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Contributors:
Gary Byron, Dip Law (BAB), MBA, MA (Phil) Catholic Institute of Sydney
Wilson Cooper, BA (Hons), MA (Hons), Macquarie PhD candidate
Anson Fehross, Macquarie BMedia candidate, BA candidate
Niki Saunders, University of Sydney BA (advanced) candidate

Editors:
Michael Slezak, University of Sydney Masters Candidate, Russellian Society President 2007
Benjamin Schulz, UNSW Masters candidate, Socratic Society President 2007
Mary Walker, Macquarie University PhD candidate, Platonic Society Secretary 2007

Cover Art
Amy Corderoy

Layout, design and artwork:
Amy Corderoy and Michael Slezak

Reviewers:

Paolo Bolanos	Catriona Mackenzie	John Quilter
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Andy Hill	Jacqui Poltera	Mary Walker

Contacts:
Socratic Society:
http://philosophy.arts.unsw.edu.au/contacts/associations/socraticsoc/socsoc.htm
Russellian Society:
http://au.geocities.com/russellian_society/
Platonic Society:
http://au.geocities.com/platonicsociety/

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A Vicious Intention of Human Collective Agency

Wilson Cooper

Do humans knowingly subscribe to vice when dealing with other species? Some people will respond to this question in the negative, others will think the answer is undoubtedly affirmative. Many of those who belong to the second group, however, would be hard pressed to give solid reasons for their position. This paper is aimed at both of these groups; it is intended to convince the first group that the answer is in the affirmative, and it is intended to provide an argument to fortify the resolve of those who endorse the affirmative answer. The first thing needed is an example of a vice, which I was lead to by Bertrand Russell in his book *Has Man a Future?* The opening sentence reads: "Man, or *homo sapiens*, as he somewhat arrogantly calls himself, is the most interesting, and also the most irritating, of animal species on the planet Earth" (Russell 1961, p. 7). I will focus on arrogance as an example of a vice that is subscribed to by some human collective agents in their dealings with other species to demonstrate that an affirmative answer to the above question is the correct response.

In pursuing this question, we must first have some working understanding of what constitutes arrogance. To provide this I will draw on what I find to be a plausible analysis of arrogance put forward by Valerie and Walker in their article 'Arrogance' (1998). I will apply their analysis of arrogance, which is set in an interpersonal context, to an interspecies context to see if the constitutive elements uncovered by Valerie and Walker are also found in the interaction between collective human agents and other species. Since my aim here is limited to the conditions for the attribution of arrogance on a collective basis, I will not be trying to establish the extent to which the human race could be considered arrogant, but rather whether it is plausible that arrogance can be extended to collective human agency in an interspecies context. I will concentrate on a portion of humanity, which I will call the 'Western developed culture', for examples of the required elements that constitute collective arrogance. After establishing that the constitutive elements can be found in this context, I will then explore some implications that may follow from disregarding the guidance principles that virtues and vices seem to impose on decision making processes. This will be done by applying Valerie and Walker's account of why arrogance is a vice to the general case of interspecies interaction. The conclusion will be that since collective human agents can be said to be arrogant, and those collective human agents consider arrogance a vice, some human collective agents can be said to knowingly subscribe to vice in dealing with other species.

WILSON COOPER

An Analysis of Arrogance

In their paper 'Arrogance' (Valerie and Walker 1998), Valerie and Walker propose a positive account of arrogance and claim it avoids two failures they attribute to rival analyses of the constitutive elements of arrogance. They consider three possible alternatives to their account and refer to them broadly as "Belief Accounts of Arrogance" (ibid). The first alternative consists in having a high opinion of one's talents and abilities; the second alternative consists in having too high an opinion (or a false opinion) of one's talents and abilities; and the third alternative consists in an inference from the exemplification of superior talents and abilities to believing oneself to be a superior person to others (ibid, p. 380).

These three alternatives are dismissed for not providing sufficient descriptions of the constitutive elements of arrogance because they are accompanied by one of two failures. These failures consist in (1) an inability to distinguish arrogance from other related but different concepts "such as vanity and self-confidence", and (2) failing to provide an understanding of "why arrogance might reasonably be thought to be a vice" (ibid, p. 379). Regarding the first alternative, arrogance cannot be constituted solely by a high regard for one's talents since if such a high regard was warranted, then "it is hard to see what could be wrong with a candid awareness of one's own talents" (ibid), and therefore why arrogance should be considered a vice. Regarding the second alternative, arrogance cannot just consist in self-confidence arising from the false belief in one's own superiority since this could not accommodate cases where a person's belief of superiority is not false and yet that person still displays the trait of arrogance. Valerie and Walker cite cases of Carl Lewis' athletic abilities and Garry Kasparov's talent at chess as counterexamples to this view (ibid). Both of these individuals have very considerable abilities and talents, so it is hard to see how beliefs in their own superiority in these things could be false. However, it is claimed that these two men are still regarded as arrogant.[1] It follows from this that such an account cannot distinguish arrogance from mere self-confidence. And regarding the third alternative, the inference from a warranted belief in the superiority of one's talents and abilities to being a superior instance of humanity may be a part, but not all of what constitutes arrogance. For instance, if one were superior by some conventional standard of appraising the good life, then again the belief in such superiority would be justified and thus not capture the vicious component of arrogance. Henry Kissinger and the character of Mr. Darcy in Jane Austen's *Pride and Prejudice* are put forward as counterexamples to this account. While both characters are described as arrogant on reliable accounts, "it is not obvious that they are wrong…to believe they are doing pretty well by the standards of human excellence"

1. See notes (1) and (2) of Valerie and Walker's 'Arrogance' (1998) for references of these claims.

used by those same people who describe them as arrogant (ibid, p. 381). The conclusion drawn by Valerie and Walker is that while arrogance includes an inference from being superior in talent to "a high opinion of one's excellence as a human being" (ibid), these beliefs alone are not sufficient for arrogance.

Valerie and Walker suggest in their analysis that these alternatives fail because of a focus on the individual. This focus leaves out the interpersonal nature that is essential to arrogance. It is essential because interpersonal "interactions reveal the arrogant person's attitudes toward the relationships she stands in with those others…and… the norms that govern, or should govern, those relationships" (ibid). When placed in an interpersonal context, accompanying the belief in one's superiority is an attitude of disdain shown toward, and deference expected from, fellow human beings, reflected by behaviour that is characteristic of "hierarchical and nonreciprocal relationships [with others that] are marked by a lack of mutual enrichment" (ibid, p. 382). There is a conviction that "others have nothing to offer", which is shown by "haughty and dismissive behaviour" on their part (ibid).

The analysis of arrogance carried out by Valerie and Walker illustrates that two basic elements must be present for this concept to be applicable. First, there is a sense in which the arrogant person considers themself superior to others and an inference that such superiority implies an intrinsic superiority over others. This in turn is combined with an attitude of disinterest in the plight of those deemed inferior. This can be identified as the belief/attitude element of arrogance and fittingly described as the character trait. The second element is behavioural, revealed in the actions that result from the beliefs and attitudes underpinning arrogance. Such behaviour is non-reciprocal, hierarchical, haughty, and dismissive of other's interests.

In the final section of their paper, Valerie and Walker go on to explain why the conception of arrogance their analysis has uncovered is to be appropriately considered a vice. I will outline these claims in a later section of this paper where the significance of moral sentiments will be addressed. With this working definition of arrogance in hand, we can now investigate if the relevant beliefs and actions are discernible in the relations between collective human agents and other species. From the above analysis, two conditions need to be satisfied in order to do this. First, the existence of a belief held by a human collective of its own superiority over other species in the relevant sense. Second, the existence of collective human actions that betray an attitude of disdain and dismissal toward other species exemplified by collective behaviour that is non-reciprocal, hierarchical, and condescending. But before moving on to examine these points, a representative collective needs to

be identified to provide a source for examples meeting the two conditions required for the attribution of arrogance. With this in hand, a third condition, viz. that the collective in question accepts that arrogance is a vice, will then be sufficient for drawing the conclusion. Therefore, it will be shown that this collective acknowledges arrogance as a vice, and thus for this human collective, all three conditions will be met for knowingly subscribing to vice in dealing with other species.

A Collective Agent

There is anecdotal evidence to suggest that not all cultures consider/ed themselves superior to other species or promote/d non-reciprocal relationships with the environment through actions of contempt and disdain towards other species. However, the claim here is not that all of humanity or its cultures are arrogant, but only that arrogance can plausibly be considered as motivating some collective human interaction with other species. With this in mind, an examination of every cultural niche occupied by humanity will not be necessary, so I will aim at providing evidence by way of examples from some part of humanity representative of a collective agent. There are two criteria I will use here to arrive at a suitable description of this representative portion of humanity.

The first criterion can be obtained from Bertrand Russell. In *Has Man a Future?* (Russell 1961), Russell concentrates on those nations that negotiate and compete at a global level with enough influence to make a difference to global outcomes. He discusses the interactions between the West – a collective term for the continents of Europe, Australia, North America, and nations aligned with these – and communist states like Russia, China, and East Germany. The defining characteristic of all these cultures, as put forward by Russell, is their inclusion in what could be loosely called the developed nations, indicated by the participation in an industrialised economy.

The second criterion for being representative of collective agency in the required sense is the pervasiveness and proliferation of cultures that place a high common value on an industrialised economy. Again, this results in the conclusion that a suitable representative sample of humanity would be those cultures or nations that can be called ‘developed’.

Due to space limitations and the limited claim, I will rely on the reader’s intuitive grasp of what it means to be a developed industrialised culture rather than go into any detail concerning what necessary and sufficient conditions could be outlined for such a classification. Further, I will restrict my examples to doctrines contributing to what is generally regarded as the Western segment of developed nations and restrict

the extent to which the conclusion applies accordingly.

Collective Arrogance

For the attribution of arrogance collectively to a group of humans in an interspecies context, examples of both the belief in superiority over other species and actions demonstrating disdain and disregard toward other species' interests must be given. Taking into account that the Western developed culture has descended from multifarious lineages, examples could come from a range of subject areas that could generally be regarded as making a major contribution to the collective beliefs and practices of this culture. These might include religion and philosophy for evidence of the belief, and politics and science for evidence of the actions. It will be to these areas that I will turn for examples. I will dedicate more space to examples establishing the existence of the collective belief than collective actions, since once the belief is shown to be pervasive it is likely to be the motivating factor behind the relevant actions.

First, let us consider the belief of some sense of superiority over other species existing as a presupposition among the fundamental beliefs held by the Western developed culture. As arrogant individuals consider "themselves to be more perfect instances of humanity" (Valerie and Walker 1998, p. 380), the analogue in an interspecies context would be a collective that considers its members to be, let's say, superior instances of living organism. Western developed culture has no single significant religion; however, by inspecting the main sources of currently active religions such as Judaism, Christianity, and Islam, there is evidence to suggest that if religion partly provides the Western developed culture with its fundamental beliefs, then the required sense of superiority will be prominent. In the Old Testament, for instance, we find humans are made in the image of the Creator and told to "take command of the fishes in the sea, and all that flies through the air, and all the living things that move on the earth" (Old Testament, *Genesis*, 1: 26-28). In the New Testament, humans can be seen to have a dual character, one shared with the superior divine realm, and one shared with the natural realm. "To live the life of nature is to think the thoughts of nature; to live the life of the spirit is to think the thoughts of the spirit, and natural wisdom brings only death, whereas the wisdom of the spirit brings life and peace" (New Testament, *Romans* 8: 5-6). Finally, in the Koran we find support for the belief that a hierarchical relationship exists between humans and other species when it is written: "Do they [the living and unbelievers] not see how, among the things Our hands have made, We have created for them the beasts of which they are masters? We have subjected these to them, that they may ride on some and eat the flesh of others; they drink their milk and put them to other uses.

Will they not give thanks" (Koran, *Ya Sin* 36: 71). These declarations instruct humans to enter into a hierarchical relationship with other species or betray an affirmation of difference in kind between humans and other beings that gives humans access to a divine realm denied to other species.

These sentiments are found reinforced in later writings of Christian theologians, as seen for example in the writings of Augustine: "God …created for him [man] a soul endowed with reason and intelligence, so that he might excel all creatures of earth, air, and sea, which were not so gifted" (Augustine 1993, Book XII Chap 23). In *Summa Theologica*, Aquinas provides arguments to reinforce the notion of man being master over other species. He argues that, since it is the order of natural things for the perfect to use the imperfect, as plants use the inanimate, animals use plants, and man uses both plants and animals, so it is in keeping with the natural order that "man should be master over animals" (Aquinas 1993, Question XCVI). He goes on, since "man, being made in the image of God, is above other animals, these are rightly subject to his government" (ibid). In addition, man's mastership over animals consists not in "commanding or in changing them, but in making use of them without hindrance" (ibid). This is an example of another instruction for humans to enter into hierarchical and non-reciprocal relations with other species, as well as fortifying the belief that humans are an instance of superior organism.

Turning now to philosophical writings, again there is evidence to be found manifesting a sense of superiority on the part of cultures adhering to such doctrines. As we saw with theological positions, it seems there could be at least two ways that superiority can be seen to be instantiated. It could be a case of humans having some property different in kind and considered superior to the properties possessed by other species, or it could be a case of possessing the same properties as other species, but in some superior degree. Some influential philosophers argue for a difference in kind via transcendental membership, or access to a superior realm of being. Alternatively, it can be argued that reason is a unique and superior property possessed only by humans. The second possibility, that of superior degree, can be cashed out in terms of intelligence and a comparison made between the intelligence of each species with homo sapiens being the most intelligent. There are issues concerning the anthropocentric nature of the conception of intelligence, but these issues only add weight to the thesis that the representative portion of humanity under investigation believe, perhaps falsely, that they are superior to other species.

To provide examples of a belief in the superiority of humanity over other creatures, it might be best to rely on those philosophers most significant, judged by their influence on modern thought. This will carry with it some arbitrariness,

and scope for criticism by humanity, but then the onus is on humanity to present evidence and argument from these, or other influential doctrines that point to contrary beliefs. This being said, an arbitrary list of such philosophers might include Plato, Aristotle, Descartes, Locke, and Kant. I must mention here that Jeremy Bentham, Peter Singer and Tom Regan are notable exceptions to the trend being outlined, but would suitably be considered among the minority who have published such views.

Beginning with Plato, we find ample evidence to support the belief of superiority as outlined above. Plato's writings include themes for humanity as descendent from the Gods, and therefore constituted by an immortal element. Further, that access to a divine, or purer, realm is through the correct application of a rational capacity, which is different in kind from the brutish nature that animals participate in. Plato seems to reflect an acceptance of the myths handed down from antiquity regarding the divine genealogy of the human race as represented in the dialogue Timaeus. For instance, Socrates begs Timaeus to proceed in the telling of the creation of the universe and how humans come to exist (Plato 1993, p. 447). Timaeus goes on to tell of how man was created and has an immortal element, and says: "the superior race would hereafter be called man" (ibid, pp. 452-453), since other species share in such pureness to a lesser degree. In Protagoras Plato writes: "Since, then, man had a share in the portion of the Gods, in the first place because of his divine kinship, he alone among living creatures believed in Gods" (Plato 1956, p. 53). Again, in Philebus, it is agreed by Socrates that the testimony of those from an older time that the ruler of the universe is mind and wisdom, of which only humans partake, is the correct view to adopt (Plato 1993, (27)). Near the end of the dialogue *Timaeus*, Plato endorses the claim that humanity has access to a divine realm via an intellectual capacity when he writes:

> [H]e who has been earnest in the love of knowledge and of true wisdom, and has exercised his intellect more than any other part of him, must have thoughts immortal and divine, if he attain truth, and in so far as human nature is capable of sharing in immortality, he must altogether be immortal (Plato 1993, p. 476).

These claims for humans are further supported in his allegory of the cave in the *Republic*, where pure forms are ranked the highest and therefore superior realm of existence, to which only reason can give access (Plato 1955, pp. 256-264).

Moving onto Aristotle, at the beginning of his *Metaphysics* he distinguishes humans from the other species by art and reasoning as opposed to mere experience, which sensation also supplies to animals. Ascribing knowledge and understanding to the category of art rather than experience, and wisdom being dependent on

knowledge, it follows that the human race alone is considered wise by Aristotle (Aristotle 1887, p 1). This position is reinforced in the *Politics* when he is explaining why the mind should rule the body according to a natural ruling principle. Aristotle says: "And again, as regards man and other animals, in the same way: for tame animals are by nature better than wild, and it is better for all of them to be ruled by men" (Aristotle 1995, p. 7).

The theme of superiority is carried through to the beginning of the modern philosophical era where Descartes held a low regard for animals. He saw them as nothing more than automata. Due to his perception that animals have no command of a language, Descartes inferred that animals have no access to reason at all, and therefore, their non-rational nature acts in them according to the disposition of their organs. The fact that they do better than humans in matters of dexterity, he claims, does not show they have a mind that partakes in reason. He uses an analogy of a clock which is only composed of wheels and weights but is able to capture time more precisely than humans to support his argument for this proposition (Descartes 1993, p. 284).

These sentiments are also found in the writings of Locke. In explaining how natural freedom and the subjection of children to their parents can consistently be maintained, he believes the possession of reason by humans elevates the status of humanity above other species. He claims that:

> To turn him [the child] loose to an unrestricted liberty, before he has reason to guide him, is not the allowing him the privilege of his nature to be free, but to thrust him out amongst brutes, and to abandon him to a state that is as wretched and as much beneath that of a man as theirs (Locke 1993, p. 38).

If Kant believed that the sole possession of reason is by humans, then this provides grounds that he believed other species are not to be attributed the status of ends in themselves and thus they can be treated as means for our purposes without contravening moral law i.e. the categorical imperative (Kant 1993). Kant can be seen as explicitly supporting the view that humanity is in some way superior to other species when he considers the difference between pure and practical reason in his *Critique of Practical Reason*. He claims: "But [man] is not so completely an animal as to be indifferent to what reason says on its own account…For the possession of reason would not raise his worth above that of brutes…without qualifying him for any higher purpose" (Kant 1993, p. 316).

If religion and philosophy represent sources of collective belief for the Western developed culture, then there are examples from a range of diverse and disparate

doctrines, which can all be seen to acknowledge a belief in the superiority of human beings over other species. We can infer from the examples provided, that a belief of superiority in an interspecies context is at least a common view, and therefore can be considered to be a collective belief, one of the constituent elements for the attribution of a collective arrogance. As was shown in Valerie and Walker's outline of arrogance though, the belief alone is not enough to establish the existence of arrogance, since such a belief is consistent with actions that would not be considered arrogant, e.g. programs promoting the interests of other species. Further, it would seem reasonable to many that a belief in such superiority, whether in kind or degree, is warranted and does not represent an aspect of humanity that needs amending. I am concerned here with the combination of belief and action that is constitutive of arrogance and so will not analyse whether the belief alone can be justified.

Turning now to the behavioural aspect of arrogance, we need only some examples of collective behaviour by some part of the Western developed culture that displays the disdain and dismissal towards other species representative of the second element of arrogance in this context. Combined with the prevalence of the belief in superiority found in the sources for collective beliefs, such examples will show the possibility for the collective attribution of arrogance.

Examples of collective behaviour that disregards the interests of those species interacted with are not hard to find if decisions and practices of governments and science are in any way representative of collective agency. In acquiring the resources needed to manufacture the products that satisfy the needs and desires of Western developed culture, many tracts of the environment are destroyed without any recourse to the consequences that indirectly result for those species inhabiting the area. When the resources are extracted, the area will be redeveloped to either accommodate human settlement, depriving displaced species a chance of reestablishment, or be damaged to such a degree that little prospect is left for habitation.

We only have to look in newspapers to find instances of examples by such prominent institutions as governments, scientific endeavour, and the downstream actions of major corporations allowed to act with the approval of government legislation. For instance, the NSW state government approving the residential redevelopment of a former air base despite warnings of destroying a fragile ecology (Reported in *The Age*, 1/3/07). Or there is the case of Australian mining giant, Santos, knowingly endorsing the use of negligent drilling methods to extract gas, which lead to a toxic mud spill (Reported in *The Age* 12/8/06; 25/1/07; 2/2/07).

Looking now at the results of the more direct interactions of humanity and other species, there looks to be a tendency again toward a display of arrogance in the behaviour of disregard and disdain. This tendency is revealed in the practices of primary industries. Long line and drag net fishing for instance, do not only harvest those species being sought, but indiscriminately affect other species as well. Further, in agriculture, the proliferation of government approved methods of farming that place priority on efficiency in production over regard for the conditions or welfare of those species farmed also offers support for the presence of disrespect and disregard for other species. .[2] Again, in the pursuit of knowledge undertaken by the research and educational sectors, animals are often used in experiments that seem, on face value, to portray no regard for the interests of those species. Although, as I understand it, this trend is being substantially reversed, the majority of procedures carried out are for the benefit of humans rather than the species involved in the experiments.

These examples are intended to show that some interspecies interaction on the part of these collective entities betrays disregard and disdain for the interests of those species interacted with, which is constitutive for the attribution of arrogance. Animals are treated by such entities as if they are a means to the fulfilment of human ends, as if they are there to serve human purposes in non-reciprocal relationships.

It might be argued, in contrast to this claim, that arrogance can only be attributable within interpersonal interactions, whether individual or collective; that arrogance is a wholly human phenomenon not applicable in an interspecies context. However, this claim would need to be supported by some other criterion than the superiority of humanity over other species'. One possibility might be an appeal to authority, but with this method comes the threat of infinite regress. The attribution of arrogance cannot be avoided easily since there are only two conditions for the attribution of arrogance set out by Valerie and Walker: the belief of superiority and disdainful action towards those deemed inferior, in this case other species. As they argue, the justification of a belief in superiority is entirely consistent with being arrogant.

The examples provided above are intended to support the claims that arrogance is a feature that can be attributed to human collective agency, and that the possession of this feature by a collective agent influences the actions that collective undertakes with regard to other species. In the next section, I will investigate the issue of whether arrogance can adequately be shown to be a vice in an interspecies context. Again, I will follow Valerie and Walker's discussion on how arrogance can be seen to

2. Peter Singer gives some good examples of these methods in his "Animal Liberation: A Personal view" (1986).

be a vice and apply it accordingly to the present case. If arrogance can be shown to be a vice in an interspecies context then it seems collective human agents knowingly do wrong.

Arrogance as Vice

Having established that it is at least plausible that arrogance can be successfully applied to the interaction of human social groups with other species, it is now time to investigate whether a collective would find arrogance to be morally reprehensible, and if so the ramifications that follow from neglecting the resulting normative implications of vice. Valerie and Walker give three reasons why arrogance can be seen as a vice; the first two are based on its negative implications for others, and the third on the negative implications for the agent.

First, it is in opposition to Kant's second formulation of the categorical imperative (Valerie and Walker 1998, p. 385): "Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means" (Kant 1993, p. 36). However, there are two reasons why this approach will not work for an interspecies context. First, Kant's categorical imperative is based on the idea of possessing a rational nature, which he seems to restrict to humanity, or at least some portion of it. Second, as Valerie and Walker note, "the Kantian approach cannot fully capture the moral undesirability of arrogance… [since valuing the] rational nature in people is compatible with having little interest in their views and opinions" (Valerie and Walker, p. 386).

Second, it has consequentialist ramifications. "The fact that arrogant behaviour frequently results in people's being hurt, insulted, and offended" (ibid). Again, Valerie and Walker don't believe that consequentialism can account for everything that is vicious about arrogance since in some communities such behaviour may not be taken seriously and therefore, will mitigate the chances of having such negative consequences. In our interspecies context, however, the arrogant actions of human collectives are undeniably to the detriment of those species on the receiving end, not from insults or offence that result from such actions, but physical or mortal harm. So, if you are someone who considers consequentialism to be definitive of morality, then collective acts of arrogance will be vicious in nature.

The third claim, which I am most interested in, concerns why arrogance is bad for the arrogant person, or in this case, an arrogant collective. The claim is based on "Aristotelian ideas about self knowledge" and how friendship contributes to such

knowledge (ibid p. 386). Arrogance hinders the attainment of mutually enriching relationships with others by limiting reflective interaction to equals and superiors, thereby presenting an obstacle to friendship, "a significant constituent of the good life" (ibid, p. 387). This in turn diminishes the ability to learn about our own character by dismissing others' points of view about ourselves and preventing us from noticing qualities in others that we might find admirable. "The arrogant person's dismissive attitude toward the views and opinions of others cuts him off from both of these methods of acquiring self-understanding" (ibid, p. 388).

What chiefly interests me about why arrogance is to be considered a vice stems from it being "an obstacle to a significant constituent of the good life" (ibid, p. 387). If we think of the barest moral prescription to result from our inquiry, it would be something like: 'Human social groups should not be arrogant towards other species.' and I would like to provide reasons why this prescription should be taken seriously based on Valerie and Walker's claim.

We have seen that a consequentialist seems impelled to consider collective arrogance toward other species as a vice. However, if the consequentialist can justify the primacy of self-interest, then this conclusion might be escaped by citing that the consequences are better than they otherwise would have been for humanity. But this is precisely where Valerie and Walker's claim that arrogance is bad for the perpetrator can be useful. Carrying on without regard for the interests of those other species can lead to the neglect of important information that if neglected too long, could result in impending disaster for all species, including humanity. An increased rate of decline in species due to extinction may be a sign that carries information that it is the practices of Western developed culture that are causing this phenomenon. Combined with the empirical principle that diversity is beneficial for the sustenance of life, this would be information that should not be left for hindsight to discover as important. Putting arrogance aside would allow for the collective self-reflection needed for collective self evaluation, which in turn is required to take seriously important information that may result in avoiding the impending calamities such signs might reveal. The persistence of arrogance would ultimately lead to signs like this being dismissed due to the perceived unimportance of those other species' interests. The belief in superiority over other species may be left in place if collective actions are carried out without the dismissal and disdain characteristic of arrogance; perhaps actions more in line with a caretaker capacity.

On this account then, it would seem that arrogance is a vice whether your moral principles are motivated by self regarding, or other regarding reasons, for ultimately arrogance toward other species may be harmful not only for other species but for humanity also.

Conclusion

The argument of this essay is designed to endorse the plausibility of the claim that humans are knowingly vicious toward other species. As an example of a vicious quality, I have concentrated on the attribute of arrogance and utilised an analyses of arrogance put forward by Valerie and Walker to illustrate the constitutive elements of arrogance. It was then argued that the constitutive elements, a belief in superiority and an attitude of contempt revealed by haughty actions, can be attributed to collective human agents in their interactions with other species. When viewed from an ethical standpoint, I argued that it is reasonable to maintain that arrogance is to be correctly considered a vice. Finally, when the collective belief that arrogance is considered a vice is combined with its existence at a collective interspecies level, it is plausible to conclude that some human collective agents are knowingly vicious in their interactions with other species.

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Gödel was Right

Niki Saunders

In 1949, Gödel used Einstein's General Theory of Relativity to show that time travel may be possible in our universe. This marked the beginning of a metaphysical debate as to whether it was possible to travel *back* in time. Gödel committed himself to the view that backward time travel was impossible because it would engender paradoxes such as the auto-infanticide paradox. Many years later, Lewis[1] responded to the argument with his theory of 'commonplace reasons'. The theory tried to show that backward time travel did not give rise to paradoxes. It is my aim, in this paper, to show that Lewis' theory is fallacious, and that it therefore does not establish that backward time travel is possible.

It is necessary to first explain the fundamental logic of time travel to make sense of the auto-infanticide paradox. I shall begin with the proposition that it is impossible to change the past. There is no controversy here. Science fiction writers have been known to make the mistake of assuming that one can travel back in time and experience the past a 'second time around'; Smith has called this "the second-time-around fallacy"[2]. The reason it is fallacious is illustrated by a *reductio ad absurdum* in the following example. If we assume that it is possible to change the past: Kim decides to travel back to a time earlier than t in order to save Tim's life, as Tim is fatally killed by a car at t. If she succeeds, the following propositions are true:

1. Tim is dead at m.
2. Tim is alive at m. (where m is some time after t)

(1) is true because Tim was killed 'the first time around'. That is, he was killed in the past which was not disturbed by Kim. (2) is true because Kim saves Tim 'the second time around': (2) is true in the past that was changed by Kim. However, there is only one past[3], so Tim must be both dead and alive at m. Hence, we have a contradiction. We must therefore reject the original assumption: that one can change the events of the past.

1. Lewis, D.K., 1976, "The Paradoxes of Time Travel", *American Philosophical Quarterly 13*, pp.145-52.
2. Smith, N.J.J., 1997, "Bananas Enough for Time Travel?", *British Journal for the Philosophy of Science 48*, p. 365.
3. In this paper, we consider whether time travel is possible when there are no parallel universes. There is no controversy over the idea that one can travel backwards in time where there are parallel universes, because one can create a new parallel universe every time one goes to change the events of the past, and thus avoid any contradictions. However, even in the context of parallel universes, one does not change the past through backward time travel, but rather, creates a new one.

It does not follow from this that one cannot *participate* in the past. It may help to introduce the notions of 'personal time' and 'external time' here. External time is the future and the past of the world relative to a single moment in time, whereas personal time is the future and past of an agent relative to a moment in time. If, relative to a moment t, the future of an agent's personal time lies in the past of external time relative to t, then the agent will not change the past: they will only influence it. For example, take a time t before the departure of A, who travels back to WWII to fight in its battles. Then A's fighting experiences in the war lie in the future relative to t of A's personal time—because from A's perspective, A has not fought in the war yet—but the events where A fights in the war are in the past of the external time relative to t. That is, A can travel back in time and fight in the war because in external time, A has already done so, and thus will not alter the past. It is important to note, however, that one cannot do things which did not happen. Killing Hitler *before* WWII is impossible, because he did not die before the war, and one cannot change the past.

Does it follow from this that one can venture into the past if one is careful and does not change anything? This does not seem to be the case. There are logical problems associated with this view of time travel, and I shall discuss these using a paradigm case: the auto-infanticide paradox. The auto-infanticide paradox is illustrated by the following scenario: Bob travels back five years into the past in an attempt to murder his younger self: the five-years-younger Bob[4]. In this context, the act of killing is both possible and impossible. It is quite possible for Bob to kill five-years-younger Bob: he is standing right in front of five-years-younger Bob, his gun is loaded, his intent to kill is strong, and so on. On the other hand, it is impossible for Bob to kill five-years-younger Bob: for older Bob to be standing there and attempting to murder five-years-younger Bob, five-years-younger Bob must have survived and lived to be at least as old as the murderous, older Bob. Hence, killing five-years-younger Bob entails changing the past. The auto-infanticide paradox is generated by the propositions that it is possible and impossible for one to kill one's younger self. The auto-infanticide paradox is only a special kind of 'can and cannot' paradox. There are infinitely many of these. One has only to look at any time in the past where a time traveler did not do something, and it was possible that she could, to derive another one of these paradoxes.

The auto-infanticide paradox is commonly used as an argument against backward time travel. However, any other 'can and cannot' paradox can be used to the same effect. This is roughly what Gödel argued:

4. The five-years-younger Bob exists in the external past, but also in older Bob's personal future.

1. It is impossible to kill your younger self.
2. If backwards time travel is possible, then it is possible to kill your younger self.
3. Therefore, backwards time travel is impossible.

The argument is valid, and premise (1) and (2) seem intact, so Gödel has produced a sound argument for the impossibility of backward time travel.

Lewis has attempted to block the above argument by rejecting premise (2). He believes that time travel would be without paradox since any attempts at changing the past would be prevented by "some commonplace reason"[5]. According to this theory, if Bob were about to shoot his younger self with a gun, he would fail, not because of some mysterious force of logic, but because he forgot to load his gun, or he changed his mind at the last minute, or his hands were shaky and this caused him to miss his target. These are some examples of how 'commonplace reasons' can prevent auto-infanticide.

Lewis proceeds to show that there are no 'can and cannot' paradoxes. I shall explain his view, using the auto-infanticide paradox:

1a. Bob does not kill his younger self, but he can, because he has what it takes.
2a. Bob does not kill his younger self, and he cannot, because it is logically impossible.

Lewis argues that there is nothing incompatible about these statements: "what I can do, relative to one set of facts, I cannot do, relative to another, more inclusive, set"[6]. Namely, the word "can" is used relative to two different sets of facts, so there is no real contradiction. Lewis argues by analogy: an ape cannot speak Finnish because facts about the ape's anatomy are not compossible with it speaking Finnish. Human beings can speak Finnish, but Lewis has not learnt Finnish, so he cannot speak it. From this, we have two apparently contradictory statements:

1b. Lewis is a human being, so he can speak Finnish.
2b. Lewis has not had the training, so he cannot speak Finnish.

It can easily be seen that these two statements are compatible. In a wider sense, Lewis can speak Finnish because he is a human being. In a narrower sense, he cannot speak Finnish because he has not had the training.

5. Lewis, D.K., 1976, "The Paradoxes of Time Travel", *American Philosophical Quarterly 13*, p.150.
6. Lewis, 1976, p.150

However, this is not an appropriate analogy to the auto-infanticide paradox. In the analogy, there is at least one possible world in which Lewis speaks Finnish, whereas there is no possible world in which you kill your younger self. This is because the latter is *logically* impossible; supposing that it is possible leads to paradoxes. There is nothing paradoxical about Lewis speaking Finnish because it is logically possible for him to do so. This is significant because the only reason that there is no paradox in the analogy is because Lewis does not introduce a logically impossible situation. It is this crucial difference which makes Lewis' example disanalogous.

The problem might be better demonstrated by altering Lewis' example to a case more analogous to the time travel case, and showing that it cannot be resolved:

1c. The ape has had the training, so it can speak Finnish.
2c. It is logically impossible for an ape to speak Finnish[7].

Note that (2c) does not say that the ape cannot speak Finnish because it has not had the training. Rather, it states that there is *no possible world* in which an ape can speak Finnish. These two statements, unlike the statements in Lewis's original example, are incompatible. If it is logically impossible for an ape to speak Finnish, then there is no possible world in which it can speak Finnish. Hence, it is absurd to claim that it is possible for an ape to speak Finnish. This analogy clearly demonstrates why the auto-infanticide paradox is in fact paradoxical.

At this point it is clear that (2a) is true, and that (1a) and (2a) are incompatible. I now need to address the status of (1a). If it is true, then there is a genuine paradox and Lewis's theory collapses. However, it seems that (1a) must be false.

Consider the set of facts to which the "can" in (1a) is relevant to. Lewis believes that this set includes facts about the rifle, the time traveller's shooting skills, and so on[8]. He argues that these facts make it compossible for someone to commit auto-infanticide[9]. This is where Lewis makes his mistake. He confuses (1a) with (1d):

1d. *x* does not kill *y*, but *x* can, because he has what it takes.
(where *x* has not undertaken any time travel)

7. We can say that it is logically impossible for an ape to speak Finnish as there is no possible world in which it can.
8. Lewis, 1976, p.151.
9. In his article, Lewis uses the Grandfather paradox, rather than the auto-infanticide paradox. However, for the sake of simplicity, I shall say that he argues in terms of the auto-infanticide paradox, since they are, essentially, the same logical problem.

In this context, facts about a rifle *are* compossible with murder. However, in the context of backward time travel, this is not the case. If it is logically impossible to do something, there can be *no* set of facts which allow for that act to be possible. It follows that (1a) can never be true: there simply does not exist a set of facts which make it true.

The problem that this creates for Lewis is that it renders his view *ad hoc*. His justification relies on premise (1a), and thus can easily be shown to be false. Recall that Lewis wants to argue that:

4. Killing one's younger self is logically impossible.
5. Therefore, if you travel back into the past, and you attempt auto-infanticide, you will be prevented by 'commonplace reasons' such as slipping on a banana peel.

The only justification that Lewis offers for this is: "we often try and fail to do what we are able to do"[10]. That is, he believes that:

6. You can kill your younger self.
7. People often try and fail to do what they are able to do.
8. Therefore, you will not succeed in killing your younger self.

Note that (6) is another instance of (1a), and is therefore false. We can also mention that the step from (7) to (8) is invalid, and that (8) should instead be:

8a. Therefore, it is *likely* that you will fail.

Nevertheless, we only need to point out that the falsity of (1a) makes the rest of Lewis's argument unintelligible. He has therefore not provided a sound justification for his view.

The auto-infanticide paradox generates a convincing argument against the possibility of backward time travel. The argument shows that if it were possible to travel backwards in time, then you would find yourself in situations where it would be both possible and impossible to do things. Lewis fails in his attempt to escape the auto-infanticide argument against backward time travel. The analogy that he uses to dissolve the auto-infanticide paradox is disanalogous. I showed through a more analogous reformulation of his analogy that (1a) and (2a) are indeed incompatible. Other problems follow from this. If (1a) is true, then this completes the auto-

10. Lewis, 1976, p.150

infanticide paradox and Lewis's theory collapses. On the other hand, if (1a) is false, then the justification for his view is unsound, that is, his view is *ad hoc*. It is thus safe to conclude that Gödel was right: the universe will not accommodate backward time travel.

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Towards an Ideal: an Account For Abortion[1]

Anson Fehross

Abortion may be defined here as the intentional termination of a pregnancy, which usually results in the death of a foetus.[2] This essay will seek to answer the question whether or not it is ever justified to kill a foetus, and if so, when it is permissible to do so. In answering this central question I shall argue that a foetus, before a sufficiently complex physiological construct in the brain has formed, is no more of a morally significant entity than a dead person. This relies on exploring certain valid intuitions I believe most people share. I shall temper this moral argument with pragmatic problems of moral rules in the arguments against abortion.

I. Minimal Consideration

I assume that all ethical people hold something like the following:

IF we wish to be morally upright agents in our human community we must accept that:

1) It is a seriously morally wrong act to end an innocent human life without a very good reason.
2) A right is something that cannot be retracted without a very good reason.

Therefore:

3) All innocent human life has an intrinsic *right* to their life.[3]

The 'right' spoken of is a very specific claim, arising in societies that base their ethics upon a standpoint of egalitarianism. For example, we have moved beyond considering people of other races as non-human, coming to the conclusion that we

1. I would like to thank the following people for their help, comments and support with this essay: Anna Haber (COFA UNSW), Simon Ives (Macquarie University), James Charters (Monash University), Liron Shmilovits (UNSW), Mary Walker (Macquarie University).
2. The word 'foetus' shall be considered as synonymous to all related terms, such as zygote, conceptus, etc.
3. I have my doubts that a sufficiently conservative spokesperson would nuance their standpoint as I have here. However, I have decided to strengthen their standpoint to avoid unnecessary dithering, as otherwise there would be the need to reduce their standpoint to these axioms.

all possess an intrinsic right-to-life which no human may violate (without having a more compelling reason). This intuition asserts correctly that each one of us, pending our own misdeeds, may not have our life ended by another without a serious wrong having taken place.[4] For it to be a deprivation of our rights, we must first *possess* this right-to-life; not all human life automatically gains this right. Human cancer cells are alive, and they are certainly innocent as no ill-intent may be suggested of a non-sentient being, but we systematically end their existence. Similarly, if a foetus develops abnormally without any sort of mental activity (a real albeit distant possibility) we may remove it in any way we see fit. A given grouping of flesh that is classified otherwise as belonging to the human species only receives moral consideration once it has been classified as 'alive' in a meaningful *moral* sense.

Right-to-life is a property that certain entities possess, and it is entirely correct that the only creatures yet known to possess this right without question are conscious human beings- animals may possibly have this same right contingent on their mental properties and capabilities.[5] By definition, this right can be considered to be synonymous with the following (henceforth known as *minimal consideration)*:

There exists an entity X that is in possession of certain properties that no person may take away without a more morally imperative reason.

This standardisation may seem slender in the light of current ethical theory, but the notion is intended to be *minimally sufficient*. A basic requirement of morality is "the effort to guide one's conduct by reason-- that is, to do what there are the best reasons for doing-- while giving equal weight to the interests of each individual who will be affected by one's conduct"[6] but without minimal consideration, we cannot hope to progress to considering reasons or conduct. The right-to-life is the bare minimum consideration one can give another. The issue of abortion raises the following ethical question: when does a foetus obtain a right-to-life? Before we progress to that stage in the inquiry, I shall outline some intuitions that underpin the theoretical argument.

4. Whether or not there even exists a right to end a life under *any* circumstances is an issue I leave to one side in this essay. I assume that in certain extreme circumstances (such as trolley problems) it may be morally permissible to end a human life.
5. This is eschewing various environmental ethicists, who may consider an ecosystem to usurp the value of any given human person.
6. James Rachels, *The Elements of Moral Philosophy (*Singapore, McGraw Hill, 1995), p. 13.

II. Intuitions

This essay will rely on some basic intuitions which I take as having intuitional weight, and the theory advanced will rely on the validity of these intuitions.[7]

1) If abortion is wrong, it is *seriously* wrong.
2) Babies cannot be killed without *extremely* compelling circumstances.
3) The intentional killing of any innocent human baby, if wrong, is an act that is inherently wrong in itself, not solely due to the effect on others.
4) Brain death *is* death in all meaningful senses.
5) Having a right to your body does not override a right-to-life.

(1) is based upon the observation that abortion is the intentional termination of an entity which, given normal development, will likely gain all of the *legal* rights afforded any other person. The question becomes one of whether or not the *moral* rights afforded a person are extended to the foetus as well. Hence, if it is found that an extremely conservative position is the correct one--that abortion is *always* equivalent to murder as the foetus is a person--one would have to say that abortion is an extremely serious immoral act which should be prohibited in law and in common action (based, in part, on intuition 2). However, if it turns out that abortion may be defended more liberally, then it becomes an issue of when this difference is made manifest during the foetal development. I make the bare assumption clear here that I take mental capabilities to *feel* qualitative experiences as making up the substance of the notion of 'personhood'. I will not wade into the mire surrounding this concept, but suffice it to say that all people that are unquestionably of moral worth all exhibit mental activity.

(2) relies on dispelling the deeply counterintuitive extreme liberal stance on abortion, as advanced by Tooley[8] (among others). Under this stance, the foetus may be terminated at any point during development, even after it has exited the womb, up until certain psychological attributes have been attained: namely an ability to reflect on the past and anticipate a future. Few would consider it morally acceptable to terminate a newborn infant for anything less than an *extremely* compelling reason and by extension, it is reasonable to note that a foetus a mere hour before birth cannot be killed without an *equally* extremely compelling reason. Thus, the intuition is based on a notion that relies on the foetal development attaining moral

7. Note that these are not 'steps', as in a proof, but are instead separate intuitions, some of which follow from those previous, but may be separated for contemplation.
8. Michael Tooley, 'Abortion and Infantide', *Philosophy and Public Affairs* Vol 2, (1972). Reprinted in Dweyer & Feinberg (eds.), *The Problem of Abortion*, (Belmont, CA: Wadsworth, 1997). It hardly needs noting that his position, although untenable, possesses several technical points of great use for the debate, as shall become clear.

consideration prior to birth and definitely prior to an ability to reflect on past and future times. This shall not be argued at length here, but it is instructive to note that a baby, from shortly after birth, shows various seemingly extremely complex mental relations with the outside world, such as fairly compelling evidence of empathy.[9] Although it may not pass a stringent psychological test of personhood, the evidence we have should be enough to give (2) the benefit of the doubt, since if a baby may be empathetic it may possess various other mental faculties in addition.

(3) extols a position that directly conflicts with that of ethicist Peter Singer, who contends that the intentional killing of a severely disabled infant may be morally unacceptable due solely to the effect the death has on others, such as parents who may have loved the child, thereby depriving the *parents* of something they valued.[10] Although the interests of parents may have input when a child is so disabled that any semblance of a mental life is out of the question, as in the case of anencephaly[11], the interests that must be taken into account above all others are those of the entity in question. All things being equal, if it is wrong to kill the conscious but disabled orphaned infant *X* in Paddington Hospital, it is equally wrong to kill the conscious but disabled orphan infant *Y* on the snowy peaks of Kilimanjaro, for the same reasons. Location cannot be the morally important consideration. The question instead must be one of the entity itself, not of others' reactions to the killing of that entity. The issue, again, is when there is an entity that is there in a moral sense, regardless of others' feelings towards that entity.

(4) is slowly becoming the norm for most people, regardless of background and education. Organ transplants, for example, rely on the distinction between biological life and a *mental* life- for 'Joe Swanson' to be alive it is required that his mental faculties are operational, such as his capacities to *feel* are actualized.[12] All the properties we associate as necessary for being classed as conscious are intrinsically mental properties, while auxiliary abilities (such as being able to communicate) are secondary. This is illustrated by the following: Imagine you were a mad scientist, who had the fanciful idea to deprive a human being (Joe) of his mental properties one by one. You start with Joe's ability to see, then his hearing, eventually taking away all his senses. Then you remove his ability to do math; to engage in abstract thoughts; his memories; and after all other mental properties, you finally remove his brain entirely from his skull, bronze it and use it as a bizarre paperweight. The question

9. Paul Bloom, *Descartes' Baby,* (London, Arrow Books, 2005), p. 119.
10. Peter Singer, *Practical Ethics*, (New York, Cambridge University Press, 2005), p. 171.
11. I shall make reference to this affliction several times in this essay. It is defined as a birth defect where a baby is born without an upper brain.
12. The ability to send pain signals non-consciously is the first activity the developing brain undertakes, but this should be placed entirely separate to the ability to *feel* said pain.

is this: at what point did you 'kill' Joe? Note that I made no mention of his physical body beyond that of the brain tissue, but for all intents and purposes it is within the thought experiment's boundaries that Joe's body may indeed still function without a brain. So did you kill him when you took away his abilities to reflect on his past, or perhaps when you took away his ability to feel pain? The answer need not be clear at this point in the essay, except to say that there is little doubt that you *have* killed Joe. Without a brain (a non-functioning brain is as good as not there at all), Joe is dead, and all that is left is Joe's body. So the issue cannot be whether brain death is death: if your brain is entirely dead, so are you. So, if we reverse engineer our morality, we can easily see that something that does not *have* a brain yet is not alive in any morally important sense either.[13] This distinction will be vital to the substance of this essay.

Intuition (5)'s validity requires some exegesis on the ethical status of the foetus.

III. The unique status of the foetus

Thomson's famous paper 'A Defence of Abortion'[14] assumes, for the sake of argument, that the foetus is a person from moment one, and therefore has a right-to-life, but that this (if true) cannot be considered to usurp the right to your own body. She uses the following thought experiment to illustrate this concept.

You are kidnapped by a group of music lovers who are desperate to save a famous violinist from imminent death and the only way to save this violinist, unfortunately, is to connect you to him via your kidneys. In nine months, you are assured, the violinist will be healed to such a degree that he can be disconnected from you and you both may go on your own way. Thomson argues that you would not be doing the wrong thing by disconnecting yourself immediately from this situation. You would be doing a very nice thing if you decide not to be disconnected, but there is no obligation to keep connected. The right-to-life, we are to conclude, is not the same as a right to your, or anyone else's, body.

Convenient as this may seem, it is fallacious. The relationship between embryo and mother is an amazingly unique one as there is no other instance of such an intimate connecting of rights and considerations. There are, if we are to concede to the minimal consideration and our intuitions, at least at some stages of

13. This, of course, relies on the capacity of the foetus to grow *to* personhood not having the same status as personhood once attained. This seems uncontroversial here, and is effectively considered by Tooley in: Tooley, ibid, pp. 60-62.
14. Judith Harvis Thomson, *A Defense of Abortion* from "Philosophy and Public Affairs", Vol 1, No. 1 (1971), pp. 47-66.

gestation, two entities with a right-to-life. The right to your own bodily autonomy, while generally correct, does not seem to instantaneously afford one the right to end another person's life, even if this other person is dependant upon your own biological functioning to survive, at least as far as Thomson argues for such a standpoint.

In allowing that the foetus has a right-to-life, Thomson creates an argument as follows:

a. The foetus has a right-to-life
b. A woman has a right to her body.
c. No foetus has a right to your body.[15]
d. You may disconnect yourself from the foetus, even if it results in death of the foetus, so long as the intent is *not* to kill but to regain your bodily autonomy, due to (b) and (c) not being outweighed by (a).

Therefore,

e. Abortion is morally permissible.

The distinction between killing and 'merely' letting the foetus die, however, is a false one. If (d) is to be considered a morally acceptable act, it must be because you have a right to kill the foetus. As James Rachels argues, in his discussion of the difference between passive and active euthanasia, there is no morally important difference between allowing a person to die when we could just as easily save them and killing them directly:

> [T]he bare difference between killing and letting die does not, in itself, make a moral difference. If a doctor lets a patient die, for humane reasons, he is in the same moral position as if he had given the patient a lethal injection for humane reasons. If his decision was wrong […] the decision would be equally regrettable no matter which method was used to carry it out. And if the doctor's decision was the right one, the method used is not in itself important.[16]

If we consider a hypothetical assault, some light is thrown upon the distinction in

15. This is probably Thomson's most important point. If a foetus has a right to *your* body, then it would be morally coherent if you were held down, as in Thomson's thought experiment, and a non-viable foetus placed inside you against your will. Such an act would be equally immoral as a rape, and morally analogous to only the worst examples of bodily invasions.

16. James Rachels, *Active and Passive Euthanasia*, in New England Journal of Medicine, vol. 292, no 2 (Jan 1975). Reprinted in Stenbock, *Killing and Letting Die;* James Rachels (ed) *Moral Problems*, third edition, (Harper and Row, 1979); Beacuchamp & Walters (eds) *Contemporary Issues in Bioethics*, first edition (Dickenson, 1978), pp. 494-495.

the context of abortion: A woman awakes from a coma, finding herself pregnant from a sexual encounter long past. She is quickly informed that the child will be likely be born in the next few days and is entirely healthy. If the woman decides to have an abortion that instant, it may be because she considers the right to her body to be inviolate, and wishes to exercise that right.[17] But it also is a necessary consideration that she must *also* wish the death of the child[18], assuming she forgoes more invasive procedures, such as a caesarean section.

It seems that if Thomson's argument is correct, then if a pregnant woman decides she wishes to maintain her regime of activities that may cause damage to the foetus there is no moral culpability on her part. This does not cohere with our intuitions, as very few people would say that a mother is morally blameless if she has continued smoking cigarettes during her pregnancy and her child is born with birth defects as a result. "She didn't want to harm the child, she merely wished to continue smoking" is an incomprehensible statement, due to our common knowledge of the results of cigarette smoking during pregnancy. Our moral intuition tells us that, if she wished to keep the baby, certain activities would have to cease and others are required to begin. Autonomy, it seems, takes a back seat to moral obligations once certain decisions have been made. These are conditional moral obligations: if she has no wish to keep the child, the obligation is not maintained, but this does not naturally lead to the moral permissibility of causing suffering of the foetus through unwillingness to choose an early abortion rather than a late one. If there is a preventable harm perpetrated upon an entity the moral justification of that harm cannot rest solely on a conflict of intentions, but instead must rest on other factors altogether. The preceding argument, I believe, has brought this issue into sharper focus: the foetus itself is an entity that must be investigated in order to adjudicate the morality of abortion.

There isn't just one case of a right to bodily non-violation, there are two. The mother *and* the foetus, once the foetus has certain attributes, have a claim to the negative right of not being harmed. It just so happens that this is the only naturally occurring case of one entity worthy of moral consideration is *contained within* another that is worthy of moral consideration. So, if this is sound, then we must ask *why* our intuitions are as they are, and more specifically, what is lost if we kill an entity that is due our moral consideration.

17. This seems to be something similar to the Doctrine of the Double Effect, which has little if any intuitive value.
18. A dilation and extraction procedure, for example, involves cutting the foetus into pieces and removing them one by one, which is more non-invasive for the mother as it does not result in the same injuries that commonly occur during childbirth, such as vaginal tearing.

IV. Deprivation of Value

The most engaging anti-abortionist response to what *special* kind of harm it is to kill comes from Don Marquis, in his essay 'Why Abortion is Immoral'[19] where he argues that the real harm is the loss of a 'Future Like Ours' (hereafter, FLO). A FLO account is extremely persuasive in its simplicity, as it states that the harm of killing is one that 'deprives one of all the experiences, activities, projects, and enjoyments that would otherwise have constituted one's future.'[20] This is undeniably the harm of killing a conscious human. It is the removal of another consubstantial being who could have experienced happiness, and therefore a grave moral wrong: "it is the value of that […] future which is doing the work in rendering the morality of killing".[21] Marquis reasons that it is the deprivation of future experiences of value that matter- hence why euthanasia may be occasionally justified, as the value of the future of that person's life is contingent on there being something worth valuing, which often is not the case.

In immediate answer, the liberal will likely object that "because a foetus cannot comprehend continued life as a benefit, its continued life cannot be a benefit or cannot be something it has a right to or cannot be something that is in its interest"[22] but, this does not hold: the acceptability or unacceptability of killing a baby cannot rest on its own appreciation on the potential worth of its future. The fact that I forget about a winning lottery ticket does not give you the right to steal it from my desk, just as my appreciation of my left arm is not doing the work in rendering it immoral for you to chop it off. The liberal would instead be advised to cite the logically valid Moral Symmetry Principle (MSP) as outlined by Tooley in 'Abortion and Infanticide':

> Let C be a causal process that normally leads to outcome E. Let A be an action that initiates causal process C, and B be an action involving a minimal expenditure of energy that stops process C before outcome E occurs. Assume further that actions A and B do not have any other consequences, and that E is the only morally significant outcome of process C. Then there is no moral difference between intentionally performing action B and intentionally refraining from performing action A, assuming identical motivation in both cases.[23]

19. Don Marquis, "Why Abortion is Immoral", from the *Journal of Philosophy*, LXXXVI, 4 (April 1989) reprinted in Dwyer & Feinberg (eds) *The Problem of Abortion* (Belmont, Wadsworth, 1997), p. 24-39.
20. Marquis, ibid, p. 25.
21. Marquis, ibid, p. 35.
22. Marquis, ibid, p. 36.
23. Tooley, ibid, p. 58.

E, according to Marquis' reading of the moral importance of life, would have to be the (usually deemed arbitrary by opponents) dividing line between morally unimportant and morally important. Before this line, the liberal announces, the foetus does not receive full moral rights like that of a grown adult human. In our consideration, A would equate with the act of copulation resulting in a fertilized ovum; C the process of rapid cell growth that results; E the unknown point of no-return that we are yet to discover in this text. Some liberals, such as Tooley himself, would consider E to be a 'person', thus undercutting the rights of even some infants. B is a process of abortion which ends the likelihood of E as directly as refraining from doing A. If the MSP is sound, as I believe it is, and Marquis' conception of the rights of the foetus extends as far as he wishes it to, we are left with an impasse: either E and A are to be considered roughly synonymous, or some argument must separate them.

But why cannot A be the bare potential to create children? Marquis addresses the issue of contraception by simply stating "the immorality of contraception is not entailed by the loss of a future-like-ours argument simply because there is no non-arbitrarily identifiable subject of the loss in the case of contraception"[24]. In other words, he argues that once A has occurred, it does not matter if E has been reached yet, they are synonymous with each other as *something* exists. However this results in some difficulties.

As the early zygote may divide so as to make octuplets, does that mean we should treat the newly conceived ovum as if there are eight lives in the Petri dish, just to be on the safe side?[25] If so, then what has occurred if only one foetus develops? What happened to the seven other lives, each in equal possession of the right of non-interference and a right to a FLO? It would mean that each birth would be a sort of tragedy, as seven other lives failed to develop. What recourse then is left to the conservative? Presumably, two alternatives open up: either the possibility of twinning (a zygote dividing up to eight times) means that E is not synonymous with A or she would accept that they still are roughly equal, and therefore there *is* a tragedy. But despite the difficulties of Marquis' argument, his account of the wrongness of killing remains valid. The challenge therefore is considering when a foetus has a future that can be protected, which we have previously found to be an issue prior to birth.

E must be something other than simple existence, as we would be hard pressed to consider an early foetus anything other than *potential* life. Until it has

24. Marquis, ibid, p. 38.
25. This argument is loosely based on: Singer, ibid, p. 157.

actually begun to experience conscious life, we cannot consider it the same way we consider adult persons who have also achieved possession of E. The act of abortion must be examined to see if it actually does cause harm. But harm is not just an act. It relies upon some*one* being harmed in order for the issue to be a moral one.

V. The qualitative criterion

The empirically examinable response to physical harm to the foetus will always be one of physicality, such as checking for flinching and movement away from noxious stimuli--evidence of what we commonly call 'pain'. I make the assumption that an entity that can *feel* pain is there in a meaningful sense, as an entity that does not want to be in pain. But the empirical should not be regarded as the most important measure of moral consideration, as it can lead to false results if we hold a maxim stating that reactions to harm are our criterion. For example, one would generally assume that a monkey would feel pain in much the same way as we do, while an octopus does not--they look so different to us after all. But the octopus is labelled in Britain as being an animal that cannot be operated on without anaesthetic; meanwhile Daniel Dennett mentions a certain experience researchers found in observing a specific group of monkeys:

> [D]uring mating season, the monkeys fight ferociously, and it is not uncommon to see one male pin another down and then bite and rip out one of its testicles. The injured male does not shriek or make a facial expression but simply licks the wound and walks away. A day or two later, the wounded animal may be observed mating! It is hard to believe that this animal was experiencing anything like the agonies of a human being similarly afflicted-- the mind reels to think of it-- in spite of our biological kinship.[26]

Hence the empirical evidence of an entity avoiding noxious stimuli, or even *not* attempting to avoid this same stimuli, is not enough to affix moral consideration. It would be wrong to extrapolate from these results that a monkey has no moral worth, and we may do to them as we like. We must instead consider what physiological brain architecture is required for an entity to be *there*, capable of the rudiments of consciousness, which when regarded together make up an entity that obtains an FLO, thereby being a point of no return (E, in other words). Once pain is able to be felt by an entity, it is reasonable to consider that entity conscious enough that it has a FLO, as it is no longer, as under intuition 4, life-less (i.e. without a functioning brain).

26. Dennett, op cit.

E must be, therefore, the following: possession of the brain architecture required to give rise to conscious sensitivity to qualitative experiences.[27] This would define E in such a way that once the entity can *experience*, there can be no doubt as to protecting it from undue harm. Consciousness is a conditional property bestowed upon us by our possession of certain biological parts, collected in the brain. Without a brain, therefore, E is not achieved. This effectively means that abortions performed on foetuses found to be anencephalic are always morally permissible; in fact, they are morally *irrelevant,* assuming there is parental consent.

The brain does not begin to develop until around six weeks after fertilization, leading to the inevitable conclusion that abortion before this point in time is in no way worrisome. At this stage, there is little doubt that *sensations* of pain[28] would be an impossibility, as there is nothing indicating that basic cognition of physical pain is possible at this early stage. But what is this sensation of pain? Pain can be classified as being two things: an experience and an object of experience.[29] This means we can talk of being *in* pain, as well as suffering *a* pain, or pain in a generic sense. But importantly, both of these are intrinsically subjective expressions.[30] By way of definition, pain can be classified as "subjective sensory and emotional experience that requires the presence of consciousness to permit recognition of a stimulus as unpleasant."[31] We now have recourse to note several necessary ingredients for being in the state of pain: there must be a) apparatus permitting 'awareness' of pain, i.e. sufficient physiology; b) stimuli that is discernable as 'unpleasant'. If either of these do not exist, it would be difficult to label the state one as one of 'pain'. After all, an unfelt pain, in a Wittgensteinian sense, is as good as a nothing at all.

Hence we must draw a sharp distinction between pain *signals* and pain *perception*. It is fair to suppose that someone may have firing pain signals in their brain, but sense none of it, but it seems counterintuitive to call someone 'in pain' if the person in question does not *feel* that pain. Ordinarily, for example, in responding to a noxious stimuli in the hand, a signal is sent along neuronal links to the spinal cord, picked up by the spinothalamic tract before being sent to the thalamus. From

27. 'Qualitative experience' may be defined negatively, as relating to such things as noxious sensations mainly. This does not discount the issue if a child is born with the ability to sense pain absent, as may sometimes happen: the issue is capacity across the human species, with these rare exceptions falling under the same moral duties as those who can actually feel pain.
28. I mention pain as my paradigm case simply because it is the first sensation the body can pick up, for survival reasons: it tends to make a foetus react to noxious stimuli so as to avoid tissue damage to itself.
29. Murat Aydede, 'Introduction' to Murat Aydede (ed), *Pain*, (Massachusetts, MIT Press, 2005), p. 5.
30. Aydede, loc. cit.
31. Lee, op. cit, p. 948.

here, if development is sufficient, a thalamacortical link transports the signal to the prefrontal or frontal cortex, where the pain signal is converted into pain perception. From here a signal is sent back down to the motor neurons resulting in flinching away from the stimuli.

Medical opinion is divided between the thalamus alone being required to produce the state known as 'in pain'[32] or the far more logical view of the requirement of at least a prefrontal cortex being the deciding factor[33], as without this there can be little doubt that there can be no psychological entity that 'feels' pain.[34] Thalamus activity can ordinarily provide only bare rudiments of behaviour: there is some evidence that it is not necessary for an entity to have a functional thalamocortical link for there to be *reactions* to noxious stimuli[35], but it seems that without this link we can be fairly sure that these responses are only base reflexes and *not* sensation.[36] For example, anencephalic infants have pain signals, but no consciousness of pain, while they retain the ability to flinch away from certain stimuli.[37] Studies have concluded that the prefrontal cortex is the bare minimum biological requirement for there to be a human mind which is capable of perceiving pain signals, which are *mediated* by the thalamus. A link between the two develops at around the 24th to 25th week of gestation[38], and begins to function at around the 30th week.[39] The importance of this statement is that consciousness is a prerequisite from the ethical standpoint to switch from a purely biological entity to a psychological one, and at around the 24th week of gestation is when this transformation occurs. This is *not* an arbitrary point, as it relies on our intuition that we consider brain death to be death. If this is valid, it is *equally* valid to consider not having a functional brain to be equal to not having

32. K Anand, *A Scientific Appraisal of Fetal Pain and Conscious Sensory Perception* as offered to the Constitution Subcommittee of the U.S. House of Representatives in relation to the Unborn Child Pain Awareness Act of 2005. As retrieved from: http://judiciary.house.gov/media/pdfs/anand110105.pdf (April 2007).
33. Lee, et. al, 'Fetal Pain: A Systematic Multidisciplinary Review of the Evidence', *American Medical Association*, vol. 294, no. 8, August 2005, pp. 947- 954; Rebeccah Slater, et. al. 'Cortical Pain Responses in Human Infants', *The Journal of Neuroscience,* vol. 26, no. 14, April 2006, pp. 3662-3666..
34. This can be deemed to be a rough biological definition of 'sentience'.
35. Anand, loc. cit.
36. Lee et. al., ibid, p. 948.
37. Elaine Landau, *The Right to Die, (*New York, Impact Books, 1993), pp. 53-55.
38. Lee et. al. ibid., p. 949.
39. Lee, et. Al., ibid, p. 951. Note that this report considers the existence of a thalamocortical link less important than its *functioning*. I reject this distinction, as varying developmental times may mean that a foetus may develop the ability to *use* the link later than another given foetus, but the potential of use is enough once the link has formed, just as having an arm that is not currently being used (but may be called into use) means that the arm is morally significant. In other words, the fact that a foetus has a functional thalamocortical link which has not been used as yet (but easily could be called into use) is also morally significant.

morally significant *life* yet.

Without the existence of a consciousness, the ending of a biological existence is not morally questionable: no harm is done to any given subject as it is not a *perceiving* entity. As it has no mental capabilities of note, it cannot be said to be a loss when its non-mental life is ended-- it has lost nothing as it *had* nothing, or else we would have to let an entire spate of entities into the sphere of moral consideration. Embryos in petri dishes would have to be cared for in a similar way to the way we treat newborns, rather than as we do now: as bare biological materials with little to no moral importance. Instead, once a foetus has acquired the psychological and biological properties required for an FLO, the resulting moral duties of non-interference mean that we may no longer dispose of it for whichever reason we choose. Thankfully, recent studies show that the majority of abortions performed occur before the gestational age of 24 weeks, with most occurring long before this time[40] and are thereby effectively beyond moral question, but the remaining abortions must be examined. If an abortion is considered once a thalamocortical link has formed, the reason must be compelling enough that the death of an innocent human is the only course that may be taken.

VI. Pragmatism and compelling circumstances

So far, this essay has mainly been concerned with troubling aspects of the common objections to abortion. We have identified brain architecture, leading to conscious qualitative experience, as the morally significant dividing line that divides the early foetus from the latter. Once a foetus has been identified as having a brain of a sufficiently developed capacity which is *capable* of feeling pain then we have no longer a simple statement of bodily rights. If it can feel pain, there must be produced a compelling reason why it is permissible to cut short the likelihood of positive experiences in any given case.

This reason may vary according to circumstances. For example, during the Holocaust women would be gassed if they were pregnant, as they were unable to work.[41] If a woman destined for the camps learned of this, and demanded an abortion to save her life, there is little point in stating that she was wrong for doing so. Killing a late term foetus is never a 'good' thing, but in this instance it was not a 'bad' thing either. The foetus could be anesthetized and aborted as humanely as possible, before the mother arrived at the camp. This would avoid both mother and

40. Lilo T. Strauss, et. al, *Abortion Surveillance: United States, 2002* from Morbidity and Mortality Weekly Report, url: http://www.cdc.gov/mmwr/preview/mmwrhtml/ss5407a1.htm (retrieved 18th April 2007).
41. Robert Jay Lifton, *The Nazi Doctors* (USA, Basic Books, 2000) pp. 224-225.

child being destined for the gas chamber. Had these abortions not been performed, two would have died. Rather than let the baby die in a gas chamber, there was direct intervention via this doctor, saving one but killing the other. There are sufficiently compelling reasons to allow for abortion, as *either way* the foetus would have no FLO. If moral blame is to be applied, it is to be placed on the Nazi regime that started the causal chain leading to the conditions under which the abortion was performed.

To use an analogy, it is as if the doctor performing abortions in these more extreme conditions is akin to a doctor rushing to the scene of a terrible road smash perpetrated by a hit and run driver. This doctor rushes in to find two people injured, each not breathing. This doctor must *choose* which one to save by CPR, as she cannot save both simultaneously. She chooses X rather than Y to save, but this choice was *not the doctor's to make*. If she chose to save neither, she would have to give an acceptable reason why this is a course of action that was right to take. But if she chooses to save one over the other, she may also be called to answer why she saved X rather than Y. The answer is obvious: one had to die, but there's no reason why *both* should die. It was never the doctor's fault that either should die, it was instead the fault of the driver who caused the accident. If the causal process had not begun due to the negligence of this first driver, neither X nor Y would have died. Thus the responsibility of the death of Y rests solely on the driver who caused the accident. Similarly, in cases of extreme hardship, the fault does not rest with the mother necessarily, as contraceptive methods are often expensive or unavailable; the doctor and mother may be simply victims of circumstance. This is clearly a FLO account, as the future in store for a baby born into extreme hardship is one that no reasonable person would wish to be born into.[42] However, the issue must be treated similarly to that of euthanasia, as opposed to abortion as it is commonly understood. Entirely mental suffering, such as having to struggle to mete out an enjoyable existence, should not be considered sufficiently compelling to justify abortion of a conscious foetus[43].

The question of who shall be placed in a position to decide if an entity has an FLO or not is a difficult one. Perhaps the best people are not always the parents, as they may not know enough about either the foetus' prospects or their own

42. This is not to say, of course, that this is the only philosophical reason one may give, but alternatives shall not be argued here, for want of space.
43. This is not to diminish the importance of such considerations. A child being born into a hard life does not mean that a later term abortion may be performed blamelessly. It may still be an immoral act to cut short a difficult life. The life examined must have a clear disjunct of possibilities. The only actualised possibility open to a late term foetus that would justify its abortion is a life of extreme hardship and suffering, with little to no option of pleasure. Even then, the moral person must tread carefully. A dictum of 'the earlier the better' holds.

capabilities. Abortion is perhaps the only possibly coherent course to take in cases of anencephaly, severe spina bifida, and severe brain defects, among other defects. The formula should be one of weighing options: if the child will be born and suffer *vastly* more than it will enjoy itself, the option of abortion should not be one that is ignored. The consideration should not be taken as absolute. Downs Syndrome may cause suffering in parents due to the higher level of care, but this bare fact does not simply mean that Down Syndrome babies may be aborted or euthanized to avoid this suffering as a matter of course. Abortion of a minimally conscious Down Syndrome foetus must have greater compelling reasons, over and above the bare existence of a 21st chromosome, which are more damaging to the future of such a child. Of course, if caught before the thalamacortical link has developed, abortion of the foetus is inconsequential.

Of course, across the less wealthy nations of the world, compelling circumstances are all too often found. A lack of access to contraception, backward views of the female body and so forth mean that unwanted pregnancies are widespread, and women's health worldwide is directly affected by dogmatic views of abortion. For example:

> [The Catholic Church's position on abortion] …is unchanged and unchangeable. Therefore, by the authority which Christ conferred upon Peter and his successors… I declare that direct abortion, that is, abortion willed as an end or as a means, always constitutes a grave moral disorder, since it is the deliberate killing of an innocent human being. This doctrine is based upon the natural law and upon the written word of God, is transmitted by the Church's tradition and taught by the ordinary and universal magisterium. No circumstance, no purpose, no law whatsoever can ever make licit an act which is intrinsically illicit, since it is contrary to the law of God which is written in every human heart, knowable by reason itself, and proclaimed by the Church.[44]

There has been some evidence of Catholic interference in third world nations, meaning that this viewpoint is ultimately untenable.[45] Contraception, if freely available, is one of many reliable ways to stem a tide of unsafe abortions that the third world endures, but the Catholic Church opposes even this.

44. Pope John Paul II, *Evangelium Vitae 62,* in Harold Koenig MD, "Controversies in Medical Ethics: Training in Abortion", *Southern Medical Association*, Vol 99, Number 6, June 2006, p. 690.

45. Although there is may be some in the philosophical community who refuse that omissions of positive acts are morally analogous to actively causing negative ones, there is no doubt that actively *preventing* measures that may reduce suffering is inexcusable.

"An estimated 19 million unsafe abortions occur worldwide each year, resulting in the deaths of about 70 000 women."[46] By moralizing negatively about *all* abortions, women are those directly affected. A common argument against abortion is 'Why not give the child up for adoption?' A woman in Africa or India may not have this option, as such an infrastructure is not globally available. So what then? Are we to say that the family must take care of a child that will mean others in this same family starve? Abortions in the third world must be freely available as soon as possible to help end the possibility of both foetal and adult suffering.

If the status of those living in these nations is raised to the same height as that of affluence in the West, then our standardised abortion criteria may be applied. As with all moral rules, if the rule will cause more bad than good in a given society, it must be mitigated by pure pragmatism. This does *not* mean that by virtue of this rule, the moral problems involved in later term abortions are assuaged. An abortion at a late gestation period is always a tragedy if the foetus has the ability to have a qualitative experience- a life that could have experienced happiness has been lost to the world, based purely upon which spatial location it was born at. But an abortion, as earlier was proven, if performed to prevent *further* suffering- such as where a child may starve to death if delivered- may be morally permissible, as a future that will produce vastly more pain than pleasure is no future at all. The issue may be that the method should be as humane as possible. The judgements this essay hopes to produce are those of mainly western countries. Until the less affluent nations of the world, and those which are more religiously dogmatic, are at a level of safety and acceptance of the Western nations, we cannot hope to prescribe a ban of all abortions of the conscious foetus. If this moral judgement is sound, we must work to provide a world in which the likelihood of such compelling circumstances is reduced.

VII. Conclusion

Intuitions can be deadly but I think the ones canvassed in this essay each hold up on their own merits. I have merely tried to bring a philosophical underpinning to each, leading to the inevitable conclusion that if abortion is justified at all, it is contingent on circumstances and gestational development. Once the thalamacortical link has formed there must be the benefit of the doubt placed on non-interference, due to the horrible consequences that may be a result if we are mistaken: if in doubt as to life or death, we should err on the side of life. This account is importantly not arbitrary, as it relies on the existence of something testable and morally significant. To take away rights from people who *definitely* exist in favour of an entity that only has the bare rudiments of existence (such as a spatiotemporal location) is not an intelligent, or just, consideration to make. Hopefully this essay will provide some with sound theoretical underpinnings for future choices they may or may not be faced with.

46. David Grimes, "Unsafe Abortion: the silent scourge", in *British Medical Bulletin*, Vol 67, 2003, p. 99.

Luck and the Good Life

Gary Byron

Introduction

Luck by definition, has an impact upon our search for the good life. It marks the deep conflict between the actual and the ideal in the world.[1] Consequently, it affects our lives in many ways and can be influential in terms of success and happiness.[2] However, prudence, good judgment and other virtuous predispositions may promote greater certainty, and diminish the impact of luck, and our consciousness of it, to a degree. But this cannot be guaranteed, for notwithstanding the most virtuous intentions, unintended and unanticipated circumstances or events may arise. The Ancient Greeks understood this and were fascinated with the concept of luck. Aristotle for example, was aware that there could always be external interference with human actions, just as chance impediments occurred in nature at large. He saw that the intervention of luck often resulted in a different outcome than the natural or humanly intended one that could have been expected.[3] This stands in contrast to the Platonist view that it is possible for humans to reach a stage of invulnerability by removing the soul or real self out of the equation, thereby placing oneself beyond the reach of luck.[4] However, if a Greek had ample resources, he or she could enjoy a pleasant life. The Greeks appreciated this good life, and worshipped the goddess Fortune, or Luck.[5]

Logically, there is an extent to which we can manage or modify our luck. We are rational human beings with the ability to think for ourselves. We acquire certain knowledge, experience, capacities and skills in living, and it is the extent to which we develop and consciously (and conscientiously) apply these, that we may reduce our exposure, however slightly, to the influence of luck, particularly luck of an adverse kind.

1. Nicholas Rescher, *Human Interests: Reflections on Philosophical Anthropology,* (Stanford: Stanford University Press, 1990), 83.
2. Andrew Latus, "Moral Luck", 2001, http://www.utm.edu/research/iep/m/moralluc.htm Accessed 26 May 2005.
3. Dorothea Frede, "Necessity, Chance, and 'What Happens for the Most Part' in Aristotle's *Poetics",* in *Essays on Aristotle's Poetics* , ed. Amelie Oksenberg Rorty (Princeton: Princeton University Press, 1992), 204.
4. Martha C Nussbaum, *The Fragility of Goodness,* (Cambridge: Cambridge University Press, 1986), 319. The author states that this involves "narrowing the specification of the good life, acknowledging as intrinsically valuable only activities that are maximally stable and invulnerable to chance." Another method of avoiding the impact of luck is in adopting the view that "if one is in a virtuous condition or state, then that is sufficient to *eudaimonia.*"
5. Bertrand Russell, *History of Western Philosophy,* (London: The Folio Society, 2004), 217.

The ideal end of life as self-sufficient happiness, with immunity from the impact of incident luck, is not assumed as representing life as it is in reality.[6] It is not claimed therefore, that luck can be divorced from the search for the good life.

Submission

I propose that (a) luck, and its impact on our lives can be managed to an extent, and (b) it is wrong to attribute to luck absolutely, the reasonably foreseeable potential consequences of our acts. However, it is conceded that luck is pervasive, and by definition, it cannot be mastered.

Luck in general

Much commercial and economic activity revolves around luck. Insurance companies are an integral and unremarkable part of the scene. They make a lot of money from premiums paid by many people who insure against bad luck in some form or another. In quite a different context, governments and owners of gambling facilities reap considerable taxes and profits from people who hope that winning money will be achieved with the help of some good luck. Investment in shares and property are made in the reasonable anticipation of profits, by reason of some good fortune in the market. And generally, we routinely deal with the inherent risks of life and hope that our luck will hold.

However, luck is more fundamental than this. For example, being born in Australia, the lucky country, confers immediate and obvious benefits for living and potentially at least, a wonderful opportunity to fulfill many aspirations in the pursuit of the good life. Compared with being born in circumstances of grinding poverty and overwhelming disadvantage, in a Third World country, with no prospect of relief, most Australians would consider themselves to be quite lucky. Aristotle acknowledges the fundamental role of fortune in life, observing for example, that one's place in society or even one's physical looks can have an impact on the search for happiness.[7] Happiness therefore, is not guaranteed. Even if a person has achieved *eudaimonia*, that is happiness through action that relies upon the resources to do so, he or she remains vulnerable and potentially exposed to bad luck.[8] This is a natural state of affairs in which human beings live in the world, in conformity with their nature, and in which the need for goods such as friendship, education, health, and shelter arises by reason of human frailty and vulnerability.

6. Bernard Williams, *Moral Luck,* (Cambridge: Cambridge University Press, 1981), 20. Williams does not make this comment, but the terminology used in the sentence is his.
7. Julian Baggini, *Philosophy: Key Texts,* (Basingstoke: Palgrave MacMillan, 2002), 18.
8. Nussbaum, *The Fragility of Goodness,* 318.

Luck, as we perceive it, takes many forms, and much of it is not only beyond our control but also beyond the horizon of our anticipation and vision. However, human beings have learned to live with this, and for better or worse, we are for the most part, quite 'philosophical' about it.

Nevertheless, prudence, thoughtfulness, common sense, planning, foresight, diligence and our own attitudes, can reduce the extent to which we need to rely upon the vagaries of good luck, and diminish the potential for the unwelcome burden of bad luck. While we can never eliminate luck as a factor in our lives, we can act to "enlarge or diminish the extent of our reliance on luck in the pursuit of desired ends."[9] For example, if we purchase a lottery ticket and it wins, that is good luck. If it does not win, perhaps that may be regarded as bad luck. If we don't purchase the lottery ticket at all and never intended to, then luck plays no part. In that circumstance, we have simply avoided any exposure to the impact of luck. However, luck, in some circumstances, may exist in the eye of the beholder. Our realistic expectations of winning a lottery are probably close to zero. Winning would certainly be regarded as good luck. However, failing to win for most people would be unremarkable and would be the expected outcome. The absence of good luck therefore, is not necessarily synonymous with the presence of bad luck – at least in our perception. Again, the impact of luck for some is inconsequential. A wealthy person finding or losing $2 in the street may think nothing of it. The impact upon a destitute person would be much more significant. Nevertheless, a person whose life is rich in material goods is particularly vulnerable to bad luck, having so much to lose. "The more varied your precious possessions, the more help you need to protect them…"[10]

It is difficult to avoid the conclusion that luck will continue to play a prominent part in the domain of humankind.[11] Its operation depends largely (but not entirely) upon what occurs by accident or chance, rather than what happens by design.[12] It is often, but not always, a determinative factor. However, it is the impact of luck and the outcomes that flow that invariably condition our perceptions and judgment.

9. Nicholas Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 89. Rescher goes on to say, "There is everything to be said for striving to bend one's efforts into constructive lines and then – win, lose, or draw – taking rational satisfaction in this very fact of having done all one could." (Admittedly, there will be circumstances when this is pretty cold comfort – as when one finds oneself on a tumbrel headed for the guillotine. But that is just life!)
10. Boethius, *The Consolation of Philosophy,* trans. Victor Watts (London: Penguin Books, 1999), 35.
11. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 83.
12. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 85.

The nature of luck

The element of luck in any given situation may be so remote that it is insignificant and irrelevant, in practical terms. However, luck in essence, is a matter of our condition being affected for better or for worse, by developments that are neither intended nor foreseen, and are largely beyond our control.[13] On one view, it is not necessarily synonymous with misfortune as this "embraces any sort of mishap, not merely those due to accident but also those due to one's own folly or to the malignity of others."[14] While it may be argued that in a sense, we are unlucky to have been so foolish at the time or that others had such a malevolent disposition towards us, the outcome in the context of this view of misfortune, is the direct consequence of a purposive action, and not happenstance. However, most people may not necessarily appreciate that there is such a fine distinction between bad luck and misfortune. Being the unintended victim of one's own foolishness or another's malignity, may well be considered to be bad luck, notwithstanding that it may avoidable bad luck. Admittedly, misfortune may be a more remote and less robust conception of luck. It is often not the 'sheer' luck that strikes unforeseen and entirely by chance, but is perhaps, the sort of luck that is more likely to be managed. It is not difficult to appreciate the difference between being struck by lightning and being injured in a motor vehicle accident because the driver dozed off to sleep. However, in neither case would the victim be counting his or her blessings, it being reasonable to conclude in each instance that a degree of bad luck was involved, but in different ways. However, the car accident was at least avoidable by the exercise of due diligence.

The extent of luck may occur in inverse proportion to the extent of control that is effectively exerted. However, it may also be distinguished to some extent from what might be regarded as the exigencies of life, such as ageing, working, exercising, being tired, getting a headache, and so on. Some of these may not be entirely pleasant and the way in which they are situated in our lives may involve a degree of luck. But to make the point, the stark alternative to ageing would be regarded by most, as being somewhat less desirable!

Nevertheless, the substantial and core concept of luck is that good or bad fortune befalls us largely because of conditions and circumstances that are wholly (or perhaps partly) beyond our cognitive or manipulative control.[15] Clearly, there

13. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 85.
14. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 86.
15. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 86. Rescher goes on to say, "Luck pivots on incapacity. In the affairs of an omniscient being who *knows* all outcomes, or of an omnipotent being that *controls* all outcomes, there is no scope for luck. (God is exempt from the operation of luck.)"

are many situations that fall within this category, but also many that involve a degree of luck that falls short of 'sheer' luck, but either way, it may be described as "the impetus of *chance* on matters of human weal and woe".[16] Circumstances may determine situations in which the potential to manage our luck may be found, as for example the motor vehicle accident may have been avoided had the driver had the presence of mind to stop the car before he or she fell asleep. Whatever the extent of the consequences, they remain to some extent, the result of some degree of luck. In this instance, some distinction between luck and misfortune may be valid.

While luck is pervasive, it is not dominant, absolutely. By way of illustration, George Hegel regarded Reason as dominant. According to Hegel, the philosophy of history is simply the thoughtful consideration of history.[17] He conceived the subject matter of philosophy to be reality as a whole.[18] He believed that the task of philosophy is to chart the development of the ultimate (or "Absolute Spirit") by means only of the simple conception of Reason.[19] Reason he concluded, is 'Reason in itself', that is, its own basis and means of existence and self-perpetuating development, and "its own final objective".[20] Hegel's view was that Reason dominates the world, thereby making history a rational process.[21]

Hegel recognized the existence of contingency but gave it secondary consideration. However, the impact of luck upon the history of the world and its inhabitants is chaotic. This stands in stark contrast with Hegel's view of Reason, as Reason can explain events, their significance and their meaning in rational terms, having regard to the actual and random coincidence of time and other factors. Reflective Reason can do this he said, notwithstanding luck's chaotic impact upon the world system, as described in the following terms:

> A physical system is said to be chaotic when its processes are such that minute, effectively undetectable differences in an initial state can engender

16. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 87. The author maintains that luck inheres more prominently in cognitive than in physical limitations. He says, "… such eventuations would figure in our thinking as matters for fortuitous chance. Their results are matters of 'luck' *for us* because (by hypothesis) no planning or foresight on our part can play even the slightest determinative role in the matter."
17. George Hegel, "Introduction to the Philosophy of History", in *The European Philosophers from Descartes to Nietzsche,* ed. Monroe C. Beardsley (New York: The Modern Library, 2002), 543.
18. David Burrell, "A [sic] Historian Looks at Hegel Philosophically; critical examinations of Hegelian dialectic, determinism and contingency", 1991, http://dave.burrell.net/hegel/html Accessed 10 May 2005.
19. Hegel, "Introduction to the Philosophy of History", 544.
20. Hegel, "Introduction to the Philosophy of History", 544-5.
21. n Frederick Copleston, *A History of Philosophy, Vol VII,* (New York: Doubleday, 1994), 218-9.

> great differences in the result, with diminutive local variations exemplifying into substantial differences in eventual outcomes.[22]

Luck depends principally upon external factors for its existence and force. It does not possess the same basis and means of existence, self-perpetuation and independence as Reason. Luck is, by definition and nature, random and contingent. It is in essence the accidental product of coincidence and happenstance, to some extent at least, and it lacks the consistency of a systemic structure and systematic process. Nevertheless, there appears to be at least some justification for the optimistic view of the Renaissance humanists, that rational endeavour can prevail to an extent against the "slings and arrows of outrageous fortune."[23] While luck is obviously a powerful force, unlike Reason, it lacks absolute dominance, in Hegelian terms.

Managing luck

At one extreme, a person may attempt to manage luck by resort to means grounded in superstition. But if luck could really be managed in this way it would cease to be luck, by definition. The practice of appealing to 'Lady Luck' is a hangover from ancient beliefs.[24] However by understanding what luck is and how it affects our lives, we can "accommodate ourselves to it more effectively."[25] Accordingly, luck is not something that we can manipulate routinely, but it can be managed within certain limits by modifying the way in which we expose ourselves to it. Rescher makes the point, succinctly:

> Foresight, sensible precautions, preparation, and hard work can all reduce the extent to which we require luck, for the attainment of our objectives. We can never eliminate the power of luck in our affairs – human life is unavoidably overshadowed by the threat of chaos. But we certainly can act so as to enlarge or diminish the extent of our reliance on luck in the pursuit of desired ends.[26]

Rescher's formula for influencing the risk of luck is a combination of

22. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 86.
23. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 84.
24. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 87. "The idea that luck is a somehow personified power or agency whose services can be enlisted and whose favour can be cultivated or lost is an ancient belief, reflected in classical antiquity by the conception of the goddess Fortuna (Greek Touchê), often depicted on ancient coins as the bestower of prosperity, equipped with a cornucopia. Philosophers (especially Cicero) and theologians (especially the Church Fathers) eloquently inveighed against this superstition – generally in vain)."
25. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 88.
26. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 88-9.

risk avoidance, insurance and probabilistic calculation. However, these merely represent a means for guarding against bad luck and its consequences, and provide no guarantees. Rescher maintains that the prospects for courting good luck are not great.[27] Nevertheless, he does recognize, for example, that the psychological advantage of a confident feeling (eg "this is my lucky day") in human activities may give a person the edge to succeed in a difficult situation. This he describes as a "can-do spirit" and the avoidance of a fatalistic resignation to the forces of fortune. In other words, sagacious people can make their own luck.[28] It seems that this proposition is cognitive of the fact that it is unrealistic and counter-productive to simply rely upon, or completely defer to, 'Lady Luck'. Aristotle expressed a similar view in observing that where there is most insight and reason, there is least luck, and vice versa.[29] He rejected the notion that we are entirely at the mercy of luck, because of the beliefs we hold about the sort of life we value. He thought that the good life was secured by effort on the part of all people and was achievable within their capabilities.[30]

By way of analogy, a sensible and prudent person will recognize danger for what it is, and endeavour to avoid dangerous situations. Such a person will also recognize ill-luck for what it is and will try not to put themselves entirely at its mercy.

If we are to take responsibility for our lives, surely this includes our best endeavours (which it is conceded, sometimes may not be good enough) to manage our fortunes in the interests of achieving the good life and being good citizens. It is undoubtedly different for persons who are impoverished, disabled, or disqualified by lack of opportunity, and whose bad luck is so overwhelming that it prevents them, physically and/or psychologically, from taking the first tentative steps. Their whole being will be absorbed by the need for basic survival and perhaps an overwhelming perception of their own chronic misfortune.

Individuals and societies undoubtedly need to understand the need to be proactive in order to diminish the influence of back luck and perhaps to exploit the opportunities that good luck might produce. The pursuit of good luck as a means to the good life is entrenched in some societies. For example, Spaniards widely view gambling not as a human weakness or vice, but as a plausible opportunity for improving their conditions.[31] Whether this is rooted in superstition or simply a manifestation of optimism expressed in the truism, "You have to be in it to win it", I

27. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 89-90.
28. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 90.
29. Nussbaum, *The Fragility of Goodness,* 318.
30. Nussbaum, *The Fragility of Goodness,* 318.
31. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 92.

am not sure.

The extent to which persons can manage the influence of luck will be determined frequently, by their character and outlook, or by the set of desires, concerns and aspirations in life, that dictate what they do and the direction that this takes them. Logically, there would appear to be a connection between this situation and the fundamental reasons for living, including attachments to others, which provide the substance and conviction to compel allegiance to life itself.[32]

Moral Luck

Aristotle, in his *Ethics*, saw that impediments to happiness occurred in life even for the virtuous. He saw that many events happen by chance, and that a multitude of great events could make life happier, but if the outcome was not good, the events could be devastating in terms of happiness, particularly in a well-ordered life. However, he also recognized that inconsequential events would not weigh down the scales of life one way or the other.[33] Aristotle did not, however, consider that 'bad' moral luck of a "purely extrinsic type is the key factor…he is emphasizing that tragic unhappiness requires the agent's contribution."[34]

> Thomas Nagel's definition of moral luck is:
> Where a significant aspect of what someone does depends on factors beyond his control, yet we continue to treat him in that respect as an object of moral judgment, it can be called moral luck.[35]

In essence this means that in some cases, a good person may feel or be regarded by others as being responsible for having done things that led to unhappiness, even though the actions were not, in themselves, evil. In Greek Tragedy, this evoked a response from the audience that the person concerned had suffered misfortune, undeservedly.[36] However, being flawed individuals, we can often unwittingly contribute to our own downfall.

The phenomenon of assigning culpability to persons involved in events largely beyond their control exists in modern times. For example, criminologists allude to the presence of an inclination towards 'victim-blaming' in relation to the

32. Williams, *Moral Luck,* 5-19.
33. Cynthia A. Freeland, "Plot Imitates Action: Aesthetic Evaluation and Moral Realist in Aristotle's *Poetics*", in *Essays on Aristotle's Poetics,* ed. Amelie Oksenberg Rorty (Princeton: Princeton University Press, 1992), 117.
34. Freeland, "Plot Imitates Action: Aesthetic Evaluation and Moral Realist in Aristotle's *Poetics*", 119.
35. Nagel, *Mortal Questions,*(Cambridge: Cambridge University Press, 1991), 26.
36. Freeland, "Plot Imitates Action: Aesthetic Evaluation and Moral Realism in Aristotle's *Poetics*", 118.

commission of crime. The point often made is that the victim may have avoided victimization and even averted the commission of the crime, by the use of some good judgment or prudent action. Nonetheless, this is not a widely accepted 'bottom-line' view because the malevolent intention (and the wrong action that flows from it) fundamentally resides in the perpetrator. The Kantian view, that moral status and stature are wholly determined by what one wittingly tries or intends to do and not by one's success, is found in the legal context.[37] Nevertheless, courts and the law would certainly depart from Kant, by taking consequences into account in determining the *extent* of culpability. However, the courts may, if appropriate, also consider the surrounding circumstances, including the actions of the victim, in *mitigation*.

The tragedy of real life is that very often, people at large invariably make judgments about what others have done, rather than what they intended to do.[38] This is often reflected in media comments and public opinion following the imposition by a judge of what is perceived to be an inadequate sentence on a convicted person. The judge, having close and first hand knowledge of all of the evidence, imposes a sentence that is then assessed by the community, not being acquainted with all of the facts, wholly with regard to consequences of the crime, and regardless of the malevolence or absence of it in the perpetrator. Some crimes, such as manslaughter, can be the result of negligence rather than intention, while others with less serious outcomes, can be committed with the most evil intentions in mind.

However, from a moral viewpoint, how people think and how they are disposed are equally important. A bad person may lack opportunity to do wrong. He or she is still a morally flawed individual. Similarly, a morally sound person may have little opportunity to put their inherent goodness into practice. Nevertheless, he or she is still a good person. Because of the disposition of each, absent actual opportunities to act, each would be predisposed to act in accordance with his or her nature.[39] Consequently, the lives that we lead and the consequences of the things that we do may not necessarily reflect the person that we are in fact.

Moral judgments are not necessarily synonymous with legal judgments, which often inhere moral considerations, but also contain pragmatic and subjective considerations imposed by the law, which is of course man-made and influenced by the political process. However, moral judgments ought to be made on the understanding "that things happen as they *generally and ordinarily* do, that matters take the sort of course that it is only plausible to expect."[40] Nevertheless, luck

37. Rescher, *Human Interests: Reflection on Philosophical Anthropology,* 93.
38. Rescher, *Human Interests: Reflection on Philosophical Anthropology,* 94.
39. Rescher, *Human Interests: Reflection on Philosophical Anthropology,* 95.
40. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 96.

can intervene in the process and distort the consequences of an act beyond any reasonable expectation or anticipation. However, the fact remains, that prudence and right disposition can remove the opportunity for luck to be a factor at all. Tempting fate potentially invites unwanted consequences. Luck, in this sense, can be managed. Furthermore, it is not entirely reasonable to attribute the foreseeable and potential consequences of a deliberate good or bad act, whatever the outcome, to luck, absolutely. "What matters for morality is the ordinary tendency of actions rather than their actual results under unforeseeable circumstances in particular cases."[41] Nevertheless, deliberately or recklessly entering into a situation where good or bad outcomes are a distinct possibility is a moral decision in itself.

I concur in part with Rescher's view that while the role of luck may be decisive for the consequences of our actions, it is not so for their evaluative status, be it rational or moral.[42] It is clear that initial state of mind may not be the beginning and end of moral parameters. For example, mitigating the consequences will surely be a factor in assessing the extent of moral culpability of a purposive wrong-doer.[43] And that could be good luck for the victim.

It is in this context, that I think that Nagel goes too far in his treatment of responsibility for consequences. I don't think that "legitimate moral judgment" and the "area of genuine agency" always shrink in the way he suggests.[44] If the morality of a situation depends upon the state of mind and disposition of a person, surely that person is morally obliged to mitigate the adverse consequences of his or her actions. Simply because a person did not intend the outcome, it does not follow that he or she is not morally responsible to ameliorate the impact, if that is possible.

Conclusion

Humans are not entirely masters of their own fate. Luck is a pervasive force in the world. Moreover, nature and its forces ensure that we lack total control over our environment and circumstances. However, it is reasonable that we ought to accept responsibility for ourselves, our attitudes and our actions, as much as we

41. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 96-7. The author agrees with Kant and says, "Where a moral agent's success or failure is differentiated only and solely by matters of pure luck, then there is patently no reason for making different *moral* appraisals one way or the other."
42. Rescher, *Human Interests: Reflections on Philosophical Anthropology,* 100.
43. Williams, *Moral Luck,* 28-9. At page 39 the author states, "Their moral luck, … does not lie in acquiring a moral justification. It lies rather in the relation of their life, and of their justification or lack of it, to morality. That relation has to be seen in the first instance in their perspective, one in which, if they fail, there is simply regret. But their life is recognizably part of moral life, and it has a significance for us as well."
44. Nagel, *Mortal Questions,* 35.

are able. With a degree of prudence and a rational sense of purpose, we can lessen our exposure to the random impact of luck in our quest for the good life. That is our choice.

> All things therefore, whose future occurrence is known to God do without doubt happen, but some of them are the result of free will.[45]

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45. Boethius, *The Consolation of Philosophy,* 136.