s first is not the most foundational, and that universal acceptability is a necessary attribute of a foundational principle.

Reinhold’s “soundness condition” is what I have renamed the criterion of Reinhold’s first principle. This criterion demands that a first principle is allgemeingeltend that is, being universally acceptable. I will argue over the course of this paper that calling this criterion Reinhold’s soundness condition helps to convey the broader range of implications that this criterion carries for Reinhold’s version of a foundationalist system. Because Reinhold literally demands, with this criterion, that all thinkers accept his first principle, I interpret Reinhold to be implying the following for his foundationalist system in a Kantian spirit: i) his first principle is the first principle for all philosophy in general, ii) his first principle exists as some sort of substantial entity, and iii) his first principle is a complex proposition which represents an activity best expressed in syllogistic form.

In order to support my claims about the implications of Reinhold’s soundness condition, I will work through the following sections over the course of this paper. 1) I will provide an account of the traditional criterion of a first principle, the self-evidence criterion, and discuss its epistemological and metaphysical interpretations. This section will provide a point of reference for distinguishing how Reinhold’s foundationalist system, in a Kantian spirit, is unique. 2) I will expand upon the demands of Reinhold’s soundness condition, how it compares to the traditional criterion and how Reinhold’s first principle itself is enunciated accordingly. 3) I will discuss Reinhold’s version of foundationalism in a Kantian spirit by arguing for what I interpret to be the systematic implications, as abovementioned, of his soundness condition.

Gerrit Mannoury’s signfic philosophy

Mireille Kirkels

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GENERAL BACKGROUND In the first half of the twentieth century, there was an enormous interest in Europe for everything that could improve mutual communication of individuals or groups of individuals. During this time fundamental changes occurred, not only in daily life, but also in science and philosophy. This background of upheaval and radical change in science and society resulted in several so called concept-critical movements in Europe; not only the well-known Vienna Circle around Moritz Schlick (1882-1936) in Austria and analytic philosophy originating in the Cambridge of George E. Moore (1873-1958) and Bertrand Russell (1872-1970), but also the signific movement in The Netherlands, with Frederik van Eeden (1860-1932), L.E.J. (Bertus) Brouwer (1881-1966), Gerrit Mannoury (1867-1956), David van Dantzig (1900-1959) and more or less affiliated with significs, Evert Beth (1908-1964) and Arend Heyting (1898-1980).

What these circles had in common was a great interest in careful analysis of language usage in order to prevent misunderstandings and social problems to arise. These movements form part of a more general critical tendency, which over the years has revealed itself in nearly every domain of culture and of scientific research. In the 1930s, the circles grew into veritable movements and exerted a great influence on the scientific research they accompanied. From criticism in the margin, they acquired the position of prescribing methodology. Teachings in methodology, logic, philosophy of science and language analysis developed in the post-World War II era and continue to the present day. Dutch participants played a major role in bringing several strands of these movements together, e.g. By creating publication channels like the journal “Synthese” (1936). In contrast to the continuing interest in the history of analytic philosophy in other countries, notably the Vienna Circle and British analytic philosophy, the Dutch concept-critical tradition has been understudied.

In the NWO funded research project "From criticism to methodology. Dutch reflections on science and society 1926-1970", we want to bridge this gap in the Dutch and European history of ideas by studying the works of some of the leading persons involved: Gerrit Mannoury (drs. Mireille Kirkels, Faculty of Philosophy, EUR), David van Dantzig (dr. Gerard Alberts, Korteweg de Vries Institute, uva), Evert Beth and Arend Heyting (dr. Paul van Ulsen, ILLC, uva).

GERREIT MANNOURY’S SIGNIFIC PHILOSOPHY The Dutch philosopher, mathematician and socialist Gerrit Mannoury was a familiar person in Dutch intellectual circles in his time. In his long life he was very actively involved in a variety of scientific, philosophical and social issues. Mannoury started as a nineteenth-century schoolteacher, but, already fifty years old, he became an extraordinary professor in 1917 and a full professor in 1918 in Amsterdam, lecturing in the philosophy of mathematics.

Because of his broad interest and dedication Mannoury wrote many books and articles in the field of e.g. The history and philosophy of mathematics, didactics, Buddhism, significs, the history of philosophy, social democracy, mass psychology, communism and capital punishment. Even after his retirement in 1937 he still published, besides articles, seven books. Apart from the more than 375 publications written by Mannoury there are also a lot of unpublished lectures, letters and notes in several archives.
Despite the fact that Mannoury was an important intellectual with original ideas in the period between roughly 1900 and 1955, he only plays a modest role in the historiography. He is best known for his influence on Brouwer, the founding father of intuitionism. Moreover Mannoury, still being a schoolteacher in mathematics, not only introduced topology in the Netherlands, but he also drew attention to new developments in mathematical logic in his public lecture of 1903. In this lecture he recommends mathematical logic as a useful instrument for philosophy.

Mannoury was not an armchair philosopher. He was driven by a strong social feeling. For that reason he became a member of the Dutch Labour Party in 1900 and secretary of the Social Democratic Study Group in 1901 which was co-founded by him. In 1909 he left the party together with the radical Marxist opposition and joined the Social Democratic Party, later (1918) to become the Dutch Communist party. He was very actively involved in this. Not only was he a board member, but he also held various lectures and he published almost 200 articles in the party journal "De Tribune". In 1929 Mannoury was disbarred by the Communist Party, something he regretted for the rest of his life.

The most important contributions Mannoury made, are in the field of significs. What we should understand exactly by the concept "significs", is not that clear. The various significists each gave their own interpretation and of course their interpretations of the concept changed over time. Provisionally and generally we could say that significs is a concept-critical theory which aims at enhancing human communication and understanding. In particular, the significists reacted against the ill-usage of language in philosophy and science, but they were also interested in ordinary and political language.

In the amount of interests, publications and activities that Mannoury developed throughout his life, he himself observes a unity. According to him, his three areas of interest, mathematics, philosophy and socialism, must be considered as a whole. Also striking is the similarity between his earlier and later ideas. But one topic that constantly recurs in various ways in both his mathematical, philosophical and socialist works is "language".

Surprisingly, given the amount of secondary literature on Mannoury and Dutch significs, my dissertation will be the first book length study about him. Many important articles and book chapters about aspects of his work and life appeared, but a coherent and extensive outline of them is still missing. My aim is therefore simple: to give a comprehensive overview of Mannoury's signific philosophy between 1903 and 1953, which includes his three areas of interest: mathematics, philosophy and socialism, thereby embedding his theory in the scientific, cultural and historical context. This project is motivated by my belief that, despite the secondary literature on both Dutch significs and Mannoury, the depth and extent of Mannoury's signific philosophy has not been fully appreciated.

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Parallel 4d: Philosophy of language & philosophy of science / epistemology

**Time:** Saturday, 16/Nov/2013: 2:45pm - 4:15pm  ·  **Location:** Melbourne (M2-09)

**Session Chair:** Mieke Boon

**Inscrutable Conventions**

**Thomas Brouwer**

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It is generally believed that the way we use words plays a starring role in determining what they mean. Meaning facts, it is held, must depend in large part on usage facts. However, various metasemantic puzzles due to Quine, Putnam and Kripke seem to show that, if usage facts were the sole determiners of meaning facts, meaning fact wouldn't be nearly as determinate as we think they are, pre-theoretically. Given any set of usage facts, we can generate any number of meaning-assignments that fit those usage facts but don't seem at all like plausible interpretations.

To deal with the spectre of radical semantic indeterminacy, many philosophers hypothesise that other factors besides usage help to determine meaning. These philosophers are semantic externalists. Recently, David Lewis's externalist proposals in particular have received much attention. Lewis proposes that the intrinsic features of candidate meanings can bear on meaning: some things are just, by their nature, better suited to be the meaning of a term. The property of greenness, for instance, is a better candidate for the meaning of a colour predicate than the property of grueness. If our use of some colour predicate were to fit equally well with either meaning-candidate, greenness would win out, by dint of being a more eligible candidate. As Lewis puts it, greenness is a more natural property than grueness. The green things objectively 'go together' in a way that the grue things do not.
Lewis’s externalism provides useful resources for dealing with indeterminacy problems, and has other uses besides. But it also raises issues of its own, I argue. Any semantic externalist needs to show how their preferred additional meaning-determining factor gets to play a role in determining meaning – otherwise, their solution may appear magical. Hartry Field, in a 1975 paper, proposed a way for semantic externalist to meet this challenge, and recently Robbie Williams has applied this proposal to Lewis’s proposal. The Field/Williams reading of Lewis consists in three claims. (i) Lewis’s metasemantics is understood as interpretationist: the semantic facts just are those facts that the best semantic theory predicts. (ii) The aggregated naturalness of the meanings that a semantic theory proposes is part of what determines how good a theory it is. (iii) the role that naturalness plays in the evaluation of semantic theories is a matter of convention: we could have cared about something other than naturalness, but as a matter of fact, naturalness is what matters to us when we do semantics.

The combination of interpretationism about semantic facts and conventionalism about naturalness promises to divest Lewis’s semantic externalism of any aura of metaphysical spookiness. But as I argue, it is not clear that Lewis’s externalism, thus interpreted, can still deal effectively with the puzzles of semantic indeterminacy that part-motivated the view. This is because it gives rise to a revenge problem: we cannot guarantee, without repress, that the metasemantic conventions that Field & Williams appeal to are themselves appropriately determinate.

To show this, I investigate the metaphysics of conventions (making use of Lewis’s own game-theoretic account of conventions) and argue that facts about conventions are themselves best understood on an interpretationist model: the conventions we have are the ones that the best ‘theory of conventions’ predicts. Since theories of conventions would be vulnerable to the same sorts of radical indeterminacy problems that arose for semantic theories, we’d have to be externalists about conventions as well (if, indeed, the original turn to externalism was well-motivated). Then, to stave off a similar worry about the ‘magical’ efficacy of externalist convention-determiners, we would be pushed towards a conventionalist treatment of these externalist factors. And then the whole problem would repeat itself, ad infinitum.

After articulating this problem, I explore some avenues of response, arguing that one or more prima facie attractive claims will have to just are those facts that the best semantic theory predicts. The aggregated naturalness of the meanings that a semantic theory proposes is part of what determines how good a theory it is. The role that naturalness plays in the evaluation of semantic theories is a matter of convention: we could have cared about something other than naturalness, but as a matter of fact, naturalness is what matters to us when we do semantics.

To show this, I investigate the metaphysics of conventions (making use of Lewis’s own game-theoretic account of conventions) and argue that facts about conventions are themselves best understood on an interpretationist model: the conventions we have are the ones that the best ‘theory of conventions’ predicts. Since theories of conventions would be vulnerable to the same sorts of radical indeterminacy problems that arose for semantic theories, we’d have to be externalists about conventions as well (if, indeed, the original turn to externalism was well-motivated). Then, to stave off a similar worry about the ‘magical’ efficacy of externalist convention-determiners, we would be pushed towards a conventionalist treatment of these externalist factors. And then the whole problem would repeat itself, ad infinitum.

Autistic Speakers as Counterexamples to Philosophical Theories of Meaning: What is the Relevant Data?

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The bearing of empirical data on autistic speakers’ language skills on the evaluation of philosophical theories of Meaning, such as Grice’s, Davidson’s & Lewis’s has been the subject of articles by (Andrews and Radenovic, 2006, Bouna, 2006b, Bouna, 2006a, Glüer and Pagin, 2003, Laurence, 1998) and (Reboul, 2006). At the heart of these discussions is the question: are there, or are there not, speakers who (1): at some point in their development (either in practice or in principle) are unable to attribute the propositional mental states of beliefs and thoughts to others or themselves, and yet at this point (2): are language users to such a sufficiently high level, that their accomplishment is part of Gricean, Davidsonian & Lewesian (and so on) theories’ explanandum? Autism is a spectrum disorder; both linguistic ability and the ability to attribute mental states to others varies between individuals (and within individuals over time). There is evidence that many autistic speakers will reach the required level of linguistic ability only after becoming able (in practice) to attribute beliefs and thoughts, and so do not fulfill (1) and (2). As evidence that some autistic children do fulfill (1) and (2), the articles mentioned above invariably refer to psychological studies that investigate autistic children’s performance on standardized vocabulary measures in relation to measures used to test for the ability to attribute beliefs (for instance, Happe’s (1995) metastudy). The underlying idea is that performance on vocabulary measures is an indication of general linguistic ability. However, there is a problem with this approach. It is true that in general, performance on vocabulary measures can be taken to indicate general linguistic ability in Autism (see e.g. (Condouris et al., 2003)). This does not mean, though, that this can safely be assumed for (a group of) individuals, if it is the case that this group is relatively small. Because if the group is small enough, it could be an exception to the general rules that vocabulary level is an indication for general linguistic ability: these children may combine a high vocabulary level with very little grammatical ability, or have a large vocabulary without the understanding that words are symbols that represent. Vocabulary tests do not in general measure more than ‘sound-object’ correlations, and it would therefore be possible that a high score on these tests was achieved by the rote-memory learning of ‘words’ that are nothing more than signals to the learner. The hypothesis that this is the case with the small group of speakers that combine (1) with a high vocabulary age, must therefore be shown to be false, if one’s aim is to propose these speakers as a counterexample to the philosophical theories of Meaning mentioned above. It is possible to refute this hypothesis, however: the grammatical abilities of autistic children have also been investigated. In particular, Fisher et al’s (2005) offers
scatter plots allow for comparisons between an individual’s performance on vocabulary and grammar measures, and the correlations of this individual’s performance with measures that test for the ability to attribute thoughts and beliefs. These data show that there is no indication that necessarily, or even typically, children who fulfil (1) combine a high vocabulary age with a low grammar age. Combined with the fact that there is evidence that speakers with this level of grammar do understand the representational nature of language, the challenge that autistic speakers pose to philosophical theories of language, is still on.

A Discussion of Herman Philipse’s Epistemological Rule R

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In a recent paper Herman Philipse has propounded the following principle:

R: Claims concerning specific disputed facts should be endorsed as (approximately, probably, etc.) true only if they are sufficiently supported by the application of validated methods of research or discovery. (Philipse 2013: 97)

And he furthermore proposes a necessary condition S for ‘a scientific attitude’:

S: An individual has acquired a scientific attitude only if (s)he applies rule R to factual claims that are of importance for her/him, or relies on testimonies of experts who applied rule R. (Philipse 2013: 97)

In this paper we discuss R and S. We argue that R as it stands is problematic:

i) R is about ‘claims’ but it is supposed to be applied to beliefs
ii) R involves the notion ‘validated methods of research or discovery’, but Philipse applies R to perception as well
iii) R involves the notion of ‘factual claims’, but it is unclear whether this is supposed to include claims about normative facts, epistemic facts and mental facts
iv) R runs into the generality problem

We furthermore have qualms about S:

(v) what is so bad about not having a ‘scientific attitude’ as defined?
(vi) Do religious believers violate S as defined?

Parallel 4e: Political & social philosophy (III)

Time: Saturday, 16/Nov/2013: 2:45pm - 4:15pm · Location: Rochester (M2-10)
Session Chair: Ilse Oosterlaken

"You did not build that road" -- on the justification of higher marginal taxes for the rich

Bruno Verbeek

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Recently, many states in the Western world, confronted with a fall in revenues and rising debts on the one hand and a growing economic inequality on the other, have taken a critical look at the tax rates for the extremely rich. In various places, policies have been proposed to the effect that the 1% of the highest income earners should pay (much) more in taxes than they currently do. In particular, it is considered unjust that the highest marginal rate is the same for median incomes and for those in the 99th percentile of the income distribution, as is the case in many Western democracies.

A typical argumentative strategy that is used to argue for increases in the marginal tax burden for the extremely rich is to argue that the extreme rich amassed their wealth by taking advantage of economic opportunities that they did not create themselves. Other members of society created those opportunities and reciprocity therefore demands that the extremely rich ‘pay’ for these opportunities they enjoyed.

A much discussed version of that argument comes from Elizabeth Warren, who defended hefty increases in taxes for the extremely rich in a speech that went ‘viral’ on internet as follows:

"You built a factory out there? Good for you. But I want to be clear: you moved your goods to market on the roads the rest of us paid for; you hired workers the rest of us paid to educate; you were safe in your factory because of police forces and fire forces that the rest of us
paid for. You didn't have to worry that marauding bands would come and seize everything at your factory, and hire someone to protect against this, because of the work the rest of us did.

Now look, you built a factory and it turned into something terrific, or a great idea? God bless. Keep a big hunk of it. But part of the underlying social contract is you take a hunk of that and pay forward for the next kid who comes along.” Elizabeth Warren (Youtube, 11-9-2011)

Similar arguments have been formulated in France, the Netherlands and Great Britain. However, it is not just politicians who have argued like this. Political philosophers Liam Murphy and Thomas Nagel in The Myth of Ownership have defended a view not dissimilar.

In this paper I will argue, first, that arguments like that of Elizabeth Warren or those of Murphy and Nagel fail: they do not justify a marginally higher tax burden on the extremely rich. These arguments commit what could be called a ‘fallacy of composition’. They assume that since an entrepreneur’s efforts would be in vain had those public goods and services not been provided, that all economic gain therefore is attributable to these goods and services – a conclusion that does not follow.

Secondly, I argue that this type of ‘Warren argument’ appeals to a principle according to which taxation is the price a citizen pays for the enjoyment of the benefits the state provides. Third, I will show that such a principle not only undercuts the ‘Warren argument’, but also that it mandates a completely flat tax rate with no marginal rates at all.

In the final part of the paper, I will discuss an argument for taxing the extremely rich that does not appeal to a benefit principle. This argument proceeds from the idea that justice demands that taxation is levied according to the ability to pay. I will defend this principle against objections formulated against it by Liam Murphy and Thomas Nagel in The Myth of Ownership and show how it justifies setting high marginal rates for the extremely rich. Social-democrats and left liberals who are concerned about the extremely high incomes on the top end of the income distribution are better advised to adopt such a strategy, rather than sticking to Warren-like arguments.

Two Issues Concerning Identity and Practical Reasoning within Amartya Sen’s Account of the Capability Approach

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We often make claims about what we value in normative ways. In such instances I express my own tastes as something that ought to be valued or respected by everyone. We may here invoke a notion of reasonableness: When someone claims that others ought to accommodate to his or her personal values, we naturally ask to what extent he or she is justified in doing so. In other words, is his or her claim reasonable? In this paper I analyse the notion of “what people have reason to value” within Amartya Sen’s account of the capability approach. I first show that this notion is underspecified on Sen’s account leading to the conclusion that development theorists and practitioners are at a loss to identify reasonable claims of the respective individuals. I argue that we may fill this lacuna by analyzing the concept of capabilities, understood as the ability to be what I want to be and do what I want to do, in the language of human identity.

That is, insofar as human identity encompasses both the cognitive processes of forming values and beliefs as well as the practical expression of these in the choices and actions made, it captures the notion of having reason to value doing and being certain things. I then, secondly, argue that the interpretation of capabilities in the language of human identity reveals two issues: a) What influences the process of value-making, and b) how does this influence our rational capacity to reason about means and ends? The first issue takes empirical findings on social embeddedness and the internalization of social norms to be in tension with a normative commitment to personal autonomy. Thus, if what normatively matters is my autonomy to reason about what I value, it is important to determine to what extent internalized social norms can really be said to be mine. The second issue involves practical reason understood as the capacity to determine valuable ends and how best to pursue them. It asks how we can remain committed to personal autonomy if my ability to reason about what I value dialectically depends on my natural disposition to internalize the values and beliefs of my social surroundings. That is, is it even possible to talk about personal autonomy and reasoning in the light of social embeddedness? I further argue that addressing these issues requires an empirically thicker account of how human beings develop reasons and motivations than Sen provides. In doing so we can distinguish the roots of their value claims which may enable development theorists and practitioners to determine whether or to what extent certain value claims are sufficiently reasoned or reasonable, and how they may be addressed accordingly. Finally, I argue that such a thick account will help us specify Sen’s account of the capability approach and how it may be implemented in practice.
Irresponsible equality
Bart Streumer

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In this talk, I will first outline and defend an argument against the existence of moral responsibility. I will then show that this argument enables us to defend a Rawlsian version of egalitarianism, according to which justice permits inequalities only if they make the worst off members of society better off than they would otherwise be.

Parallel 4f: Moral psychology (III)

Time: Saturday, 16/Nov/2013: 2:45pm - 4:15pm · Location: Santander (M2-11)
Session Chair: Frank Hindriks

Respect and Empathy
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Which psychological capacities lie at the basis of respect? In the last decade, many philosophers have turned to empirical findings to improve our understanding of moral psychology. Whereas much has been written about the psychology of moral judgment, there has as yet been little attention to the question of what empirical findings show about what Stephen Darwall calls ‘recognition respect’. This while many theorists take the capacity for recognition respect to be a crucial attribute of the moral agent, and several important moral theories, including Scanlon's contractualism, place the possibility for respect at the basis of their normative framework. This paper concerns the psychological preconditions of recognition respect, in particular in relation to empathy. It investigates this relation in the light of empirical findings.

Respect and empathy are often discussed separately, as alternative attitudes we may have towards other persons (e.g. Sherman, 1998). This paper argues that the two are connected: in particular, it argues that empathy is a precondition for respect. This is not a new position; it seems to be taken by John Deigh (1995) and Stephen Darwall (2006), among others. When discussing the moral condition of the psychopath, Deigh argues that psychopaths fail to recognise others as autonomous agents because they lack a mature form of empathy. Similarly, Darwall states that adopting the second-person standpoint, the standpoint from which we can respect others, requires adopting the perspectives of others.

The paper considers are range of social psychological studies that support the view that respect requires empathy. For one, a lack of empathy has been found to correlate with a lack of respect. One recent study reports that when participants are moved not to consider the point of views of others, they are more likely to 'dehumanize' them, as the researchers call it (Waytz & Epley, 2012). Furthermore, studies with respect to the empathic capacities of child molesters and rapists reveal that, while they do not necessarily suffer from a general defect in their empathic capacity, they do exhibit suppressed empathy towards their own victims (Fernandez & Marshall, 2003). Such findings suggest that respect for others requires not just the capacity for empathy, but also the exercise of this capacity.

The paper then turns to the question of what sort of empathy is required for respect. Both Deigh and Darwall concentrate on a more advanced form of empathy that is often called role-taking or perspective-taking. There are however several problems for this idea. The first is that recent empirical studies regarding the empathic capacities of psychopaths suggests that they do in fact have a capacity for perspective-taking (Dadds et al., 2009) (they also appear to have the other general cognitive abilities that Deigh and Darwall take to be required). A second problem for the view is that individuals with autism or autism spectrum disorders are able to respect others, it is at least commonly believed, despite their problems with perspective-taking and theory of mind.

These observations do however not need to invalidate the view that respect requires empathy, the paper then argues. Empirical findings suggest an alternative hypothesis. Although psychopaths do not appear to be impaired in their capacity for perspective-taking, they do exhibit abnormalities with regard to affective empathy: they do not feel the feelings of others. Furthermore, there is evidence that, despite their problems with perspective-taking and theory of mind, individuals with autism do have affective empathy (Blair, 2008). The proposal, then, is that respect requires first and foremost affective rather than perspective-taking.

The paper finishes by considering an objection proposed by Deigh, who rejects the above hypothesis in passing. According to Deigh, affective empathy does not allow one to see another person as an autonomous agent who has a life beyond the events with which one
is immediately confronted. To see the agent as such requires perspective-taking, which implies that recognition respect requires perspective-taking. To address this objection, it will be proposed to distinguish between several levels of respect. Whereas affective empathy may be sufficient for a basic level of respect, a sort of respect that individuals with limited perspective-taking capacity can also exhibit, a more advanced level of respect may require a more advanced form of empathy on top of the basis provided by affective empathy.

Second Personal Perspective - Two Distinct Modes of Attending to One Another
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Our functioning in social intercourse benefits from the ability to make sense of actions and to make fairly reliable predictions. The capacity to take and change perspectives can enhance sense-making and prediction. However, perspective is an ambiguous term that is used in a variety of ways. One usage refers to the ‘narrative voice’: here the first and third person perspectives are much more common than the second personal one. In stories, the second personal voice of a ‘you’ is rarely used and, when it is, its main function is to ‘hook’ the audience into the story. In thinking about social cognition and interpersonal relations, the notion of second personal perspective plays a more prominent role. But what exactly does it mean?

Does taking a second personal perspective refer to engaging with someone in a certain way, for example by being engaged in interaction and communication in a dialogic setting? This I will call second personal perspective; it entails collective sense-making by co-creating a story. Or is it taking a specific angle on another person, for example by imaginatively trying to take the outlook of someone else by either putting yourself in the shoes of the other (looking through the eyes of the other), or imaginatively try being the other in all respects (including that person’s character). This I call second personal outlook; it involves individual sense-making by creating a story about what you think the other experiences. Both are important to sense-making, as both can add extra information - albeit of a different nature.

In this paper I argue that perspective and outlook differ in the sense that the first is internal, whereas the latter remains external and I end by showing how the two relate. I explore the differences starting from the idea that second person perspective in social interaction also has to do with ‘hooking’ others into a story. A story about a joint undertaking of sense-making.

I point to research suggesting that infants acquire a sense of self, social understanding and awareness that different people may have hold different views on what is going on in a joint undertaking with their care-givers (e.g. Hutto 2007; Redy 2008). I argue that the second person perspective that thus arises is an internal one: it entails an ‘I’ and a ‘you’ jointly attending to one another in a shared space of ‘we’.

In a way second personal perspective is a confusing term for the phenomenon of jointly attending to something. What is going on is that a first personal plural perspective emerges with a feeling of connectedness that facilitates mutual understanding. Nevertheless, both the ‘I’ and ‘you’ that constitute the ‘we’ remain separate entities. Although in the setting of joint attendance generally my nod is as good as a wink to you, we still may misunderstand each other. However much we join in the shared attention, however much we engage in collective sense-making, we do not become the other. We will never be able to completely share the experience of the other in all its phenomenological aspects. In addition, attending to one another in a second personal way is not an enduring situation: every now and then, ‘I’ and ‘you’ disengage from the joint attending and the second person perspective is (temporarily) lost.

When we imaginatively try to take someone else’s outlook this is an external enterprise. However hard I may try to look through your eyes or imagine being you, this remains an imaginative exercise that doesn’t involve a shared space; no ‘we’ emerges. Nonetheless, taking the second personal perspective of joint attendance requires perceiving the other as a ‘you’, as a co-subject rather than as a third personal object who remains at a distance.

In infants, the sense of ‘we’ is prior to developing a sense of self, of being an ‘I’. Once the concept of being a self is in place it seems that in order to be able to take the second personal perspective of joint attendance, some proximity is required. In relations between persons or groups that initially are not (yet) close in some sense or other, this calls for taking the outlook of the other in order to establish some common ground. Without that joint attendance seems impossible.
Solving the problem with trolley problems
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Short abstract
Trolley problems are a staple of the debate in normative ethics, but the difficulties experienced in developing a principled justification of widespread moral intuitions about these cases have seemed insurmountable. This has prompted both a move towards looking for an explanation in psychology, and, increasingly, to the condemnation of the very use of trolley scenarios in ethics. In this paper, I argue that the solution to the trolley problem puzzle has so far been sought in the wrong way. I show that shifting the focus from the permissibility of acts and intentions to the permissibility of intermediate action principles makes it possible to develop a principled moral justification that accords with common intuitions regarding the classic trolley scenarios. Interestingly, this solution is a Kantian one, even though it is often asserted that trolley scenarios pose insoluble problems especially for Kantianism. I argue that a mistaken understanding of what is involved in ‘using a person as a mere means’ is to blame. Rather than suffering defeat, a Kantian approach provides a principled and appropriately nuanced justification for the common intuitions regarding classic trolley dilemmas.

Longer abstract (Introduction to the paper)
The family of moral dilemmas referred to as ‘trolley cases’ is widely discussed in ethical theory and in empirically-informed moral psychology. The debate has been vibrant, yet there is also a growing number of philosophers who express trolley-problem-fatigue and claim that there is something wrong with the way the debate is framed. I shall argue that they are right, but not for the reasons they mention. The solution to the trolley problem puzzle has been sought in the wrong way. Once a proper diagnosis of the problem with trolley problems is made, a cure comes into view.

‘Trolley cases’ are thought experiments involving a runaway trolley that will kill five people if it continues its course. Their lives can be saved, but, in the paradigm scenarios, only at the cost of the life of another person. What has sparked much debate is the fact that most people (including most philosophers) regard it as permissible or even required to save the five by diverting the trolley onto a different track where it will kill one person, but that most regard it as impermissible to save the five by pushing a person off a bridge in front of the trolley. What, if anything, can provide a principled moral justification for both of these judgments? This question has proven to be extremely difficult to answer.

In this paper, I examine crucial presuppositions implicit in the formulations of trolley problems and argue that there is in fact a solution to the key puzzle. That solution comes into view, however, only once we pay more attention to the role of action principles that lie between fundamental moral principles and specific intentions, viz., intermediate action principles or policies such as the rules of rule utilitarianism or the maxims of Kantian ethics. I shall argue that a moral justification of the intuitive judgments regarding trolley cases can be found if (1) these judgments are understood in terms of moral evaluations of the intermediate action principles that underlie the acts in question, (2) there is a higher-level moral principle in light of which these intermediate action principles are evaluated, and (3) there are relevant differences between the driver or bystander cases, on the one hand, and the footbridge case, on the other, that explain why an action principle that is permissible in the first set of cases is not applicable in the other. I argue that Kantian ethics has exactly the requisite structure and yields exactly the results that match the common intuitions in trolley cases. In this way, Kantianism provides a principled solution of the trolley problem puzzle.

At first sight, however, Kantianism may seem an unlikely candidate for providing any solution to trolley problems. Indeed, it is often claimed that trolley dilemmas pose insoluble difficulties especially for Kantians. For one thing, killing one person to save five appears to necessarily involve using the one person as a mere means, thereby violating the Categorical Imperative in its second formulation (the formula of ‘humanity as end in itself’). Second, some of the recent methodological criticism of the very use of trolley problems in ethics has been articulated in part by appeal to Kant (Wood 2011), which reinforces the impression that Kantianism cannot deliver any positive contribution to the trolley debate. Finally, within empirically-informed moral psychology, the allegedly inconsistent intuitions about different trolley cases are used as key evidence in a debunking argument against deontology in general and against Kantianism in particular (e.g., Greene 2001).
The widespread impression that Kantianism is unable to solve the trolley problem puzzle is largely due to a misunderstanding of what is involved in using someone as a mere means, however. In the context of the trolley problem debate, the phrase is usually understood to refer to someone’s functional role in a causal relationship. Within Kantian ethics, however, it refers to the way others figure into the maxim of the agent in question. A better understanding of what is meant by the expression is needed, therefore, to clarify this Kantian solution to the trolley problem.

In short, I argue that Kantianism provides a principled and suitably nuanced justification of the widespread intuition that diverting the trolley is justified while pushing someone in front of it is not. I first present the central trolley problem puzzle and sketch the main reactions in the literature to the seeming impossibility of finding a convincing solution (section 1). I then diagnose the cause of the trouble—the problem with trolley problems—and develop an approach that allows the puzzle to be solved (section 2). I subsequently explain why this solution does not run into problems associated with the prohibition of using others as mere means (section 3). I end with a brief remark on the relation between Kantian ethics and common moral intuitions.

**Philosophy as therapy. The misleading effect of a comparison**

**Benjamin de Mesel**

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In his Philosophical Investigations, Wittgenstein compares philosophical methods to therapies. The comparison has become a hot topic of philosophical debate. In this talk, I will show that a lot of interpretations of it are misguided. I will start from the assumption that, in order to meaningfully compare philosophical methods to therapies, the philosophical methods must have at least some structural features in common with therapies. There seems to be no therapy without an ideal of health and an illness or a patient to be cured by a therapist. I will identify the illness, the patient, the therapist and the ideal of health in Wittgenstein’s philosophical therapies and I will answer four interrelated questions concerning them. Are philosophers literally ill? Are the patient and the therapist philosophers? Are the therapies psychological therapies? Does Wittgenstein’s ideal of health consist in the end of philosophy? In answering these questions, I will point at some traps in interpreting Wittgenstein’s comparison and explain why commentators are prone to fall into these traps.

The results of this paper are, at least, some clear answers: philosophers are not literally ill, patients of philosophical therapies are not always philosophers, the therapies are not psychological and the ideal of health does not consist in the end of philosophy. The answers tell us in the first place what philosophical therapies are not. They serve as a warning not to let everything we associate with ‘therapies’ or ‘illness’ influence our interpretation of Wittgenstein. Wittgenstein writes that ‘by our method, we try to counteract the misleading effect of certain analogies’. A convincing interpretation of Wittgenstein’s comparison of philosophical methods with therapies has to build on an overall understanding of his methods and draws its evidence from the context in which the comparison has been designed and is at home. I hope to show that the comparison should not be interpreted by isolating it, by using the word ‘therapies’ as a starting point from which properties can be projected onto the philosophical methods advanced by Wittgenstein.

Wittgenstein writes: ‘The use of expressions constructed on analogical patterns stresses analogies between cases often far apart. And by doing this these expressions may be extremely useful’. The comparison of philosophical methods with therapies is surely useful to clarify aspects of Wittgenstein’s philosophical methods, but there are aspects of his method that it cannot capture, and we should not extend the comparison beyond its own limits. Take, for example, Wittgenstein’s idea that, in order to dissolve meaningless philosophical questions, we should try to produce a perspicuous representation, an ordered overview of the use of our words. To clarify this idea and to highlight the more positive tasks of the philosopher, it seems more promising to explore other comparisons of Wittgenstein, for example his description of philosophy as ‘putting together books in a library which belong together’. Although a systematic account will probably never emerge, an overview of Wittgenstein’s comparisons and what they do or do not tell us about his methods may prevent us from seeing his views on the methods of philosophy through the glasses of only one comparison. In Wittgenstein’s words, it may prevent us from being held captive by a picture.

**Towards a Wittgensteinian account of free will**

**Stefan Rummens**

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The later Wittgenstein argues that philosophy should work as a kind of ‘therapy’ which reveals through the grammatical analysis of our language that our main philosophical questions are meaningless. In this paper I explain how this therapeutical method could be applied to the problem of free will in a deterministic universe. Starting from Wittgenstein’s ‘A lecture on freedom of the will’ (lecture notes published in 1989), I argue that the problem of compatibilism only arises if the concepts of ‘freedom’ and ‘determinism’ are already given
a metaphysical interpretation disconnected from our actual human forms of life. I show that a major source of metaphysical confusion in this regard is the concept of the view from nowhere. Undoing the hold that this ‘view from nowhere’ has on our thinking about freedom and determinism and bringing these two concepts ‘back from their metaphysical to their everyday use’ - to use Wittgenstein’s phrase - reveals, however, that is unclear how we could make sense of a genuine conflict between ‘freedom’ and ‘determinism’ in the realm of human action. If this is the case, the problem of compatibilism seems to ‘dissolve’ and disappear as a philosophical problem.

Parallel 4h: Philosophical anthropology / continental philosophy (II)

**Time:** Saturday, 16/Nov/2013: 2:45pm - 4:15pm  ·  **Location:** Aberdeen (M3-03)

Session Chair: Marli Huijer

In the eyes of many seventeenth-century thinkers, Descartes’ philosophy offered both attractions and problems. Thus emerged the desire to retain the best of Cartesian thought, while steering clear of its perceived disadvantages. This panel studies three attempts of seventeenth-century thinkers to mend and enrich Cartesianism. Paper 1 investigates how Spinoza sought to remedy Descartes’ philosophy from within. By stressing certain elements of Descartes’ thought (innatism) at the expense of others (methodical doubt), Spinoza sought to resolve a perceived tension between Cartesian epistemology and Cartesian ethics. Paper 2 explores Robert Desgabet’s reaction to challenges that were raised for Cartesian philosophy by French sceptics such as Simon Foucher. It is argued that Desgabets sought to meet these challenges by radicalizing certain Cartesian doctrines (voluntarism), while at the same time enriching Descartes’ thought with scholastic distinctions and concepts. Paper 3 discusses Kenelm Digby's unique merger of Descartes’ philosophy with Aristotelianism. It argues that Digby’s adaptations of Descartes’ methodology have an impact on his views about the relation between soul and body. By looking at these three attempts to remedy and mend Descartes’ philosophy, we show that there were many ways for a seventeenth-century thinker to be a Cartesian. Also, we illustrate that for these thinkers, boundaries between traditions and periods were flexible and permeable.

The Actuality of Axiality

**Andrew Smith**

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Historical phenomena are nothing if not Janus-faced. Any given origin has its antecedents; history is neither a smooth continuum nor a chaos of particularities. Those who wish to account for the emergence of history itself are forced to tarry with prehistory. In his lectures on mythology, Schelling evinces an acute awareness of the problem that thereby arises: “Because there is no true that is, internal difference between historical and pre-historical time, it is also impossible to draw a solid border between both.” With his theory of the axial age, Jaspers aims to resuscitate universal history on the allegedly empirical basis of parallel shifts in cognitive orientations evident across Eurasia circa 500BCE; a cognitive shift that is purported to have broken irrevocably with a preceding mythological consciousness and set the foundations for all subsequent historical developments. The axial age thesis has grown in prominence amongst philosophers and social theorists in recent years. It also becomes the means by which Habermas thinks it possible to distinguish between religions that are philosophically significant and those that are not: “An unexhausted semantic potential, assuming that such exists, can be found only in those traditions which, although their mythic kernel was transformed into a thinking of transcendence through the cognitive advance of the axial age, nevertheless have not yet completely dissolved in the relentless acceleration of modern conditions of life.” Thus, without any investigation of the truth of this alleged epoch, the axial age becomes determinative of what shows up as religion for Habermas. The attempt to identify a common historical basis for contemporary pluralistic and globalized conditions still seems to necessitate an exclusionary logic. Habermas’s appeals to Jaspers’s concept are uncritical and merely reproduce this myth of origin.

The paper comprises two parts. It will begin by examining the idea of the axial age as it is first articulated in Karl Jaspers’s philosophy. Here the attempt is to show that the normative concern guiding Jaspers’s development of the concept in the wake of World War Two overrides the historical evidence. The axial age is introduced in order to unite a multitude of shifts in worldviews that emerge autochthonly in China, India and “the West” between 800-200 BCE. Yet investigating Jaspers’s reasons for uniting these different cultural developments into a single age will reveal the concept to be vague and lacking empirical foundation. This will be shown to undermine his intention to view the major world civilizations as emanating from a common shift. Furthermore, the emphasis on a sharp break with previous forms of consciousness that constitutes the axis for all subsequent developments echoes the Christian narrative, common in Eurocentric philosophies of history, in a problematic fashion. Such an emphasis on rupture means Jaspers misses much slower developments, has difficulty accounting for the continuation of myth, and cannot explain the collapse of those cultures he
identifies with the axial revolution. With a certain irony, the idea of the axial age as a single demythologising shift can itself be seen as a myth. The second part of the presentation will investigate Jürgen Habermas’s frequent references to the idea of the axial age, particularly those that occur in his recent work concerning religion. It seems that Habermas takes the axial age to be an unproblematic concept. His references to the concept are not only aimed at pointing to the “shared origin” of philosophy and the major world religions in order to present a broader perspective within which philosophers could become more open to the idea that religions contain truth.

**Two-faced Terror; An analysis of ‘terror’ in the light of the hermeneutics of Paul Ricoeur**

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In this paper, the meaning of the word ‘terror’ will be examined within the light of Paul Ricoeur’s hermeneutical framework. The research attempts to juxtapose different approaches of interpreting and uncovering the meaning of ‘terror’. First, ‘terror’ will be understood within the framework of Ricoeur’s early hermeneutics of the symbol. In this perspective, the meaning of ‘terror’ is analysed against the backdrop of the concept of evil and transcendental experience. The second hermeneutical line of interpretation follows Ricoeur’s more semiotic approach and his analysis of ‘metaphor’. ‘Terror’ can be comprehended as a ‘catachresis’ that is frequently being employed to ‘express the inexpressible’ in speculative philosophical theory. Finally, Ricoeur’s hermeneutics of narrative will be used to shed light on the layered connotative structure of ‘terror’, built up within the history. As these different modes of interpretation are unfolded, it becomes clear that ‘terror’ is a rather liquid and pluralistic notion that can be recounted via different hermeneutical paths, and needs to be understood as an accumulation of different ‘traditions’ of human explanation. Two important traits can be discerned: ‘terror’ as an ‘external’ object, and ‘terror’ as an affect (of internalised fear). The paper concludes with the remark that the ‘plurivocal’ meaning of ‘terror’ might have implications for how the word is used rhetorically today, making use of both its ambiguousness and ardent tenor.

**Being-in-the-World as Being-in-Nature. An ecological Perspective on Being and Time**

Vincent Blok

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Martin Heidegger’s Being and Time is clearly an attempt to provide an alternative for classical dichotomies like men and world, body and soul, subject and object etc.; human being is always already intentionally involved in a meaningful world. In Being and Time, it becomes clear that the world is primarily understood in terms of its serviceability (Dienlichkeit) and usability (Verwendbarkeit)

The status of “Nature” is however ambiguous in Being and Time. On the one hand, nature seems to be part of the world of practice: ‘The forest is a forest of timber, the mountain a quarry of rock, the river is water power, the wind is wind “in the sails”’ (SZ: 70). Heidegger’s “practical” or “instrumental” account of being-in-the-world is extended here to the natural world. On the other hand, nature is already diverted from the world of practice in Being and Time. Heidegger states for instance: “Nature”, which “surrounds” us, is indeed an innerworldly being, but it shows neither the kind of being of handiness nor of objective presence as “natural things” (SZ: 211). Heidegger’s claim that nature is not ready-at-hand suggests at least that originally, nature does not belong to the world of practice. A few years later, in a lecture On the Essence of Ground from 1930, Heidegger argues that nature in a ‘primordial sense’ cannot be understood as ready-to-hand, nor as a present-to-hand object of the natural sciences (GA 9: 155).

Although Hubert Dreyfus acknowledged the ambiguity of Heidegger’s concept of nature in Being and Time, in the end he supposed that Heidegger subscribes to a practical or instrumental understanding of nature (Dreyfus (1992) 177). According to Dreyfus, Heidegger’s practical account of being-in-the-world shows that Being and Time bears witness to a proto-technological metaphysics, of which he was so critical in his later work. By stressing the practical or instrumental account of nature in Being and Time, the ambiguity of nature is solved by Dreyfus.

Bruce Foltz, on the contrary, stressed precisely the “primordial sense” of nature in Being and Time. Although he acknowledged that nature primarily appears as useful or ready at hand, this doesn’t mean that nature inherently belongs to the world of practice. ‘To the extent that the things of nature are dealt with in this way, and only to this extent, they are tools quite as much as is the hammer or the saw, and they are close at hand in just the same manner’ (Foltz (1995) 30). In itself, however, natural things are not just either ready to hand or objective: it is also the great outdoors (die Natur draussen) or the power of nature (Naturnacht). According to Foltz, the primacy of the practical in Being and Time is not an expression of Heidegger’s preference for the practical or instrumental but is intended strategically to emphasize our involvement with nature and how involvement alone discloses it – practical nature as well as primordial
nature – as meaningful (Foltz (1995) 32). By embedding Heidegger’s practical or instrumental account of nature in his concept of primordial nature, the ambiguity of nature is solved by Foltz.

There seems to be a fundamental tension, however, between Heidegger’s practical account of nature and his efforts to exclude his concept of nature from the world of practice on the one hand and from the scientific world of natural objects on the other. This tension cannot be solved by downplaying primordial nature (Dreyfus), nor by downplaying practical nature (Foltz). We can frame this tension in the following way: If the practical account of being-in-the-world is extended to our being-in-nature, there seems to be no room for nature in this primordial sense. But if we have to conceive nature in this primordial sense, it is unclear how this concept of nature is related to the natural world which is part of the world of practice. This tension leads to the following question we would like to address in this paper: Is it possible to conceive the natural world not as an extension of the practical world but the other way around, in other words, being-in-the-world as being-in-nature? Such an eco-logical perspective on Being and Time enables us not only to conceive the relation between the practical and the primordial sense of nature in Being and Time, but enables us to eliminate Karl Löwith’s ‘classical’ critique, that human being seems to be completely lifted out of his natural preconditions in Heidegger’s analysis of being-in-the-world, as well (Löwith (1989)). An eco-logical perspective on Being and Time may enable us to reconnect man and nature without naturalizing him.

In this paper, we explore such an eco-logical perspective on Being and Time. Our hypothesis is that the affordance theory of the American psychologist and founding father of the ecological psychology, James Gibson (1904-1979), enables us to a) to understand being-in-the-world as being-in-nature, and with this, b) reconnect man and nature on the one hand and c) understand the primordial sense of nature in Being and Time on the other. Heidegger anticipated the work of Gibson in many ways (cf. Kader & Effken (1994)); like Heidegger, also Gibson rejected dichotomies like subject and object, and like Heidegger, also Gibson provided a phenomenological account of our being-in-the-world; organisms are always already involved in a meaningful eco-system.

After exploring Heidegger’s concept of being-in-the-world in section one and Gibson’s concept of being-in-nature in section two, we will confront both authors in section three. Based on this confrontation, we draw some conclusions in section 4. The result of our Gibsonian interpretation of being-in-the-world as being-in-nature is, that we have to reject Heidegger’s strict distinction between human being and the rest of nature and open a new – ecological – perspective on human being-in-nature.

Parallel 4i: Philosophy of science (II)

**Time:** Saturday, 16/Nov/2013: 2:45pm - 4:15pm · **Location:** Auckland (M3-04)

**Session Chair:** Jan-Willem Romeijn

### Going straight after the practice turn

**Matthijs Jonker**

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This paper aims to contribute to the so-called ‘practice turn in contemporary theory’ by carrying out a philosophical systematical comparison between two currents in the field of practice theory: the social-critical and the ‘hermeneutical’. Pierre Bourdieu represents the social-critical current, in which the analysis of social practices and habitual conduct is combined with a critique of the existing power relations in society. Theodore Schatzki represents the ‘hermeneutical’ current, which is based on the work of the early Heidegger and the later Wittgenstein. This tradition gives neutral descriptions of the constitution of subjectivity and of the meaning of artifacts and activity. This paper argues that a combination of the work of Bourdieu and Schatzki furthers practice theory, both in itself and as an aid to scholarly research.

Since the 1970s there have been practice turns in a wide variety of academic disciplines, such as cultural theory, sociology, philosophy and science studies. All theories of practice share a conception of culture in which ‘social practices’ occupy a central place and are the starting point for research. Furthermore, practice theorists agree with each other on the dynamic and pluralist character of social reality, the social constitution of subjectivity, and the role of the body herein. Because of these characteristics the practice turn is seen by many contemporary theorists as a major improvement compared to conceptions of the social, in which culture is conceived as a homogenous and static entity that is governed by certain fundamental principles, and in which the subjectivity and autonomy of individuals are taken for granted (Schatzki/Knorr-Cetina/Von Savigny 2001). However, because of the different disciplinary backgrounds there also exists disagreement among practice theorists on important points. For instance, there are divergent opinions on how the meaning and ‘agency’ of things and artefacts are to be conceived and also on the role of power relations in social practices.
From a philosophical perspective it is possible to make a distinction between two currents in the theorization of practice. On the one hand, there is the ‘hermeneutical’ position, which consists of theories that are based mainly on the insights of (the early) Martin Heidegger and (the later) Ludwig Wittgenstein. From this position the understanding and interpreting character of man is seen as his most fundamental trait and he expresses his understanding of himself and the world in his social practices. The social ontology of Theodore Schatzki is the most complete and explicit elaboration of the thought of Heidegger and Wittgenstein (Schatzki 1996 and 2002). According to Schatzki, Wittgenstein and Heidegger complement each other in their conception of ‘life’. Whereas Heidegger provides the general analysis of the nature of activity, Wittgenstein contributes the theory of ‘conditions of life’. In Schatzki’s social ontology the body plays an important role and the traditional Cartesian distinction between ‘mind’ and ‘body’ is blurred.

On the other hand, there are the theories of practice that are based on the work of Karl Marx. An essential element in these theories is the social-critical and emancipatory attitude. Pierre Bourdieu is arguably the most important representative of this current in the theorization of practice. In his work Bourdieu aims to go beyond the ‘structure-agency’ or the ‘objectivism-subjectivism’ debate in the social sciences (Bourdieu 1977 and 1990). According to him, social action is governed neither by abstract and theoretical structures nor by conscious mental conditions, but by practical reason or habitus. This is an unconscious or subconscious system of embodied and social constituted dispositions, in which the objective (material) conditions of society are reflected and which, in turn, reproduce the existing social relations by determining action.

Both Schatzki and Bourdieu have a theory of the social constitution of the subject, in which the body plays an important role. However, while Schatzki presents social practices as neutral entities and emphasizes the ways in which actions and objects obtain their meaning in these practices, Bourdieu always aims to show the fundamental role of power relations within and between practices and how these are expressed by the body. This means that Schatzki’s theory of practice can be criticized from Bourdieu’s position, because it legitimizes the unequal relations in society by being silent about them.

From Schatzki’s point of view, however, Bourdieu’s theory of practice can be criticized, because the latter is ambivalent about the homogeneity of the habitus and the social field. Many passages in Bourdieu’s work suggest that he sees the habitus as uniform and static, which makes it difficult to see how social mobility and emancipation are possible. Schatzki provides a more variegated and differentiated account of social practices. In his theory social practices can be distinguished from each other because actors possess different skills, observe different rules and try to achieve different goals in each practice. Moreover, actors can participate simultaneously and successively in different practices. For this reason their identity is not fixed but subjected to change.

This paper confronts Bourdieu’s and Schatzki’s theories of practice on the above-mentioned points. To reiterate, these points are the conception of power in social practices, the conception of social practices and practical understanding (habitus), and, related to this, the conception of culture and identity. The objective of this comparison is to develop a more complete and adequate theory of practice, which can also serve as an outline for a conceptual framework for the study of contemporary and historical culture.

**A New Interpretation of the Representational Theory of Measurement**

**Conrad Heilmann**

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The Representational Theory of Measurement (RTM) specifies measurement as the assignment of numbers to objects. More specifically, it says that measurement can be understood as a homomorphism between two relational structures, an empirical one and a numerical one. (Krantz et al 1971a,b,c; Suppes 2002)

RTM is much maligned. For one thing, its critics say that it reduces measurement to representation, without specifying the actual process of measuring something, and problems like measurement error and the construction of reliable measurement instruments are ignored (e.g. Reiss 2003). Moreover, RTM has since long been associated with operationalism, the idea that measurement is equal to and nothing more than actually perform a measurement operation. This is most notorious in the revealed preference approach to decision theory, in which a utility function is supposed to be a numerical representation of observed choice behaviour, or of in principle observable choice behaviour. Such a characterisation of decision-making seems impoverished, and oddly disconnected from any reasonable philosophical or psychological account of decision-making. It seems that RTM, with its insistence on viewing measurement as a numerical representation of empirical relations is rather limited and invites this kind of simplistic characterisation.

In this paper, I sidestep these kinds of debate and interpret RTM in a different way. I will assess RTM not as a candidate theory of measurement, but propose the following. RTM is best understood as an abstract framework which makes it possible to use it as a guideline for concept formation. More precisely, I propose to view measurement theorems in RTM as providing us with mathematical structures which, if sustained by specific interpretations of qualitative relations, can provide conditions which should be satisfied in order
to represent concepts numerically. If we adopt this interpretation, there is no reason for why measurement theorems should be restricted to specify the conditions under which only empirical relations can be represented numerically. Rather, we can attempt to represent any sort of qualitative relation between any sort of object. Indeed, objects can include highly idealised or hypothetical ones.

This extension of RTM’s scope has a number of advantages. Firstly, it allows us to characterise what I call ‘hypothetical measurement’ exercises. All this means is that since we move from an empirical relational structure to a more general qualitative relational structure, we can also ask what kind of qualitative relations between imagined or idealised objects could be represented numerically. This is helpful in areas of inquiry in which we have not yet developed well-formed concepts, lack agreement on a number of basic questions, and have widespread disagreement (such as happiness measurement in the social sciences or the measurement of time discount rates in economics). Secondly, we have more degrees of freedom in ‘backwards engineering’ of measurement accounts. All this means is that in contexts in which we operate with numbers that lack adequate foundations, we can investigate what kinds of qualitative relations between what kinds of objects would need to exist in order to motivate the kind of numbers that we are already using. That is, we can look at areas of inquiry that use quantities that are not derived from a measurement process, such as parameters in economic models, and investigate possibilities to do so (such as happiness measurement and time discount rates, any a number of similar concepts in psychology, social science, and economics). Thirdly, the extension serves as a way to disentangle RTM from operationalism. On the more general interpretation of RTM endorsed here, we can jointly endorse RTM and the view that there may be concepts relevant for a given area of inquiry that may not be directly observable. If the latter can motivate a hypothetical measurement exercise, we may better sustain claims about their relevance.

The paper is structured as follows. Section 2 discusses RTM in its classic development and interpretation. Section 3 explains the new interpretation of RTM as representing qualitative instead of only empirical relations, discussing three different uses of RTM that this interpretation affords us. Section 4 briefly concludes.

**Biology as Exception Ridden Practice and Semantic View of Theories**

**Sinan Sencan**

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It is widely accepted that if something is an instance of knowledge, then it implies truth. Generalizations in science are considered to play a special role in explanations and predictions. If science produces knowledge claims at the level of generalizations, therefore, these generalizations must also express truth. However, not all true generalizations are useful at the same level in explanations and predictions. For this reason, philosophers of science (e.g. Goodman 1947; Hempel 1948; Reichenbach 1947, 1952; Nagel 1961; Armstrong 1983; Drestke 1977; Tooley 1977; Lewis 1983) try to distinguish useful true generalizations from those that are not useful at the same level. The project can be called distinguishing lawful generalizations from contingent accidental generalizations. Since physics has been the model science in philosophy of science only until very recently, these philosophers tried to come up with a set of criteria satisfied by physical laws but not by obvious contingent generalizations. Although, there is a widespread agreement that none of these attempts have fully succeeded in providing necessary and sufficient conditions for laws of nature, there is also a widespread agreement that at least some of the necessary conditions for them are correctly identified. It is somewhat uncontroversial that whatever else laws may be, they must be strictly universal and they must have empirical content.

Given these two necessary conditions, some philosophers of science argued that distinctively biological generalizations cannot satisfy this requirement (e.g. Smart 1963; Gould 1970; Ruse 1970; Rosenberg 1985; Beatty 1995). Supporters of this idea defend that biological generalizations violate strict universality criterion because organisms are both historically contingent and too complex. The incompatibility between successful biological generalizations and their violation of the universality condition encouraged some philosophers of science to reconsider the status of biological generalizations and the status of two necessary conditions widely accepted in philosophy of science. Some philosophers of science (Press; 2009) argue that biological laws, which can be traced by hidden generalizations, will be discovered in future. Some others (Elgin; 2006) insist that there are already some examples of biological laws that satisfy these two such as allometric scaling laws. Yet, others argue that the distinction between historical generalizations of biology and causal generalizations (Waters; 1998) or normative generalizations (Bock; 2007) should be reinvestigated.

On the one hand, some philosophers of science (Sober 1984, 1997; Elgin 2003, Woodward 2000, 2001; Mitchell 1997, 2000; Cooper 1996) argue that the minimum criteria for scientific laws are too strict for biological generalizations. Sober (1984) and Elgin (2003) think that scientific laws do not need to be empirical; in fact, they assert that life sciences have some a priori generalizations which can be considered as laws. Mitchell (1997) and Cooper (1996) argue that since the contingency comes with degree, the strict distinction between scientific laws and accidental generalizations cannot be useful to examine biological generalizations. Woodward (2000) thinks that the concept of invariance offers more proper evaluation for biological generalizations than the criterion of strict universality. Mitchell,
Cooper and Woodward all agree that strict universality condition should be loosened because some biological generalizations can fulfill functions attributed to laws even though they do not exactly satisfy this condition. Moreover, others insist that complexity and contingency are no reason to think that biology cannot have strict laws (Sober 1997; Elgin 2006).

On the other hand, several philosophers of science (e.g. Beatty, 1980, 1981, 1987; Thompson 1987, 1989; Lloyd 1984, 1994) defend the idea that semantic view of theories can be used to develop more fruitful conception for life sciences. The relevant idea of semantic view is that that explanation and prediction are provided by scientific models instead of scientific laws (see Suppe 1979, 2000; Van Fraassen 1980, 1989, Giere 1999). In other words, the fundamental statements of scientific theories specify or characterize intended models that are used in explanation and prediction. By following semantic view, Beatty (1981) argues that central statements of evolutionary theory serve as definitions or mathematical abstractions used to specify systems which make empirical claims on behalf of scientific theory. Lloyd (1984) thinks that population genetics could be understood in terms of mathematical models related each other with coexistence laws and laws of succession. Thompson (1989) emphasizes that since the evolutionary theory is the collection of multiple theories, semantic view can handle to explain these different theories like population genetics and sociobiology together.

All these views have two similarities in spite of the fact that all of them defend different positions in biological laws debate (except semantic view). The first similarity is that their initial step is biological practice rather than philosophical assumptions. They suggest the idea that traditional law definition is too strict to evaluate the status of biological generalization. Therefore, they offer to reinvestigate strict conception of lawfulness in favour of biological practice. The second similarity depends on the idea that some biological generalizations can accomplish the task of strict scientific laws. Either by eliminating empirical condition or loosening universality, they guarantee that there are biological laws. Therefore, defenders of these views insist that there should be other categories for scientific such as a priori laws or pragmatic laws.

It may be theoretically interesting to show that at least some biological generalizations can satisfy the minimal conditions of traditional definition of lawhood or there are different scientific law categories in biology. However, their number is very limited and therefore it does not help us to account for most of the biological practice to know that there are these very few special cases of biological generalizations. Most of the biological practice is carried out even in the absence of such special cases of biological generalizations. Therefore, I think it is important for philosophers of biology to given an account of how the most part of biological practice is carried out. On the other hand, semantic approach can account for exceptions in biological practice. Therefore, I argue that semantic approach provides more plausible theoretical ground for the exception ridden practice of biology than the axiomatic approach and the other mentioned views.

Parallel 4j: Epistemology (II)

**Time:** Saturday, 16/Nov/2013: 2:45pm - 4:15pm  
**Location:** Praag (M3-05)

**Session Chair:** Tim de Mey

**Is Knowledge Overrated?**

**Safiye Yigit**

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The search after knowledge is perhaps the noblest endeavour humankind has ever engaged in. Uttered as such, this claim seems as quite uncontroversial as we generally take knowledge as a valuable state that deserves being sought after. Yet, philosophically, the question “is knowledge valuable” still remains to be a legitimate inquiry. Exploring this question reveals that we have some paradoxical beliefs about the value of knowledge. Grounding the value of knowledge only on its practical use or utility is somewhat counter-intuitive, we feel it is unfair to treat knowledge as such and we want to come up with better reasons to redeem the esteemed place knowledge should have. Whereas pragmatic needs, necessity, or utility could be possible reasons for searching for knowledge and appraising the knowledge gained, for obvious reasons, these are not good examples for the exploration of the value of knowledge for its own sake. The question would then be: Can we find any value in knowing merely for the sake of knowing; that is, an intrinsic value that makes knowledge claims valuable regardless of utility or, more generally the presence of prior interest?

After elaborating on such thoughts on the value of knowledge, I will try to shed light on the intertwined relationship of curiosity and knowledge and through appealing to “the theory of organic unities”, an insightful view that G.E. Moore had proposed in Principia Ethica in order to account for intrinsic goodness, I would like to argue that knowledge and curiosity form such an organic unity. Due to the
reciprocal relationship between knowledge and curiosity, I claim that the value of knowledge would never be properly assessable without taking human curiosity into consideration.

Knowledge and representations: explaining the skeptical puzzle
Guido Melchior
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1 Introduction
This paper aims at offering a new explanation for the skeptical puzzle. I will argue that we can take two distinct points of view towards representations such as mental representations like experiences and beliefs or artificial representation like symbols or texts. If we focus on what the representation represents we take an attached point of view. If we focus on the representational character of the representation, we take a detached point view. From an attached point of view, the intuition dominates that we can know that p simply by using the representation and without having any prior knowledge about the reliability of the representation. From a detached point of view, the intuition dominates that we must have this kind of prior knowledge. These two conflicting intuitions about knowledge and representations are basis for our intuition that we have perceptual knowledge and knowledge that the skeptical hypotheses are false via Moorean reasoning on the one hand and for the skeptical intuition of underdetermination on the other hand.

2 Liberalism and conservatism
Pryor (2004) introduced the terminology of liberalism and conservatism for referring to two rival accounts on perceptual justification. Conservatives about perception like Wright (2002 and 2004) defend that S is only justified to believe that p based on her experiences as of p, if S has prior justification to believe that any non-perceiving hypothesis is false. Liberalism is the denial of conservatism. Liberals like Pryor (2000, 520) hold that "not only can we have perceptual knowledge and justified perceptual belief, we might have it without being in a position to cite anything that could count as ampliative, non-question-begging evidence for those beliefs."

3 Knowledge and representations
I will argue that the conflicting intuitions of liberalism and conservatism rely on two intuitions about knowledge via representations, first, knowing by simply using a representation and, second, knowing by reflecting on the representation and on its representational character.

These two conflicting intuitions are based on a shift of attention, which supports two different points of view, we can take towards representations. On the one hand, we can primarily use representations for acquiring knowledge about the world, without doing much or without even doing any reflection work about the representation. In this case, we focus our attention on what the representation represents. We take an attached point of view towards the representation. From this point of view, the intuition dominates that we can have knowledge via a representation simply by being confronted with it. I call this intuition from an attached point of view IA. On the other, we can take a detached point of view towards a representation R and focus our attention on the representational character of R, i.e. on the fact that R is a representation that p. When taking a detached point of view, the representational character of R becomes salient to us. From that point of view, it seems plausible that the only thing we know is that R is a representation that p, unless we have independent evidence that R is delivered by a reliable source. I call this intuition from a detached point of view ID.

The two conflicting intuitions IA and ID are motivated in the following way.
• By focusing our attention on what R represents, we take an attached point of view towards R, which supports IA.
• By focusing our attention on the representational character of R, we take a detached point of view towards R, which supports ID.

The two conflicting intuitions take the following form:

IA:
If S is confronted with a representation R that p, then S can know that p simply by forming a belief that p on the basis of R (i.e. without knowing that R is a representation that p and without knowing that R is delivered by a reliable source.)

ID:
If S is confronted with a representation R that p, then S can know that p by forming a belief that p on the basis of R only if S knows that R is a representation that p and if S has prior knowledge that R is delivered by a reliable source.
Process reliabilism clearly accepts IA. Pryor (2000 and 2004) explicitly defends this view with respect to experiences. We assume that IA is true if we make knowledge ascriptions of the following kind: The infant knows that there is a red ball in front of her because she sees a red ball in front of her. I know that the Giants won their last game, because I read it in the NYT.

The two intuitions IA and ID contradict each other. IA states that S can know that p via a representation R that p, without having prior knowledge about the reliability of R. ID precisely denies this.

It is important to note that I do not argue that one of these intuitions is true and the other one false. They both seem legitimate. I just want to explain how they arise.

According to my view, there is a cognitive difference between primarily using a representation that p for coming to believe that p and primarily believing that something is a representation that p. In this sense, representations are Janus faced. On the one hand, we can use them for forming beliefs; on the other hand, we can focus on their representational character. I think that this explains at least one type of sceptical intuitions, the intuition of under determination.

**Foundationalism and the Arbitrariness Objection**

Jacobus Engelsma

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The epistemic regress problem is a problem arising in discussions about the justification of beliefs. Some of our beliefs are justified by other beliefs. However, what about those other beliefs? Are they justified by still other beliefs? If so, how about the beliefs that justify them? If they are also justified by other beliefs, does this imply that we must have an infinite number of beliefs? Or could there also be beliefs that do not depend for their justification on other beliefs?

Clearly the most influential answer to this regress problem is the one given by epistemic foundationalism. According to foundationalism, some of our justified beliefs may depend for their justification on other beliefs, which may in turn depend on still other beliefs for their justification, but the regress must terminate in beliefs that are immediately justified, i.e., in beliefs that do not need other beliefs in order to be justified.

An important objection to foundationalism, most prominently raised in some recent papers by Peter Klein, says that it supports justificatory arbitrariness. Since foundationalism allows for some beliefs justifying other beliefs but themselves being justified even when no beliefs serve to justify them, so the argument goes, it allows for beliefs being held in an arbitrary fashion. In my talk, it is this arbitrariness objection that I will discuss.

First, I will draw an often neglected distinction between foundationalism as a response to dialectical epistemic regresses and foundationalism as a response to structural epistemic regresses. Dialectical regresses are regresses arising when someone is asked to show her belief is justified (or to justify her belief). When she gives a reason for thinking her belief is justified, she may be asked to give a reason for thinking that reason is a good reason and, when she has given a reason for that, she may be asked for a reason for thinking that reason is a good reason, etc. Dialectical foundationalism holds that at some point in this ‘game of giving and asking for reasons’, especially when she has arrived at an assertion that counts as dialectically foundational, she does not have to give a new reason. Structural regresses, on the other hand, are regresses arising when it is wondered how our justified beliefs must form a structure. Some of our beliefs are justified by other beliefs, which may be justified by still other beliefs, which may in turn be justified by still other beliefs, etc. According to structural foundationalism, if we are to have any justified beliefs at all, the structure of our beliefs must have a foundation in beliefs that are immediately justified, i.e., justified by something other than beliefs.

Second, I will carefully unpack Klein’s notion of epistemic arbitrariness. I will argue that someone’s belief (or epistemic assertion) may be said to be epistemically arbitrary if she has no reason for thinking that belief (or assertion) is true.

Third, drawing on the distinction between dialectical foundationalism and structural foundationalism, and on Klein’s notion of epistemic arbitrariness, I will assess his objection. Though most foundationalists commenting on Klein treat his objection as an objection to structural foundationalism, I will show that what Klein mainly seems to be talking about is dialectical foundationalism. I will argue that since it is possible for dialectical foundationalism to require of foundational epistemic assertions that someone making them have a reason for them, it need not allow for epistemic arbitrariness; and hence that Klein’s objection, as an objection to dialectical foundationalism, fails.

Fourth, because most foundationalists treat Klein as objecting to structural foundationalism, I will also consider the arbitrariness objection as an objection to that form of foundationalism. I will argue that whether structural foundationalism must involve epistemic arbitrariness depends on what kind of items can be reasons for beliefs. If, as some have argued Klein assumes, only other beliefs can
be such reasons, then structural foundationalism must allow for epistemic arbitrariness. However, if also other items, especially propositions or facts, can be reasons for beliefs, then foundationalism does not have to allow for epistemic arbitrariness. For in that case it is in a position to require of basic beliefs that someone having such beliefs has a reason for thinking they are true. I will argue that since it is very natural to regard also items other than beliefs as possible reasons for beliefs, also Klein’s objection construed as an objection to structural foundationalism fails.

Parallel 4k: Philosophy of mind (II)

Time: Saturday, 16/Nov/2013: 2:45pm - 4:15pm · Location: Lund (M1-18)
Session Chair: Leon Geerdink

The role of philosophy in cognitive science: mechanistic explanations, normativity, generality
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Introduction

Cognitive science, as an interdisciplinary research endeavour, seeks to explain mental activities such as reasoning, remembering, language use, and problem solving, and the explanations it advances commonly involve descriptions of the mechanisms responsible for these activities. Cognitive mechanisms are distinguished from the mechanisms invoked in other domains of biology by involving the processing of information. Many of the philosophical issues discussed in the context of cognitive science involve the nature of information processing. For philosophy of science, a central question is what counts as a scientific explanation. But what is a mechanistic explanation and how does it work, how can philosophy of science use it as a solution for the problem of integration in cognitive science? By answering these questions and merging my answers with discussion of concepts of philosophy, normativity and generality, I will investigate the following claim.

I claim that philosophy by using strength concepts such as normativity, generality, and a mechanistic philosophy of explanations, can be a most important contributor to cognitive science. I also investigate how philosophy of science could be (can be) a bridge between psychology and neuroscience. We need a distinction between philosophy of cognitive science and philosophy in cognitive science; I am talking about the latter.

This claim is very important for the integration and the future of the interdisciplinary field known as cognitive science.

Philosophy as a true cognitive science

When the Cognitive Science Society was founded, in the late 1970s, philosophy, neuroscience, and anthropology were playing smaller roles. The three disciplines that formed the core group were artificial intelligence, psychology, and linguistics. The curious thing is that George Miller, a psychologist and an important founder of cognitive sciences in a hexagon diagram that he presented, put philosophy at the top of the diagram and neuroscience at the very bottom. There is enough agreement now that neuroscience is the most important contributor to cognitive science and there are fair connections between philosophy and neuroscience. In that diagram there was almost no connection between philosophy and neuroscience.


Many philosophers of science offer conclusions that have a direct bearing on cognitive science and its practitioners can profit from closer engagement with the rest of cognitive science. For example, William Bechtel has discussed three projects, two in naturalistic philosophy of mind and one in naturalistic philosophy of science that have been pursued during the past 30 years, that he contends, can make theoretical and methodological contributions to cognitive science (Bechtel, 2009). Paul Thagard is another example of the mentioned emerging school of philosophers of science that define cognitive science as the interdisciplinary investigation of mind and intelligence (Thagard, 2006). Thagard by presenting some general but important philosophical questions such as, “What is the nature of the explanations and theories developed in cognitive science?”, and by providing answers to these central questions has showed how philosophy of science can help cognitive science by the advantage of its generality. Andrew Brook, however, believes that philosophical approaches have never had a settled place in cognitive science but he is listed in a group of the philosophers of science that they are
contributing very closely the cognitive science (Brook, 2009). Daniel Dennett, as well as being a member the mentioned naturalistic philosophers of science, believes that there is much good work for philosophers to do in cognitive science if they adopt the constructive attitude that prevails in science.

What are mechanisms? Let us begin abstractly before considering an example. Mechanisms are collections of entities and activities organized together to do something (cf. Machamer, Darden, & Craver, 2000; Craver & Darden, 2001; Bechtel & Richardson, 1993; Glennan, 1996). These explanations are known as ‘mechanistic explanations’. By using and developing these mechanistic explanations of philosophy of science one can draw normative consequences for cognitive science. Paul Thagard (Thagard, 2006 and 2009), William Bechtel (Bechtel, 2008 and 2009), Andrew Brook (Brook, 2008) investigated and promoted using the ‘normativity’ in philosophy to show a better and crucial role for philosophy of science in an interdisciplinary known as cognitive science. Some philosophers have thought that, in order to pursue this normative function, philosophy must distance itself from empirical matters, but there are examples where the investigations of descriptive and normative issues go hand in hand. (Thagard, 2009)

I will investigate how we can reduce a higher-level science such as psychology to neuroscience without the problems of reductionism but via mechanistic explanations. By problem I mean psychology does not lose its autonomy.

Conclusion

If cognitive science is all about understanding the human mind, or if cognitive science is the interdisciplinary investigation of mind and intelligence, since the whole life of philosophy was involving with the ways of knowing (epistemology) and conceptions of reality (metaphysics), also philosophy has considered the so-called mind-body problem (identity theory, functionalism, and heuristic identity theory), then philosophy could be the most deserved discipline to be a most contributor in cognitive science. I tried to discuss this by using the three advantages in philosophy, normativity, and generality and by introducing an emerging school of mechanistic (not mechanical) philosophers. One thing left, as cognitive science is a two-way street, philosophers need also to stop in a station of cognitive science and learn from the most important advances in brain and neuroscience.

**Modes of Presentation and Phenomenal Concepts**

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Physicalism is confronted with well-known anti-physicalist arguments such as the knowledge argument, the explanatory gap argument, and the conceivability argument. These arguments are based on the phenomenal character of consciousness; the distinctive what-it-is-likeness of undergoing experiences such as seeing the blue sky, tasting red wine or being in pain.

In the contemporary debate, the phenomenal concept strategy is considered as one of the most powerful responses to these anti-physicalist arguments. The basic idea of this strategy is to rely on special concepts—phenomenal concepts—to explain why we draw dualistic conclusions from these arguments. The key move is the claim that we can treat the anti-physicalist arguments as instances of co-reference cases. For example, according to the defenders of the phenomenal concept strategy, Jackson’s physically omniscient scientist Mary possesses all physical concepts when being confined to her achromatic environment, but acquires a new phenomenal concept when she enjoys a blue-experience for the first time. The crucial claim is that these two concepts pick out one and the same physical referent. Hence, the goal of the phenomenal concept strategy is to give a satisfactory account of dualistic intuitions without being committed to ontological dualistic conclusions.

Since defenders of the PCS aim to explain away anti-physicalist arguments, they grant that phenomenal concepts cannot be deduced a priori from physical concepts and hence are conceptually isolated. Moreover, phenomenal concepts play a specific cognitive role, namely they carry introspectively accessible information about the phenomenal character of experiences. Thus, proponents of the phenomenal concept strategy first must explain why phenomenal concepts are conceptually isolated from physical ones, despite the fact that both pick out one and the same alleged physical referent. Second, an adequate account of phenomenal concepts has to explain also how these concepts can play their specific cognitive role. Those who undertake the phenomenal concept strategy point to different features of phenomenal concepts to provide an explanation of these two particularities. The sophisticated accounts of phenomenal concepts that have been developed in the past decades can be categorized roughly along two lines: Some accounts take the particular features of phenomenal concepts to be found in their direct reference function and construe phenomenal concepts analogously to demonstrative concepts. Others focus primarily on the special mode of presentation involved in phenomenal concepts and take phenomenal concepts to be constituted by experiences. The latter one can be labelled as “constitutional accounts of phenomenal concepts”.

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In my talk I will argue that only constitutional accounts can explain both particularities of phenomenal concepts—their conceptual isolation as well as their cognitive role—in a satisfactory way. In particular, I will demonstrate that, phenomenal concepts can fulfil their cognitive role to carry the relevant information and to make this information introspectively accessible only if they necessarily involve a specific phenomenal mode of presentation.

I will argue for this claim by elaborating a reductio ad absurdum: First, I will construe different scenarios that are conceivable if a contingency in the relation of a phenomenal concept and its mode of presentation is allowed. Such a contingency is allowed by pure demonstrative accounts of phenomenal concepts as well as by accounts that focus on the vehicle of phenomenal concepts, but it is ruled out on constitutional accounts of phenomenal concepts. Second, I will construe analogous scenarios involving perceptual concepts. Third, I will evaluate these scenarios, and compare the ones that involve perceptual concepts to those that involve phenomenal concepts. It will turn out that a contingency between a phenomenal concept and its phenomenal mode of presentation not only leads to implausible scenarios, but also to false judgments of the subject employing the phenomenal concepts. The analogous scenarios involving perceptual concepts do not result in the same sort of problem and provide some explanation why some philosophers mistakenly think that phenomenal concept can be construed analogously to perceptual concepts.

Thus, the outcome of my analysis will be twofold: First, I will conclude that an adequate account of phenomenal concepts has to posit a necessary link between a phenomenal concept and the phenomenal mode of presentation involved in the concept. Second, by comparing phenomenal concepts to perceptual concepts, I will also provide an explanation as to why some philosophers fail to recognize the importance of the phenomenal mode of presentation involved in a phenomenal concept.

Conscious intending as self-programming

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Despite the fact that there is considerable evidence against the causal efficacy of proximal (short-term) conscious intentions, many studies confirm our commonsensical belief in the efficacy of more distal (longer-term) conscious intentions. In this paper, I address two questions: (i) What, if any, is the difference between the role of consciousness in effective and in non-effective conscious intentions? (ii) How do effective conscious distal intentions interact with unconscious processes in producing actions, and how do non-effective proximal intentions fit into this process? I argue that answers to these questions point to a picture of distal conscious intending as a form of self-programming. The metaphor of “self-programming” will be elucidated by using a distinction between “structuring” and “triggering” causes. Though the self-programming metaphor does not amount to a full theory of conscious intending, I argue that it may be a useful heuristic in developing such a theory. I also argue that the metaphor is phenomenologically plausible.
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