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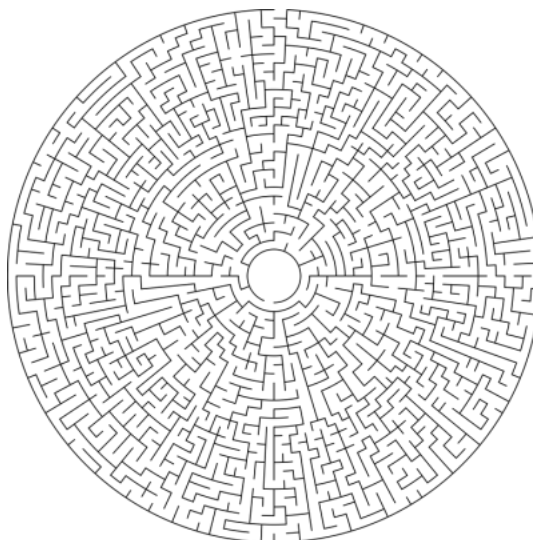
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Editors:

Kate Lohnes
Ben Carlile
Jessica Davis



about the journal

why “labyrinth”?

Plato uses the image of a winding labyrinth as a metaphor for the process of philosophical investigation in his dialogue *Euthydemus*. His image expresses his belief that, unlike the arts of rhetoric or sophistry—which rely on mere assertion and counter-assertion—philosophy absolutely requires that we retrace our steps in an argument and constantly re-examine our views in order to arrive at knowledge of the true and good. This is what we as students of philosophy aim to do, and this journal is meant to aid in that process.

our purpose

This journal was created with a threefold purpose. First, to provide undergraduate students with the experience and opportunity of publishing a paper in a philosophical journal. Secondly, to give an opportunity for students to be involved in peer to peer interaction through the process of creating the journal. Finally, to showcase the amazing philosophical work being done by undergraduate students at the University of Iowa.

papers

Difficulties in ‘Conceptualizing Well-being for Autistic Persons’: Analyzing Ingrid Robeyns’ Capabilities Approach

Tobias García Vega

Abstract: In this paper, I will evaluate the normative claims made by Ingrid Robeyns in her piece *Conceptualizing well-being for autistic persons* and attempt to show how, as she highlights various drawbacks to a naïve capability approach, Robeyns in effect cannot escape these issues herself when attempting to refine the naïve capability approach. I try to do so by showing how Robeyns is subject to the same initial capabilitarian critique presented against the primary goods metric of justice. I begin by examining the fundamental objection capabilitarian theorists present as grounds to reject the Rawlsian¹ approach of the primary goods metric. Then, I examine Robeyns’ paper and while agreeing with her overall project of considering the well-being justice for disabled persons, I will attempt to demonstrate how the lack of a principled method of selecting capabilities necessary for autistic well-being reveals a crucial issue for the broader capabilitarian approach.

Firstly, I take primary goods to mean the all-purpose goods John Rawls specifies as those necessary for any possible rational plan of life citizens might hold. I understand autistic persons as anyone on the autism spectrum, high or low functioning. I recognize the inadequacy in characterizing autism in general as a disability; I do so only in order to include a larger group of individuals as being considered outside of a normal range of functioning. For economy of language, I refer to the capabilities approach as “CA” and the primary goods metric as “PGM”.

The CA Critique of the PGM:

The CA exists in many different forms, each with specific goals that vary across different fields of study. In this essay, I examine the CA as it is presented as an alternative to the Rawlsian PGM. Yet there still exists some variance between how CA theorists go about doing so. There is,

¹Rawls, John. *A Theory of Justice*. Cambridge, MA: Belknap, 2005. Print.

however, one premise which I understand as holding in general across the various forms of CA as alternatives to the PGM:

Appealing to the general utility of any specific set of primary goods for individuals within a normal range (of capacities, whether physical or mental) excludes considerations of the diversity in the capability of individuals to convert those primary goods into valuable outcomes.

The exclusion by the PGM theorist of the diversities in the capability to translate primary goods into actual ends consequently excludes the claims of justice of individuals with disabilities. Given two individuals in the same tax bracket and publicly afforded the same rights, the Rawlsian would view justice as having been dealt to them equally since the main concern of the difference principle is the redistribution of income and wealth. The CA theorists considers an extension of this reasoning. When comparing two individuals, one with a disability in some way impairing the conversion of their share of the primary goods into a desirable outcome would be viewed as having an equal amount of justice as a second individual who lacks any disability which impairs this conversion. This sounds like outright ignorance on the side of the PGM theorist of the enduring fact of human disability. I limit my discussion of the CA to the above premise since I take it to be the foundation for Robeyns' CA.

Ingrid Robeyns and the CA:

Robeyns' overall project is to analyze the CA in general through the lens of individuals with autism since she understands it as the theory of well-being most sensitive to the needs of the disabled. First, it is necessary to summarize Robeyn's specific CA since there exists great variance between formulations of the CA. The key aspects underlying her formulation are firstly, the normative focus of CA's ought to be on protecting capabilities (potential to achieve) rather than actual functionings (actual achievements) and secondly, the CA should follow Martha Nussbaum's approach² of creating a list of capabilities central to all human beings that ought to be protected. Robeyns argues for the former since as theorists, we cannot expect or force individuals to act in certain ways, we

² Nussbaum, Martha C. "Chapter 1: In Defense of Universal Human Values." *Women and Human Development: The Capabilities Approach*. N.p.: Kali for Women, 2000, pp. 34-110., Print.

can only protect their right and ability *to* act. For the latter, Robeyns argues existing empirical work on autism reveals four capabilities that ought to be added to Nussbaum's original list. They are: 1) protection from sensory overload, 2) the ability to communicate, 3) being properly understood, and 4) being loved and given explicit attention to one's capability needs³.

Robeyns then proposes two potential areas to develop and further strengthen the CA. To guard against a theorist haphazardly naming and endorsing capabilities they believe lack explicit protection in the literature, there must be some mechanism for a principled selection of capabilities. So Robeyns' first proposal is: CA theorists need an unbiased procedure for selecting capabilities that ought to receive normative focus. Although Robeyns argues a CA's normative focus ought to be on capabilities rather than functionings, her second proposal for the development of CA is an invitation for more theoretical work to bolster or refute her claim. As Robeyns highlights, there currently does not exist a framework for the unbiased selection of capabilities that ought to receive normative focus in our theory. Initially, this seems like a gap in theory that only needs bridging. In reality, it presents issues for the broader Nussbaumian CA approach.

§1 Feasibility

Robeyns wants to examine theories of well-being through the critical lens of a person with autism. Similar to the representative persons in Rawls' original position, Robeyns begins by examining if the CA has the best interests of autistic persons in mind. In contrast to ideal theory, Robeyns uses empirical data of the general symptoms from within the autism spectrum to inform this "lens". She invites theorists to do the same for other accounts of well-being. But does doing so allow theorists to locate capabilities necessary to *whichever* lens is adopted? Robeyns gives no definitive answer as to whether or not autism is a paradigm case for critiquing accounts of well-being. She merely appeals to a gap in the literature on well-being for autistic persons. If, as theorists, we are so committed to explicit inclusion of disabled persons, then there seems to be no reason as to why critiques should stop with the lens of someone with autism. The same should be done for people with physical disabilities, issues of substance abuse, mental or developmental disorders and

³Robeyns, Ingrid. "Conceptualising Well-Being for Autistic Persons." *Journal of Medical Ethics*, vol. 42, no. 6, 2016. Page 388.

syndromes, etc. If Robeyns is correct to amend Nussbaum's list of central human capabilities (ultimately adding four directed at the well-being of persons with autism) then we can only assume that adopting these various lenses would eventually result in an inordinate number of new capabilities tailored to the needs of each group. This *reductio ad absurdum* of the PGM attempts to show that in their theories of well-being, philosophers must include assurances to all groups of disabled individuals that their specific needs are protected. However, exhaustive lists of capabilities in non-ideal theory are unrealistic since we cannot expect PGM and CA theorists adequately play the role of the great sympathizer.

§2 Relevance

The second issue with attempting to follow Robeyns' suggestions is an issue of the scope of the CA she outlines. Robeyns' CA is an extension of Nussbaum's, who insists that the capabilities on her list, or any developments of her list, are central to all human beings. Nussbaum does this in order to avoid taking reparative measures that would prioritize any one historically marginalized group. Thus, to begin from a historical *tabula rasa*, Nussbaum devised her list with this level of generality in mind. Robeyns, however, represents a branch of CA theorists who want direct consideration of the capabilities necessary for disabled persons rather than remaining with generalities.

But what level of specificity can theorists reach in terms of autistic persons', or any disabled persons', well-being through a Nussbaumian approach? By this I mean: can theorists ever fully encapsulate the necessary capabilities for persons with disabilities while providing space for the non-disabled within the capabilities we locate? Robeyns can only define capabilities necessary for autistic well-being when they also include utility for the non-autistic. Our intuitions tell us that, to some degree, most capabilities thought to be specific to a certain demographic can be abstracted and their specificity reduced to a desirable level, so the capability has some level of usefulness for the non-disabled. For example, Nussbaum's third capability, bodily integrity, includes the ability to move freely from place to place. The appeal to such a general protection is it can benefit persons, say, in wheelchairs as well as the able-bodied. However, capabilities that can't be reduced in such a way are necessarily excluded. Thus, I'm not so inclined to believe we can dogmatically hold the CA better respects human diversity than the PGM while simultaneously anchoring the identified

capabilities to a general public. In doing so, CA theorists fail to avoid the initial contention made against the PGM that appeals made to general usefulness of whichever metric, be it capabilities or primary goods, fail to include the needs of a diverse group of people.

§3 Methodology

So much for the implications of Robeyns' specific CA. Turning to an internal critique of Robeyns' essay, I want to call into question the methodology of her lens of autistic persons. Robeyns demonstrates the difficulties which arise when referring to autism as a disability and how the disorder is better understood on a spectrum of symptoms since there exists a variability to the degree in which it impairs the individual. As careful as Robeyns is when she characterizes autism, her language of "adopting lenses" still reduces autism to a theoretical mindset anyone can enter into. Like a pair of goggles or the original position. Autism, or any other disorder/disability/handicap etc., is a lived experience, thus adopting *their worldview* raises serious epistemic questions for the theorist. In the extreme cases of disability CA theorists employ, where most or all of the individual's cognitive or physical ability is lost, the case is easier to make that the theorist is in a better situation to articulate or represent the capabilities necessary for the impaired individual's well-being. However, this is not so with autism. In many cases, people with autism are fully capable of articulating themselves whether they are considered high-functioning or not. Robeyns need not speak for them and the manner in which she does risks perceived condescension.

Whether Robeyns is qualified to represent persons with autism doesn't address the fact that she still admits there does not exist an unbiased and principled metric for the selection of capabilities in need of protection. She remains vague as to if this in any way had an effect on the outcome of her study. As it is, Robeyns points to a pitfall within the CA while failing to avoid it herself. Robeyns represents the "upper limit" of what can be done in a Nussbaumian approach combined with an unwavering dedication to the inclusion of the disabled in theories of well-being. Following Robeyns' project displays the limitations of the non-ideal theory she supports, since the formulation of an exhaustive list of capabilities thought fundamental to the lives of people with disabilities is pragmatically infeasible, persistently exclusionary, and misguided in principle.

Conclusion:

In the face of the worries raised while analyzing Robeyns' work, I want to end by reaffirming the Rawlsian approach since it avoids the objections made in this paper. Robeyns' lack of an unbiased method for aggregating necessary capabilities is avoided by the original position. Although the original position selects principles of justice, while Robeyns wants a framework for the selection of capabilities, the original position is exactly the unbiased method Robeyns desires. It allows for party members to represent the interests of citizens, much like Robeyns and persons with autism, except the original position does not commit us to unending lists of purported individualized inclusion. The primary goods are designed in a way such that they are indeed general, but this generality fits the abstraction required in ideal theory. Generality of this nature in a Robeynsian approach can only lead CA theorists to exclusionary lists masquerading as all inclusive. Moreover, the veil of ignorance necessitates neutrality and does not block the party members' knowledge of the enduring fact of human physiological and neuro diversity, which can lead to the inclusion of healthcare and other all-purpose measures to protect disabled well-being in the principles of justice although it does not receive this attention in Rawls' theory. However, the original position can still lead us in a direction where, as Robeyns points out, the CA is limited. Some might object that I am equivocating between capabilities and primary goods here, and the reason we ought to reject the primary goods is because they are designed for able-bodied independent heads of households. While this might be true of the Rawlsian primary goods, not all PGM theorists are committed to Rawls' list. Thus, I see the primary goods as dynamic and similar to Nussbaum's list of capabilities in that they are open to change through dialogue and further philosophical theorizing.

A Conceptual Understanding of Political Representation

Benjamin Nelson

In the topic of political philosophy, much attention is paid to the relationship between the individual and state, what is the basis for a state, how ought a state behave, and what options (if any) are available to those living under an unjust state (if one can exist in the first place). Many conceptions of the just state refer to representation as an aspect of a given political system descriptively; how that representation manifests itself has varied from an absolute monarchy to a republic with each deriving “representation” as a source of legitimacy. But, up until the publication of Hanna Pitkin’s *Concept of Representation* in 1967, few philosophers address representation directly, though several integrate it into their works. As Pitkin points out, there are two distinct positions taken, the Mandate (Agent) Theory and the Independence (Trustee) Theory. The distinction can be summed up as follows, respectively: should a representative vote for what their constituency wants when it differs from what is best for them, or vote for what is best for them when it differs from what they want. This paper will be an analysis of Hanna Pitkin’s review of what she names “the Mandate-Independence Controversy,” and ultimately suggest that former collapses into the latter – which is to say that representatives can only be asked to literally represent themselves, and as a result representatives can only act as trustees where their authority derives from the consent of the people within a given political framework.

It needs to be stated that Pitkin’s analysis that I cite here regards representation as a concept and does not consider how representation is laid out within political institutions. For the sake of clarifying examples and giving the reader reference points, she often refers to modern and historical institutions, but the point of her passages and this paper should not be confused. If representation can be better understood conceptually, the application of our political philosophies will surely be smoother, particularly if representation is our aim, since we will understand it better.

To define what is meant by representation, Hanna Pitkin states, “[r]epresentation means making present of something which is nevertheless not literally present.”¹ But as she points out, this definition does not make it more obvious the actions that representatives should take.

Mandate (Agent) Theory

One position that has been taken is the Mandate theory, which can be stated as, “act only in a manner explicitly endorsed by one’s constituents.” The mandate theorist conceptualizes the representative as an instrument that relays the wishes of her district to the capital. They are sent with a purpose (defined by the constituents) and they are bound to uphold this mandate *explicitly*. To act independent of the constituency, under this view, would not be representative at all, even if the constituency wants something that goes against their interests. It is clear that the mandate theorist emphasis is on the *wishes* of the constituency.

Taking this line of thought to its conclusion, a person is not representing a district if they consistently vote against the district’s wishes. It then follows that they do not represent their district whenever they vote against their wishes. They may be a very good representative voting in concurrence with their districts wishes 99 out of 100 times, but in that one moment of diversion they could not be said to be representing at all.

But how might a representative determine wishes? In certain instances it may be possible to ask them and follow the course of action that has a majority concurrence, but what about more complicated issues whose outcome is not immediately recognizable or is too complicated for a lay voter to understand? For a moment let us imagine we our representing a single person, Alex. We are given a piece of legislation that has very robust spreadsheets and complicated formulas in the appendices and we are then asked to vote. Following our mandate, we consult Alex (or, Alex is temporarily unavailable so we imagine what they would do) but Alex is easily flustered by the numbers, throws their hands up in the air, and is unsure what to do. It seems clear that for a

¹ Pitkin, Hanna Fenichel. *The Concept of Representation*. 1967. Page 145.

representative to make present their constituency's mentality within the legislative chamber is not what we mean when ask for representatives. Expanding who we represent beyond the numerically-disadvantaged Alex does not help the case much either since, while there may be intellectuals who can distill the complicated legislation, it is still a matter of fact that, try as she might, the representative cannot behave as a constituent would behave without running into conflict. And, as the mandate theory goes, to not represent in a way that is expressly granted is not representation at all.

Independence (Trustee) Theory

On the other side of the controversy is the Trustee theory where the representative is responsible for the wellbeing of their constituents. Under the view, the elected representative is an expert, a specialist, in the field of government and the responsibility of welfare is entrusted to their expert opinion. The view is prominently espoused by 18th century British politician Edmund Burke in his *Reflections on the Revolution in France* when he says:

Parliament is not a congress of ambassadors from different and hostile interests, which interest each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberative assembly of one nation, with one interest, that of the whole... You choose a member, indeed; but when you have chosen him he is not a member of Bristol, but he is a member of Parliament.²

By this, Burke means that when you elect your representative it may be said that she is from Bristol, or Brooklyn, or Iowa's 2nd congressional district, but she does not go to the respective body to promote *just* her territory. No, says Burke, she goes to promote the interest of that body. A city councilor from the borough of Brooklyn has the duty to seek the good for all of New York City, a congressman from Iowa's second congressional district has the duty to seek the good for all of the United States and not solely southeast Iowa.

² Burke, Edmund, and L.G Mitchell. *Reflections on the Revolution in France*. Oxford University Press, 1993.

The trustee system acknowledges, as we have already pointed out, that a district or constituency rarely has a single opinion to be followed by a mechanical representative, and that even if these few opinions can be articulated, there would still be other issues that would come up during legislative proceedings that the district has no opinion on yet the representative still has a duty to vote on.

Further, there are several tasks that we have become accustomed to legislatures performing that would be impossible under the mandate system: legislative compromises, discussion, deliberation, and other aspects of statecraft that are generally considered to be hallmarks are left impossible if the representatives cannot act for the best interests of their group independent of a mandate.

In other words, in the same way a physician is presumed to be an expert in human health, and that they may inform the patient the gist of a procedure or prescription and heed their advice, the health of the patient is ultimately entrusted with the physician. It is (generally) conceded that the human body is too complicated for a layperson to understand, and because of this complication the doctor has a career and the patient is better off. The relationship between the representative and the voter, under the independence view, is the same. There is too much nuance and complexity to fiscal policy, to foreign policy, or to welfare administration for the layperson to successfully decide what is best, and therefore when we say we want representation we don't mean we would our opinions to be regurgitated but instead we want our welfare to be looked after.

Division

Pitkin summarizes what both sides of the controversy are asking: “[b]eing represented means being made present in some sense, while not really being present literally or fully in fact.”³ Indeed, the two sides, as Pitkin suggests, seem to not even be talking about the same thing. Both seems to be fitting our initial definition of representation but it seems they both only fit partially. The independent theorist asserts that they are allowed independence because if we consider a

³ Pitkin, Hanna Fenichel. *The Concept of Representation*. 1967. Page 153.

constituency wholly present in the representative, why could they not change their minds to best fit their judgement? But, the mandate theorist asserts, if they are wholly present then how can the representatives actions be against the constituency's wishes?

Pitkin attempts to explain this persistent controversy by elaborating on the multiple meanings words like "represent," or, "interest" possess. When the mandate theorist discusses interest or representation, what they really mean is attached interest or attached representation. This is interest that can only be assigned to a physical thing, namely to an individual. If a politician claims to represent prosperity, it is a mishap of language that this makes sense to us. Prosperity is a concept with no physical corollary, it is just an idea. She cites utilitarianism for this perspective, where the individual is the one who can know their interests best and because it is a difficult claim to insist that an individual is wrong about their own opinions, the representative *must* ask if there is to be representation at all.

When the independence theorist speaks of "interest" or "representation" it makes perfect sense to speak of unattached interests. To represent world peace makes sense in their logic. World peace is the destination the politician is trying to reach, and it is through his ideas and best judgement that they will reach it. Likewise, when a representative from Iowa is elected they do not only represent each individual of the state but they represent the idea of the state as well, its emphasis on agriculture or the insurance industry that resides in Iowa for example. Then, through mechanisms such as the constitution that bind the states together, the representative from Iowa does not go to congress to advocate *for* Iowa but instead is one representative of many that is sent by the states to lookout for the best interests of the United States.

Utilitarianism misapplied

Thus far the wedge dividing the two sides of the debate according to Pitkin is the interpretation of the word "interest." When she attempts to motivate the interpretation for mandate theorists, she cites utilitarianism as the primary reason they remain committed to their definition of attached interest. That, because of utilitarianism, the idea of an unattached interest is not logical and therefore the only interest that could possibly exist is that which is wound up in the existence of

an individual, forcing the representatives hand into a mandate theory where they must ask for express permission, otherwise it is not truly representation.

I want to assert this this understanding of utilitarianism is misplaced. First, utilitarianism is a normative ethical theory that defines a good action as one that produces the most utility, or good. In other words, moral rightness is determined by the consequences of an action. Jeremy Bentham⁴, an English philosopher from the late 1700s, is the first modern promoter of utilitarianism. Bentham endorsed a Hobbesian account of human nature, that we are all naturally inclined to look out for ourselves before all other things. This view can also be referred to as psychological egoism. Altruism, doing good for its own sake, as a concept is not compatible with psychological egoism, doing good is whatever promotes your own self. It is this Benthamite interpretation of utilitarianism that Pitkin wants to settle on, that due to psychological egoism the mandate theory simply cannot be reconciled with the independence theory.

John Stuart Mill⁵, a liberal British politician and philosopher of the 19th century and also the bannerman for utilitarianism following Bentham, would reject the psychological egoist view and resolve several of the internal tensions in Bentham's philosophy. Mill's utilitarianism asserted that the moral action was the one that produced the most good, like Bentham, but differed in important ways. In both Mill and Bentham's view, the good was considered to be pleasure. In Mill's view, he divided pleasures into two sets of lower and higher pleasures. Lower pleasures are sensual: eating, sleeping, and sex to name three. Higher pleasures are more intellectual: reading James Joyce's *Ulysses*, doing a crossword, or playing the violin. The second way in which Mill's view is different from Bentham's, and perhaps most importantly, is he sheds psychological egoism. For Mill, all agents have equal moral value regardless of perspective. This means there is no *moral* difference between one's self, and the stranger across the road, or their classmate, or their mother. Each of their pleasures are to be considered and weighed equally when determining the good of an action and the good action maximizes all of these pleasures.

⁴ Bentham, Jeremy. *An Introduction to the Principles of Morals and Legislation*. Clarendon Press 1876.

⁵ Mill, John Stuart. *Utilitarianism*. The Floating Press, 2009.

Utilizing Mill's innovations to Bentham's utilitarianism, we have taken out the barrier that divides the Mandate and Independence theories. The mandate theorist can now accept unattached interest as legitimate, properly collapsing the mandate theory into the independence theory. A representative ought to look out not for the express interests of their constituency but for their overall well-being that is also dependent upon the well-being of their neighbors. Even more, concurrent with the independence theory, they should not look out *just* for their constituency but seek to maximize the utility of *all* constituencies in order to act morally.

Let us take the example of a white, xenophobic, nationalistic farmer from Iowa. She believes in the superiority of the white race, detests anyone that does not look or speak like her, and legitimately believes the United States has a manifest destiny to hold superiority over the world. Though, since she farms land for a living (and quite a bit of it) much of her livelihood is made by selling her crops overseas, most prominently to China. She knows this, but this only reinforces her opinion that America is superior (after all, the money is flowing in one direction she says). Now suppose the President of the United States is proposing highly restrictive tariffs on Chinese imports, which causes China to retort by levying tariffs on all American imports, including Iowan crops. These Chinese tariffs are so much so that they would ruin the American farmer financially. Still, the farmer insists on her nationalistic ways and supports the president's tariff and, like a good citizen, writes her representative to support the tariff (which would trigger the Chinese tariff in response). Let us also suppose the entire district in which the farmer lives feels exactly the same way and also writes their legislator telling them so.

The mandate theory would demand the representative vote for the measure, even if it is against the rationale of the representative themselves. But under the Millian utilitarianism we discussed, the flaws of the original mandate theory becomes obvious; voting for the measure would severely harm their constituents, let alone the rest of the country. The trustee theory does not face a similar dilemma. By virtue of their office, the representative is responsible for the well-being of the citizens in their district and their country. They should act in a way that promotes that well-being, or utility. Then, following the wishes of the represented may be sufficient for representation, but it is not necessary. What is necessary is that the representative elected by their constituents.

Conclusion

Questions may remain, such as, “What are the obligations of the political representative?” and my uninteresting reply is that the question is outside the scope of this paper. I have hoped to show that representatives can only literally represent themselves in any given moment. And while I have cited primarily British liberals and utilitarians here, it is not immediately clear to me that my descriptive account cannot work under other popular moral systems, deontological or otherwise.

There may still remain objections that may be articulated as, “What about the agency of the individual citizen in making decisions?” The citizen’s agency is still there on election day and through other measures to help push the representative toward a particular way. But if the agency is diminished in any way, it is surely for the better. Recalling the example of the physician, it would be considered absurd if they only behaved in a way after being told by their client. Even if the doctor explained to them in the nuance of a medical condition and potential solutions it still would not replace the expertise the physician has gained through intensive education and experience gained. The patient is likely better off for not having complete control of their medical care. The same is true for a citizen and the representative. To explain the nuance and historical context of a fraught treaty or discuss the different provisions of the tax code would, if not be a waste of time, not be a sufficient replacement for the education and experience earned by someone who has attained office. And, as with doctors, if the citizens do not like their representative they can always get a new one.

An Expansion on Growing Block Theory

Gada Al Herz

Peter Forrest's "The Past is Dead" version of the Growing Block Theory is the most promising theory of time I have come across. This paper is divided into two sections; in the first I present my reasons for favoring Growing Block Theory within the scope of the traditional metaphysical discussion on the nature of time. This will include the reasons I find Growing Block Theory to have more potential than both the A-theory and B-theory of time, the main objection Braddon-Mitchell present to the theory, and an explanation of why I find P. Forrest's answer to that objection to be appealing. The second section considers the implications of more recent developments in the scientific study of physics on the metaphysical discussion on the nature of time. This includes how the Standard Cosmological Model and theories of universe expansion could make Growing Block Theory more plausible if proved true, as well as modifications that may need to be made to the theory if proved untrue.

In my limited experience, Growing Block Theory is often referred to as having all of the downsides of both the A-theory and B-theory of time, with the benefits of neither¹. I find the truth to be contrary to this, and that instead, Growing Block Theory solves both of the biggest issues facing A-theory and B-theory individually.

McTaggart describes the A-theory of time as holding clear distinctions between the past, present, and future, with anything in the past being permanent, while the future is not. The present becomes the past, and was at some point future². Presentism, one of the dominating A-theories of time, holds that only present moments, objects, and events exist (so the past and future do not exist), and that moment which is the present moment changes³. Overall, the A-theory of time is no doubt the more intuitive theory of time, compared to the B-theory. It accounts for our perception of change very well, and it conforms more to our everyday experience of time. However, the scientific

¹ Braddon-Mitchell, David. "How Do We Know It Is Now Now?" *Analysis*, vol. 64, no. 3, 2004. Page 202.

² McTaggart. Page 351.

³ Miller, Kristie. "The University of Iowa Libraries." *Proxy Login - The University of Iowa Libraries*, John Wiley & Sons, Ltd, 29 Jan. 2013. Page 346

Special Theory of Relativity (henceforth, STR) presents a significant problem to A-theorists. At minimum, STR implies that time is relative to any frame of reference, and hence, at no instance is there a unique present for all people⁴This contradicts the A-theory, and unless A-theorists can debunk scientific findings, it makes it near impossible to accept A-theory.

This brings us to the B-theory of time, which is supported by the Special Theory of Relativity. McTaggart explains the B-theory of time as being that which describes events or positions in time as being earlier than or later than another event in time (McTaggart, p. 351). Miller describes Eternalism, a prominent version of the B-theory of time, as being that in which time is static, and the past, present, and future all exist all the time⁶. This theory is most often conceptualized to mean that there is a four-dimensional plane of existence, with time being the fourth dimension. While B-theory has heightened credibility due to its alignment with scientific findings, it lacks the connection to human experience that A-theory enjoys. Although that connection may not seem important at face value, there are important implications to B- theory that are fundamental to the human condition. The implication that I am more concerned with is the apparently unavoidable consequence of a deterministic reality. If the future already exists, and has always existed, it would make little sense to believe that humans make their own decisions or control their own fates to any extent. For reasons outside of the scope of this paper, I cannot accept that humans lack free will, and so B-theory also suffers a huge flaw that cannot be looked past.

At this point, A-theory and B-theory are both unable to give satisfactory explanations/descriptions of time on their own. A-theory cannot account for the Special Theory of Relativity, and B-theory cannot account for free will. This is where Growing Block Theory comes in. Growing Block Theory, also known as No Futurism⁷, combines aspects of A-theory, and aspects of B-theory, in a way that solves both of these problems. As P. Forrest describes it, is the theory that “the past is

⁴ Miller, Kristie. 353.

⁶ Miller, Kristie. 346.

⁷ Forrest, Peter. “Real but Dead Past: a Reply to Braddon-Mitchell”, *Analysis*, Oxford Academic. *OUP Academic*, Oxford University Press, 1 Oct. 2004. Page 358.

real but the future is not,”⁷ . Braddon-Mitchell describes it as a theory that combines four-dimensionalism and accounts for the passage of time⁸ .

The four-dimensional part accounts for STR, and accounting for the passage of time reintroduces not only our experience of change with time, but also for the possibility of free will in a way that does not contradict STR. Simply, the idea is that we live in a four-dimensional world, but only the past and present exist; the future does not. As the present becomes the past, this four-dimensional block grows to encompass the once non-existent future that becomes the present, adding another four-dimensional ‘slice’ to the end of the block, so to say⁸ .

Growing Block Theory also maintains good standing with the Special Theory of Relativity by not being necessarily committed to an absolute present in the way Presentists are.

As P. Forrest points out, the boundary of the growing block does not have to be flat. On the contrary, a boundary with an uneven topography – and therefore non-absolute present – is perfectly plausible⁹. Even if Growing Block Theory did posit an absolute present, that wouldn’t necessarily bring it in conflict with the Special Theory of Relativity. As Wilfrid Sellars points out, STR does not inevitably rule out the possibility that an event can be absolutely present, but simply that the knowledge of an event’s occurrence can reach individuals at different moments with respect to perspective despite perceived simultaneity¹⁰ .

Braddon-Mitchell’s first objection to Growing Block Theory is that it is seemingly impossible for someone within the block to state that they are in the objective present and be certain they are truthful¹¹. In other words, how do I – sitting at my desk, typing out this paper in March of 2018 – know truly that this moment I am in right now is the moment that is truly present, the slice at the very edge of the growing boundary of the block? In the premature interpretation of Growing Block

⁸ Braddon-Mitchell. Page 199.

⁹ Forrest, Peter. Page 360.

¹⁰ Sellars, Wilfred. “Time and World Order,” in *Minnesota Studies in the Philosophy of Science* (Volume III), H. Feigl and G. Maxwell (eds.), Minneapolis: University of Minnesota Press, 1962. Page 577.

¹¹ Braddon-Mitchell. Page 200.

Theory, due to the nature of four- dimensionalism, it would be entirely possible that while I, in this moment, believe that I am at the edge of the boundary, when in reality the boundary is in the year 2021. To further this objection, discussion in class pointed out that if that is the case (that I am in 2018, but the boundary is in 2021), then from my frame of reference, there is a relative future. So, even though at this moment, I believe that I am deciding my actions of my own free will, and that my decision is free of the constraints of an already-existing future, that is not actually the case. This still leaves more room for free will than Eternalism, as there would still be some future self of mine that made the decisions that I am now constrained within at the edge of the block, but to those who feel a strong urge to say their consciousness is always attached to free will. Of course, this is based purely on feelings and intuitions so it's not absolutely necessary that a theory account for this, although there is no harm if it does.

P. Forrest's the 'Past is Dead' hypothesis solves this problem. The hypothesis holds that, while the past does exist, sentience only exists at the boundary¹². In this sense, I would not be thinking at all unless I was at the boundary of the growing block, so I can be sure now that I am in the objective present merely from the fact that I am thinking. This quickly resolves Braddon-Mitchell's first objection, but not the one he follows it with.

Braddon-Mitchell's second objection has to do with simultaneity in the scope of relativism. As briefly touched upon earlier, Special Theory of Relativity implies that time is relative to frames of references, and as Braddon-Mitchell points out, each person has a different frame of reference. Combined with the idea that consciousness is attached to an objective now, the need for a preferred frame of reference arises, and following that is the worry that within the preferred frame of reference (if such a frame of reference could possibly exist), one may not, for example, be truly simultaneous with a colleague¹³. This would supposedly be the case should one's consciousness be tied to a different frame of reference than one's colleague's consciousness is tied to, which would imply in Braddon-Mitchell's opinion that a colleague I am interacting with could be insentient, with their consciousness somewhere in the near future. The idea here is that my "now" would not be the same as my colleague's "now", even though both of our consciousnesses are tied

¹² Forrest, Peter. Page 359.

¹³ Braddon-Mitchell. Page 202.

to the boundary now. This, of course, would be impossible within the rules of conversation because my colleague could not have anticipated the exact words I was going to use, and give a reply to my comments before I have uttered them.

P. Forrest's response is that there does not have to be a privileged frame of reference. The boundary of the growing block does not have to be flat, and the objective present does not necessarily have to be referring to a spatially-aligned flat surface. Instead, it can be referring to the points of a boundary that has an uneven topography¹⁴. P. Forrest then goes on to explain how this could work by giving the example of interactions with a more distant colleague. What he doesn't explicitly say is that Braddon-Mitchell's idea that, because STR posits that time is relative to different frames of references, it could be possible for two colleagues to have significant time differences to the extent that one colleague could be left to converse with an insentient colleague, is preposterous. It would be physically impossible for two people standing in a room to have vastly different frames of references, because the idea of STR is not solely based on time. It is based on time *and* space, and so to have frames of reference that are different enough to cause this kind of misalignment, the two individuals would have to be exorbitantly far apart space-wise. The dissonance here would be the effect of space, not time.

At this point, the objections Braddon-Mitchell posed against Growing Block Theory in his piece, "How do we know it is now now?" have been resolved in favor of Growing Block Theory. From here the conversation must shift to more recent developments in the scientific study of the universe and its implication for theories of time. As described by George Gamow, the Standard Cosmological Model, commonly referred to as the Big Bang Theory, takes the creation of the universe to have started with an explosion that occurred as a result of extreme heat and pressure at a point of even more extreme density, unleashing everything in the universe today¹⁵. While commonly thought of as a single event, the Big Bang is known to scientists to be either an ongoing process instead of a concluded event, or alternately, to be a concluded event the effects of which are still ongoing. In both cases, 'ongoing process' and 'ongoing effects' refer to the continual

¹⁴ Forrest, Peter. Page 360.

¹⁵ Gamow, George. *The Creation of the Universe*. Dover Publications, 2004. McTaggart, J.M.E. "Time." *Iowa Courses Online*. Page 26.

expansion of the universe¹⁶. NASA even announced in 2016 that astronomers using their Hubble Space Telescope discovered that the universe is expanding between five to nine percent faster than previously thought, providing even more evidence for the Standard Cosmological Model¹⁷.

This is important to Growing Block Theory because it introduces a solution to GBT's Problem of Mass and Energy. The Problem of Matter to GBT begins in that unlike both A- theories and B- theories of time, GBT posits the ongoing creation of new matter as new "slices" are added to the end of the growing block, leaving GBT at apparent odds with the law of conservation of matter. The law of conservation of matter holds that the amount of matter in a given volume always remains constant¹⁸. More simply put, it holds that mass and energy cannot be created or destroyed within an isolated system. If we take the universe to be an isolated system, the law of conservation of matter would require that no matter is ever added into existence, which is exactly what would have to happen for Growing Block Theory to be true when it theorizes that the future does not yet exist, but that it will come to being as the boundary expands and grows.

This is not a problem necessarily faced by strictly A-theories and B-theories of time. Presentism, for example, does not stipulate that any mass be created or destroyed. It can be said that the universe's existing matter is constantly recycled as the present moment changes into the new present moment. Four-dimensionalism on the other hand does not even necessitate the recycling of matter; it would be simply true that all mass that exists in the past, present, and future has always existed in the same way it always will.

However, potential evidence that the universe is expanding not only solves this issue for the Growing Block Theory but could also support it. Fred Hoyle, Hermann Bondi, and Thomas

Gold theorize that the universe must behave in the same manner with space as it does with time, meaning that if time is expanding so is space – hence the creation of matter without violating the law of conservation of matter since the volume containing matter is itself growing, keeping in line

¹⁶ Gamow, George. Page 29.

¹⁷ Morrow, Ashley. "Hubble Finds Universe Expanding Faster Than Expected." *NASA*, National Aeronautics and Space Administration, 1 June 2016.

¹⁸ Gamow, George. Page 30.

with the law¹⁹. It's important to note that this does not necessarily support Growing Block Theory uniquely; it only makes it more plausible. It removes the disambiguation around the possibility of new slices of time and space being added to existence. Four-dimensionalism, for example, is not at odds with the creation of new matter; it could simply be true that the universe is bigger later on than it is earlier. The Problem of Matter would not have affected Presentism to begin with, yet a Presentist could account for the creation of new matter in the same manner that Growing Block Theory does.

Now that this has been established, the question becomes: What if the Standard Cosmological Model and theories of the universe's expansion are proven to be false? It is not unheard of for scientific theories to be found false or in need of major modification. Flat Earth Theory is one such famous example of this. Supported by mathematical calculations and map accuracy within small range, the theory that Earth is flat was proved to be false when technological advancement and missions to the unknown allowed researchers to study Earth on a larger scale. So, it is not entirely impossible for theories of the universe's expansion to be found false, and that would leave the Growing Block Theory in trouble once again. Growing Block Theory must account for the creation of new matter that supposedly occurs as a result of its theory. There are three possible solutions that come to mind; the first two somewhat skirt the problem, while the third modifies Growing Block Theory to accommodate the issue.

For the first possible solution, a growing block theorist could simply contend that the new matter created as the boundary expands comes from the same place it is often thought all other matter originated from – God. Many who believe in God or other higher power(s) might readily accept this solution with no qualms. It is usually inconceivable that something comes from nothing, but people are more willing to accept that that could happen if there were a higher power outside of the constraints of creation causing it. Some may even point to the fact that the Standard Cosmological Model does not account for the existence of matter and space before the Big Bang as contributing to the credibility of this idea. Of course, anyone who does not believe

¹⁹ Gamow, George. Page 30.

in the existence of God or other higher power(s) would immediately remove this solution from consideration.

The second possible solution to the Problem of Mass that maintains the Growing Block Theory as it is, is the idea that our universe is not an isolated system. Perhaps our universe draws on the mass and energy of another universe or multiple universes. This has a series of implications that are difficult to contend with, first and foremost of which is the implication that other universes behave in manners completely unlike ours, where the Law of Conservation of Mass does not apply. There would then have to be an explanation, then, of how two or more very different universes that do not play by the same rules constantly interact with each other so intimately. The idea of a multiverse that encompasses many universes is not new and has been considered seriously by physicists such as Isaac Newton and Neil deGrasse Tyson. While the idea that these other universes (if they exist) can be governed by different laws than the one we live in is, for lack of better term, wild, it has been the center of many discussions of the possibility of a multiverse. While the complexity of this solution does not make it impossible, it does make it seem less plausible.

Finally, we can consider a modification to the Growing Block Theory to accommodate the Problem of Matter. As previously mentioned, Presentism may be able to avoid the Problem of Matter by stipulating that the universe's existing matter is constantly recycled as the present moment changes. This can be applied to Growing Block Theory if we are willing to postulate that the entire past does not in fact exist. No doubt a radical change to Growing Block Theory, we would have to hypothesize that the far past does not exist, and that the matter that made up the far past is recycled as the matter making up the coming future. This way, the present and some (but not all) of the past exist, and the future does not – yet. The process would have to be constantly occurring, down to the last nanosecond.

The reason I consider the disintegration of the far past as a solution, and not the degradation of the whole past instead, where a degradation would mean a diminishing in the quality of the past so that matter can be removed from it to be recycled for the new present, is not only because it would be a series of acrobatic feats to justify degradation, but also because the disintegration of the far past can still be in line with the Special Theory of Relativity. The Special Theory of Relativity does not necessitate the existence of the whole past, just some form of

extended four-dimensional “block” existence. With consciousness tied to the boundary in P. Forrest’s “The Past is Dead” version of the Growing Block theory, the further the far past, the less relevant and connected to the boundary it is. This assumes that the same thing tying consciousness to the boundary of the block makes consciousness somehow a determining factor in the way our universe works. Otherwise, there doesn’t seem to be anything that would cause what is relevant to be centered around distance from consciousness. The farthest past would essentially disappear at the same rate that the boundary extends to a new present. This would entail that the block remains the same size at any point in its existence. It shouldn’t be mistaken to be shifting forwards though. It is still growing on one end, it’s just disintegrating at the other end at the same rate so that the matter can be recycled for the new present.

The question of how exactly this “recycling of matter” process would happen is better left to cosmologists. Should it prove to be implausible, it is also a problem presentists would have to contend with, although they would likely do so in a manner completely unlike growing block theorists. The issues laid out in this paper undoubtedly need much further thought. In light of all the considerations in this paper, though, I must reiterate that I find Growing Block Theory to be the most promising theory of time I have come across, as it resolves some of the biggest problems facing both A-theorists and B-theorists, and there are numerous solutions to the bigger problems it itself faces.

Rawlsian Foundation for Banning Hate Speech

Anne Ringelestein

Abstract: In this paper, I will show a Rawlsian foundation for the banning of hate speech. I will use an argument from the original position, demonstrating that representatives to the original position would object to hate speech because they cannot be sure if they would fall victim to it from behind the veil of ignorance. I will also use the argument from self-respect, demonstrating that hate speech is a direct violation of Rawls's most important primary good. I will also contend my view against two objections: (1) the difference principle does enough to account for inequality and (2) freedom of speech is a right amongst free and equal citizens that is championed by liberal democracies. I will conclude by suggesting that hate speech ought to be banned for these Rawlsian reasons.

Hate speech is a perennial topic in philosophy, and justifiably so. Many authors have written about the topic, and much ink has been spilled in papers that argue for or against the banning of hate speech. This one, however, will be focused specifically on a Rawlsian foundation. In arguing for his position of justice as fairness, he conjures the notion of the original position – the thought experiment used to determine his two principles of justice. He also argues for self-respect as a basic primary good, suggesting that it is necessary in order to live a fulfilled life and that our self-respect rests on the respect of others. In this paper, I will argue that hate speech ought to be banned using the Rawlsian concepts of the original position and self-respect as a primary good. I will also contend my view against two objections: (1) that the difference principle accounts wholly for inequalities between citizens and (2) that freedom of speech is the right of a free and equal citizen.

In his book *A Theory of Justice*, Rawls uses the original position as a procedure to determine what the principles of justice ought to be. He describes it as “the appropriate initial status quo which insures that the fundamental agreements reached in it are fair.”¹ In the original position, parties are

¹ John Rawls, *A Theory of Justice* (Harvard University Press: 1999). Page 15.

forced behind a 'veil of ignorance' which strips them of any knowledge about who they are. Parties are forbidden from knowing their social status, race, gender, sexual identity/orientation, gender identity, or immigration status. This prevents parties to the original position from selecting principles that would benefit them at the cost of others, because they do not know if they will be benefitted or not. For example, slavery would be denied in the original position, because the representatives would not know who they were from behind the veil of ignorance, so no one would choose to enact a policy like slavery, because they cannot be certain they will not be the ones who are enslaved. I will use a similar example to argue for the Rawlsian foundation of banning hate speech, and I will call it the argument from the original position.

Nobody wants to fall victim to hate speech. It is demeaning, demoralizing, and humiliating, because it is an attack about something usually one cannot control – like race, gender, or sexual orientation. In the original position, when one does not know their social status (among many other things), they could fall victim to it unless she objected to it from behind the veil of ignorance. Therefore, I suggest that it will be objected to in the original position, because nobody wants to be publicly discriminated against in the kind of way that hate speech normally does. If it is objected to in the original position, then, it ought to be banned, because members of a broader society would object to it as well.

To this argument, it could be objected that the difference principle does enough to account for inequalities between citizens, and that any measures like this are repetitive and arbitrary. The difference principle is the “intuitive idea that the social order is not to establish and secure the more attractive prospects of those better off unless doing so is to the advantage of those less fortunate.”² The difference principle is used to set up a social system in which no one gains or loses from our starting advantages or disadvantages; it mitigates the effects of the natural lottery. The difference principle explicitly states that if anything is done to benefit those that have initial advantages, it must be for the ultimate advantage to the worse off.

² John Rawls, *A Theory of Justice* (Harvard University Press: 1999). Page 65.

To this, I would argue that while the difference principle does mitigate economic inequality, it does not mitigate social inequality. The difference principle might call for taxes to be higher on the wealthy than on the poor and that the money collected from income tax be used for social services to aid the worse off, but it does not say much about social instances of inequality. How can the difference principle help us, if a baker does not want to make a cake for a gay couple? The difference principle cannot even help us determine who is the disadvantaged here; it seems to me that it would be homophobic to describe a gay person as disadvantaged for being gay. I would suggest that the difference principle does not do enough to mitigate the effects of social inequality like hate speech.

If the difference principle does not do enough to make up for social inequality like it does economic equality, I do not see why this objection would hold. Social inequality is just as pervasive as economic inequality, and they both can have disastrous effects. Economic inequality forces the disadvantaged into poverty, though the difference principle can, in theory, mitigate for that. Social inequality, however, can make one feel as though the life they are leading is not worth living; it can make them feel as if they are lesser as people than the ones who are discriminating against them. This is a perfect segue into my next argument: the argument from self-respect.

In *A Theory of Justice*, Rawls outlines his concept of the primary goods, which he defines as “things which ... a rational man wants whatever else he wants.”³ Self-respect is the most fundamental and most important of the primary goods, which include other things like “rights, liberties, opportunities, income, and wealth.”⁴ Rawls argues that self-respect is the most important primary good because it has two aspects: “first of all ... it includes a person’s sense of his own value, his secure conviction that his conception of his good, his plan of life, is worth carrying out. And second, self-respect implies a confidence in one’s ability, so far as it is within one’s power to fulfill one’s intentions.”⁵ On self-respect, Rawls also states that it “normally depends upon the respect of others. Unless we feel that our endeavors are respected by them, it is

³ John Rawls, *A Theory of Justice* (Harvard University Press: 1999). Page 79.

⁴ John Rawls, *A Theory of Justice* (Harvard University Press: 1999). Page 79.

⁵ John Rawls, *A Theory of Justice* (Harvard University Press: 1999). Page 386.

difficult if not impossible for us to maintain the conviction that our ends are worth advancing.”⁶ Hate speech, then, acts as a direct violation of our self-respect, which could lead us to believe that our ends are not worth advancing and that our lives are not worth living. All of this, because of the abhorrent remarks of those who are unable to respect others unless they conform to their own conception of the good.

For example, the Westboro Baptist Church regularly uses hate speech to spread their messages. They carry signs at Pride Parades that are filled with deeply homophobic, disheartening rhetoric. They are clearly imposing a belief on others that their conception of the good is the only one that is worth pursuing, and that the lives of homosexuals simply do not matter. It is meant as an attack on the self-worth and self-respect of participants in the parade, and in perhaps the most crass and vulgar terms possible. Such attacks are attempts to call others’ regard for themselves into question, and thus represent a fundamental and direct attack meant to call their victim’s self-worth and respect into question, at the very least. This could have horrible consequences on the gay community, especially with gay youths, who are already three times more likely to contemplate suicide than the average person.⁷

Hate speech also creates instability, due to the blatant lack of respect between persons and the depleting of one’s own self-respect. Basic respect for one’s fellow citizen is the foundation of society, so hate speech is bound to create problems with stability when one group imposes hateful rhetoric and beliefs on another. Self-respect is key to stable society, and self-respect requires the respect of others as Rawls argues, so a society plagued with hate speech is bound to have more instability than one without it.

Another common objection to the banning of hate speech is that it takes away another fundamental right of free and equal citizens: the right to freedom of speech. If self-respect is a primary good, rights are another, and how ought society pick and choose between goods like this? Taking away

⁶ John Rawls, *A Theory of Justice* (Harvard University Press: 1999). Page 154.

⁷ “Facts About Suicide,” *The Trevor Project* online, last modified 2017, <https://www.thetrevorproject.org/resources/preventing-suicide/facts-about-suicide/#sm.00001rvdvrRx00e75qinohfl4tkie>.

the freedom of speech is also a slippery slope to taking away the freedom of thought and imposing the same conception of the good on all. Freedom of speech is a right that all citizens deserve, and it should not be tampered with for any reason.

Freedom of speech is championed by liberal democracies, until a certain point. For example, one is not permitted to yell fire in a crowded theater, because it causes unnecessary panic. Germany has even made Nazi symbols illegal, because of all the pain and suffering those symbols and ideas have caused millions. Yet, we do not see the United States banning the Confederate flag or other symbols of slavery in the South. I would suggest that a general maxim one can draw from our current restrictions on speech is that one is free to speak insofar as they do not infringe upon the rights or safety of another. This is very similar to how the freedom of speech is practiced in common law. *Schenck v. United States* ruled that speech could be restricted if it posed a clear and present danger to society⁸, which I suggest hate speech does.

I propose that hate speech can pose a clear and present danger to our society, which can just be another Rawlsian reason to ban it, as it can seriously threaten the stability of an institution. Hate speech can lead to riots, violent encounters between citizens, and even murder, if people are provoked enough. For example, the Charlottesville “Unite the Right” rally soon descended into chaos, as white supremacist groups were chanting racial, homophobic, misogynistic, and anti-Semitic slurs. Violence broke out between the two groups – the white supremacists and counter-protesters – that escalated quickly to homicide when a member of the white supremacist group drove an SUV into a crowded area, killing one person and injuring many more. This is merely one instance of hate speech quickly escalating into a violent situation with tragic endings.

I argue that this objection does not hold, because hate speech could easily fall under the ambiguous bubble of what is considered to be speech that incites clear and present danger. Self-respect, as Rawls suggests, is “perhaps the most important primary good”⁹ so people are not going to just sit

⁸ “*Schenck v. United States*,” *Encyclopædia Britannica* online, last modified February 24, 2018, <https://www.britannica.com/event/Schenck-v-United-States>.

⁹ John Rawls, *A Theory of Justice* (Harvard University Press: 1999). Page 386.

idly by while others strip them of it. Protests involving hate speech often escalate to violent situations, some of which have irreparable harm – like the woman who lost her life at the Charlottesville riots. If hate speech is a violation of Rawls’s most important primary good *and* poses a clear and present danger to our society, I see no objections that hold to banning it – aside from post hoc objections about enforcement, which is beyond the scope of this paper.

Though the freedom to speak as one sees fit is one of the championed pillars of liberal democratic societies, there is a strong Rawlsian argument that can be made in favor of banning hateful speech. It would be objected to in the original position – the foundation of Rawlsian theory – because one would not know their social status behind the veil of ignorance, so they cannot be certain if they would be likely to fall victim to hate speech. It also is a violation of Rawls’s most important primary good, self-respect, because it conveys the message that some lives are not worth living and some ends are not worth fulfillment. Rawls himself says that “a desirable feature of a conception of justice is that it should publicly express men’s respect for one another. In this way they insure a sense of their own value.”¹⁰ Hate speech prevents reasonable citizens from being able to do this by denying them a sense of their own value and respect from other citizens in return. Hate speech is abhorrent, divisive, and has absolutely no place in a liberal democratic society – even in one that cherishes the freedom of speech.

¹⁰ John Rawls, *A Theory of Justice* (Harvard University Press: 1999). Page 155.

Metaphysics through the Lens of a Police Box

Rebecca Owens

BBC's science fiction show *Doctor Who* takes us on a magical journey through time and space. From revisiting dinosaurs and Vikings to exploring new planets and futures, the show takes viewers anywhere they could want to go. *Doctor Who* follows a main character called The Doctor. He is of the alien humanoid species Time Lord and travels through time in his time machine/space ship called the TARDIS. One of the unique things about Time Lords is that they have a power called regeneration. That is to say when their bodies are fatally wounded, they repair themselves and regenerate into a "new" person. I use quotes here because, throughout this paper we will be looking at different philosophical views on what makes a person, what makes identity, and how, or whether, either can survive through these regenerations.

After outlining several mind/body and identity theories from Descartes, Locke, Lewis, and Perry, with the assistance of another TV show, each of these views will then be applied to the situation of regeneration in *Doctor Who*. After consideration is given to what makes up identity, we can look at the survival of identity not just through changes in body but also through time. Given that the Doctor travels in time, there are various situations that arise in the show that make one question the nature of time as well as call into question the survival of persons and identities through time. By the end of this paper there will likely be more questions than answers, but it should be a fantastic journey so *allons-y*.

Descartes as a foundationalist starts with the basis of what he knows. He needs a secure foundation and the lowest possibility of error. The first thing he knows is that he exists. To think or consider the physical world, he must already be thinking. If he is able to have these thoughts, he as a self or mind must exist to produce these thoughts. Thus, he can be certain that his mind exists. However, he cannot be certain that his body, the physical form, exists. Descartes notes in *Meditations II*¹, "I am not the assemblage of members called the human body[.]" Bodies as we perceive them to exist

¹ Descartes. (2010, December 1). *Meditations II*.

could merely be dreams or the work of some evil demon. Though, if we allow the physical world to exist, there are some alterations to make on the way in which we view it.

With Descartes being a dualist, he naturally sees minds and bodies as separate. The “I” or self is not a body, brain, any part of the body or anything physical in nature. In other words, the mind or self is not incidental with anything physical. By this, the universe is made up of these two different substances, minds and bodies, which are not identical. They can, however, be causally related. This will at least allow us to make sense of our perceptions of a physical body and of our actions correlated to what the mind experiences. Also, because these two things—minds and bodies—are separate, it makes sense that one can survive the other; that is, the mind can survive the destruction of the body.

Turning to Locke, we can look beyond the mind and body and look into identity. Locke believes that the physical and mental can be linked through time and space. He defines a person as “a thinking intelligent being, that has reason and reflection[.]”² When considering his views on identity, he looks to establish criteria for what make a person’s identity, thus establishing something like requirements for survival. Each in turn he looks at substance, man, and lastly the immaterial self.

Right off the bat, Locke rejects substance, meaning he does not think that material substance is what makes one person the same throughout time. This makes sense as everyone undergoes physical changes, some which can be drastic, such as loss of limb, or minimal, such as shedding skin cells; yet, we still consider them the same person. Were this not the case, and identity was rooted in substance, every time even one atom leaves your body, say, through respiration, you would be a different person. Persons would not exist even a nanosecond as substance undergoes many changes.

Next, Locke looks at identity of man versus identity of person. This looks into the question of whether being one man, or rather existing in the same living body, links a person through time.

² Locke, John. (1959) *An Essay Concerning Human Understanding*. New-York: Dover publications. Page 448.

The distinction between man and person can be seen through examples of body swapping. Say one person's soul enters a man, taking the place of the soul that was in that man. Being controlled by a different mind, the body would certainly act differently than if it were inhabited by the original soul. But, it is still the same living body doing all the actions. Would it not be the same person?

This question can be better phrased in terms of an example, and we can turn to Korean drama *Oh My Ghost*. In this show ghosts exist in the natural world, unseen and believed not to exist by most, yet seen by the main character Na Bong-sun. The ghosts also have the power to inhabit, or possess, almost any body at will (the specifics of which are not important at this point). The main character is singled out by ghost Shin Soon-ae and throughout the series is repeatedly possessed by her. When possessed, Soon-ae's soul directs the body in quite a different way than normal. When she leaves, the body is left with Bong-sun again. Bong-sun knows nothing of what the ghost has done; her most recent memory is always the last moment before Soon-ae possesses her. Her boss notices her erratic behavior and takes her to a doctor who diagnoses her with bipolar disorder, and this is how her friends/coworkers make sense of what is going on since she cannot tell them about the ghost. From her coworkers' perspective, every action is done by Bong-sun. Though it is at times the soul of the ghost, it appears to them only to be Bong-sun as it is her body, and the coworkers are ignorant of the ghost.

But, from the perspective of those who know what is going on, the audience and one other character in the drama, the actions done by the soul of Soon-ae and the actions done by the soul of Bong-sun are considered to be done by different people even though they are done by one body. This is what gives Locke the grounds to say that "man", or the living body, cannot be the connecting a person's identity through time. When there exists the possibility of bodies being controlled by different souls and souls jumping from body to body, the body fails to be a constant that connects the person through time.

Without substance and living bodies for the key to survival of personal identity through time, Locke turns to the immaterial: minds. Even across body swaps, the mind or soul somehow stays constant. Locke then asserts what he believes to be holding identity together through that mind, and here he turns to consciousness, or memories. Though physical form may change,

consciousness is constant. It is constant, he says, through our memories. The mind can recall its history, regardless of change in substance or body. One common discussion point on his view is lapses in memory and loss of consciousness. He resolves this by saying the memories still stretch before those lapses or losses, thus the mind can still keep track of the jumps by going back to the most recent known memory.

I move lastly onto Perry and Lewis before we delve into these views' applications on our main topic of *Doctor Who*. The Perry dialogues echo Lewis. As Miller brings in, things are made of parts that are connected in a certain way. These parts "just have to be related in certain ways so as to make that complex whole[.]"³ Weirob understands this, then asking Miller for the analogous connectedness for persons. Miller brings in "person-stages", a stretch of consciousness. Weirob presses for the understanding of knowing how these stages or stretches can be connected. Miller references the same passage from Locke as above to pass on to Weirob that what connects the stages are memories. From here, we get the view that each subsequent stage is connected to the previous by possessing the memories of that previous one. For Locke, this was "extending our consciousness back in time."⁴ Beyond the connectedness, Miller extends this to what makes up identity. As stated, memories are what keep us surviving through time, but what about a person's core identity? Identity is exactly that; remembering thoughts and feelings of your person from past consciousness.⁵

This talk of person-stages leads directly to Lewis's view on survival and identity. Lewis also believes "what matters in survival is mental continuity and connectedness."⁶ His condition is that stages must be similar and successive such that they are causally dependent on the preceding state. Like Locke and Perry, Lewis believes that what matters in survival is identity, that the same person with these thoughts and feelings will continue to exist in, the same identity of the person now and the person surviving in the future. These person-stages cannot be identical with each other but are

³ Perry, J. (1988). *A dialogue on personal identity and immortality*. Indianapolis: Hackett Publishing. Page 24.

⁴ Ibid. Page 26.

⁵ Ibid.

⁶ Lewis, D. (1983). *Philosophical papers*. New York: Oxford U.P. Page 17.

instead connected through a certain relation R . A person is thus understood in terms of these related sequences of stages.

With these views now on the table, we can consider the case of the Doctor and his survival and identity through regeneration. First off is some clarification as to what these regenerations are. Regenerations are a natural part of the Time Lord species allowing them to survive through fatal experiences. Time Lords accomplish this through the use of “regeneration energy”. The regeneration process heals their body, but the body drastically changes in the process. Also, the mind of the Doctor, while maybe not entirely matching in personality, is present in the resultant “new body.” Though used in the show as a way to rotate actors and keep the show airing over time, one can still question the idea of the Doctor, Time Lords, or any being surviving through these changes. It then begs the question, once regenerated, is that being the same?

Starting again with Descartes, he says that minds and bodies can be causally connected, though they are not identical with each other. He believes the mind can survive the destruction of the body as they do not have to be dependent on each other. Even without a body as a consequence of regeneration, Descartes’ view on minds and bodies lends itself to the conclusion that the Doctor’s mind would survive the death of his body. But, with regenerations there is a new, healthy body that that mind could be causally connected to. If a mind can leave a body, it makes sense that the reverse should be true: the mind can re-identify with a body.

Going off the view that the Doctor’s mind can survive this process independent of the body, we can turn to Locke and begin on the question of whether the mind that survives is enough to make the Doctor identity, whether “the Doctor” has survived. As Locke found, substance and man are not what links a person’s identity through time. Good thing too, because in regeneration the Doctor loses that first body by making a new one. As we see the Doctor persisting through these many regenerations, we would not want a view that does not allow his existence beyond his body. Locke brings up an interesting anecdote on the separation of part of oneself and how it supports that consciousness is what makes up being the same person even through the separation of a finger. This relates to an interesting event in the Doctor’s timeline which we will return to after establishing initial views on regeneration.

As substance and man are not what make up identity, we follow Locke to look at the immaterial next: consciousness. Again, for Locke, memories connecting a person through time are what make a person's identity survive through time. The Doctor through his regenerations has memories of his past selves. For the most part, he regenerates and knows who he is and who the people are that are with him. But, there are also some lapses and adjustments to be made. After regeneration, the Doctor takes some time to get used to his new body. Beyond just appearances, preferences also change. It seems that while the previous mind of the Doctor quite liked apples, this new body with which his mind was now connected hated apples. This harkens back to Descartes wherein the mind and body have some causal connections. These sensations are not purely from the mind as they seem to have changed based on the body the mind is with. This could lead to a discussion on perceptual theories and how they relate to mind and body switching. The mind does not seem to be related to the perceptions of the body; preferences of the person have changed implying a stronger connection of preferences to the body rather than the mind as the body has changed but the mind has remained constant. But that would be a topic for another paper.

Back to Locke and memory, in addition to new preferences, there are occasional memory lapses with the Doctor after regeneration. One time, though maybe for comedic effect, the TARDIS was crashing during his regeneration and after composing himself after the change, he turns to his companion and says "Do you happen to know how to fly this thing?" Another notable regeneration event might point to a link between his ship and himself. The TARDIS is what enables him to travel through space and time in the time vortex. It runs from time energy of the vortex and can be pretty dangerous if you expose its heart whereby the person staring into it would absorb power of time and space and existence, even giving that person the power of life and death. In later episodes of *Doctor Who*, the heart of the TARDIS looks to be made of similar stuff as the Doctor's regeneration energy. Most of the Doctor's regenerations happen in or near the TARDIS. One time, though, the Doctor was far, far away from the TARDIS when he regenerated. After this regeneration, he had severe amnesia until a connection with the TARDIS triggered the return of his memories. Going back to Locke, what does this say about continuity of minds if the mind can lose memories? If it weren't for the TARDIS and the Doctor were to remain amnesiac, would he

still be the Doctor? According to Locke, at least, if he does not have memories to connect back to a previous self, he would be a different person.

Lewis's take on regenerations may be different. Connectedness is important for Lewis as well, but it is not necessarily memory that connects a person. People have stages that are in a certain relation to each other. Though he doesn't specify the exact nature of the relation, each successive stage is causally related to the preceding one. In the case of the Doctor, while there may be some fuzzy memory, a causal relation could still exist between these stages in that the same person, the Doctor, is surviving through all these stages. Identity is not necessarily a part of this process, rather it is more the temporal continuation of stages, because stages are not identical to each other.

With general ideas on regeneration down, we can turn to the side note of Locke and the finger and to one rare event that happened in the *Doctor Who* series—an odd use of regeneration energy. One more thing to note about regenerations is that following the regeneration, there is still a period of about fifteen hours wherein if the Doctor is wounded (but not fatally), there is residual regeneration energy that will repair it. In one regeneration, he loses a hand in a sword fight hours after he regenerates. Because he was within this window, the hand grew back. Oddly enough, the Doctor preserved the hand and kept it on the TARDIS with him. Before revealing the probably predictable outcome of the preserved hand, let's think of how this relates to our metaphysical discussion of the series.

Locke talks about consciousness and separation of part of the body. Through this he gathers that consciousness is necessary and sufficient for a person to have their identity survive. In his example, he talks about losing a finger and how if consciousness were to go with that finger, then the little finger would become that same person as the whole body it used to be associated with. In comparison to the Doctor losing his hand, consciousness stayed with the body while the hand became separate from his being. At this point, this fits with Locke again reinforcing that substance is not constant, and consciousness is what unifies a person. The twist comes in a later episode when the hand forms a new, complete conscious Doctor. This initially seems to throw a wrench in Locke's view. If consciousness of the Doctor remained with the whole body, how does a consciousness reminiscent of the Doctor arise in a severed hand? Can consciousness split and

cover two bodies? Looking further into this situation and bringing out some details may clarify things.

In this episode, the Doctor receives a fatal wound, and as he is dying the inevitable regeneration process starts. However, this Doctor does not want to regenerate and take a new form. He allows regeneration to partially occur so as to heal his body, but he stops it before it completely changes him. He then transfers the remaining regeneration energy into the preservation jar with his severed hand, trapping it inside with the hand. The Doctor explains this process, saying that he was able to stop the regeneration from fully taking effect because he could transfer it to something biometrically similar, i.e. his own hand. It is not until later, when the TARDIS is in trouble and the Doctor is not on it, that with the help of one of his companions the jar breaks and the hand sprouts a body identical to the Doctor.

How then does this new consciousness come about and how is it that it also has the Doctor's memories and appears to be of the same identity as the Doctor? In regular regeneration, I was under the assumption that the mind stayed the same throughout all versions of the Doctor, as each new mind has the memories of the previous, though the mind's expression, like personality, would vary; regeneration seemed to alter the brain chemistry. However, in this case there is no brain to start with, just a severed hand. Yet, by adding regeneration energy, it generates a new consciousness. This seems to imply a connection between regeneration energy and the rise of a consciousness. Recall that in one case of regeneration, the Doctor had no memories until the TARDIS supplied them. Because this hand grew a consciousness on the TARDIS, it could have been supplied with all the Doctor's memories as well, making it appear as just another Doctor. This also leads to more questions about the TARDIS and its time vortex energy. If it is true that the TARDIS is responsible for the Doctor's continued existence, does it recapture the Doctor's soul during regeneration so it can reattach it to the new Doctor's mind? But in the case of the hand, the "original" Doctor is still alive and the hand is the "new" Doctor, and both exist at the same time, so there would need to be more than one "copy" of the Doctor's soul. As memories and consciousness are not physical things, does that allow for them to multiply? How then can we consider these two Doctors? Are they two distinct Doctors or could they be one thing, just different instantiations of the one Doctor?

Regeneration is a key part of the Doctor's being and sets itself up nicely for metaphysical discussions on mind and body relations. While Locke and Lewis can weigh in on what makes for survival of personal identity through time, we can also turn to survival of simple substance through time such as the Kleenex box in the Perry dialogues as well as the Ship of Theseus. One thing I have wondered about the Doctor's regenerations is how the body changes: do the atoms of the Doctor rearrange to make the new Doctor, in which case he would be made of the same substance, or does the regeneration energy grow as new substance making a new Doctor? While the latter may seem contrary to conservation of mass, the idea that the regeneration energy inside him should not be able to spontaneously contain enough matter to make a whole person would lend itself to the former that it may simply be the energy required to cause the changes in the existing atoms of his body. But Time Lords are no strangers to messing with dimensions such that large quantities of matter can be located in small spaces. Just look at the TARDIS whose notable quality is that it is bigger on the inside, another Time Lord design.

Back to the question: does the Doctor have the same body throughout regenerations (in the sense that it is made of the same things, not in the identical arrangement)? One way I have thought about this is through a modified look at the ship of Theseus. Say instead of replacing parts of the ship with new ones you switched around the parts that are there, rearranged all the parts of the ship such that it did not look like the ship of Theseus that everyone had come to know. Those who think the ship of Theseus survives through replacement of boards till every part is new would probably still believe that this rearranged ship is the ship of Theseus as they accept change in substance, though perhaps rearrangement may matter to some. I feel there would be more contention in those who believe Theseus's brother's ship is the ship of Theseus, as they seem to believe that being made of the original substance makes that ship the ship of Theseus. I wonder if they thought if the arrangement of those parts would make a difference.

Another key part of *Doctor Who* is the main character's ability to travel through time. As expected, time travel gets messy and can land him in difficult situations. The general assumptions about time that the show use shape how the events unfold. More on each of these later, but to set them up, they are as follows. One is a common quote of the show: "People assume that time is a strict

progression of cause to effect, but, actually, from a non-linear, non-subjective viewpoint, it's more like a big ball of wibbly-wobbly... timey-wimey... stuff.”⁷ Another is that there are certain fixed points in time, moments that are inevitable and cannot be changed; changing them would cause space and time to unravel. The Doctor, being a Time Lord, knows when these moments are, or can at least sense them, which helps prevent him and his travelers from drastically altering the course of the future and time itself.

Thinking on the first assumption, time is not linear but all mixed together at least from an objective point of view. In my view, I consider that to be true and that time appears linear because our own sense of time is linear-like as it is subjectively following our life and time stream through our personal stages. Upon reading Lewis’s paper “The Paradoxes of Time Travel,” I find that Lewis has a similar view. In resolving how two events can be separated by unequal amounts of time, he suggests two views on time: external time, or that which is time itself, and personal time, or the time of a particular person. Functionally, personal time is “that which occupies a certain role in the pattern of events that comprise the time traveler’s life.”⁸ Coordinates can be applied to the time traveler relative to his stages and the events around him in external time. Lewis however says that a common person’s stages would have regularities with external time, unlike the time traveler’s.

Lewis’s view on external time seems to be linear such that external time and a common person’s stages match linearly and the time traveler has a flux in his time that while linear relative to himself is non-linear compared to the others. He brings back his mental continuity to unite the time traveler’s stages; all others are continuous with external time. With Lewis’s view, time, or rather external time, seems stuck in this linear pattern of events, and I wonder why he seems bound by this linear construct of time. A time traveler already has his own subjective timeline (though avoiding the word timeline would be preferable so as not to imply it is linear), so why are others bound to a linear time? In a way, all people are time travelers, though not all experience it in an unusual way. But, think of people waking up from comas; they could fall asleep in one year and wake up in another. Or even someone who is tired sees a clock reading 5:00 but then blinks and it

⁷ “Blink.” *Doctor Who: Series 3*. Directed by Hettie MacDonald. BBC. 2007.

⁸ Lewis, David. “The Paradoxes of Time Travel.” *American Philosophical Quarterly*. 1976.

reads 5:17. From their subjective view, a second has passed but objectively seventeen minutes have passed.

In the Doctor's travels, there have been instances of different parts of one person's timeline occurring at the same objective time and near the same spatial location. This is seen either with himself or his companions. Sometimes, there is no issue. For instance in a clip, the TARDISEs of the fifth and tenth Doctor cross paths and synched into the same spatiotemporal location putting both doctors in one TARDIS together. Their TARDISEs are both going wonky and neither notices the other is in their TARDIS until they bump into each other. There ends up being a problem that the tenth Doctor knows how to resolve, so he assists the fifth who did not know what to do. The tenth then remarks that he only knew what to do because he remembered seeing the tenth do it when he was the younger fifth Doctor. This brings about a similar circular issue as Lewis mentioned with his time traveler on the phone telling his younger self how to build a time machine. Lewis answers this by saying this event lacking a cause might not be impossible as we accept other uncaused and inexplicable events. We could also reevaluate how we consider time as a whole. A person's timeline is connected through their lifetime through their mental continuity from past stages to present. At least, that is how we experience them. External time according to Lewis is the objectively linear path that is the reference for everyone's personal timelines. But, what if instead we consider time in a less rigid way? Though the description from the Doctor (wibbly wobbly) is not very convincing, we could at least imagine a nonlinear external time, one in which time is happening all at once and events are interconnected in a more web-like way than the strict line of cause to effect. Though thinking through this, I am not sure if it can solve the circularity behind future selves helping past selves get to where they are.

There are many more discussions to be had about time's role in *Doctor Who* and many more examples which would be interesting metaphysical discussions, but those can be saved for another paper, another time. Though I would have liked to get to a discussion on the episode "The Girl Who Waited" which can look at a person's split timelines and what happens if you try to bring those two people together in the same time-space where the two existences are contradictory as the survival of one means the other could not exist, time is running out. Though a fictional show, even just a couple parts from it open many doors to discussion on the persistence of mind through

body separation, how identity survives through time, and also on the nature of time itself. It seems at least in the views analyzed here that we can conceive of the Doctor surviving through his regenerations with the same mind as the same person, though some rare events may call that into question.

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I encourage any and all undergraduates to submit papers in the future. Keep an eye out for a call for submissions both fall and spring semesters.

- Kate Lohnes