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Letter from the Department Chair

I am delighted to introduce the fifth issue of *Falsafa. Undergraduate Journal of Philosophy*. This issue is remarkable in many respects. The graphic and artwork are outstanding. The breadth of perspectives and themes is striking - ranging from core issues in analytic metaphysics, to Stoic and Spinoza exegesis, up to issues pertaining to consent and morality. Also the provenance of the authors, comprising international ones, testifies to *Falsafa*’s success as a publication venue for Philosophy undergraduates worldwide. A new section dedicated to a book review is likewise a welcome addition, which I hope will become a permanent feature of this journal. My admiration and sincerest gratitude go to the editorial team and the Philosophy Club for this wonderful achievement, very much conceived and realized still under the strictures imposed by the pandemic.

Annalisa Coliva

**Professor and Chair**

**Department of Philosophy**

**University of California, Irvine**
Letter from the Designer

My process in creating the painting for the cover of this issue began by applying a thick coat of heavy gesso to the canvas and using a palette knife to create texture. Once that dried overnight, I covered the whole piece with a layer of dark paint and allowed that to set. It needed to fully cure because the next step was to use sandpaper to smooth the surface. The peaks and ridges were sanded away to reveal the white gesso beneath, creating swirling highlights.

This process was itself a meditation on the pursuit of wisdom -- the accumulation of knowledge, formulation of ideas, and refining of thought. The result in this piece reminded me of light cast across whorling water. A glow emanating from the depths of contemplation. Perhaps, too, a reflection on the first steps that we took in the return to campus this fall, cautiously emerging from isolation.

I am honored to have this painting, Falsafa I (2021), included in this issue of the journal.

Thank you to The Philosophy Club for this opportunity.

Teresa Bernadette
Designer
Letter from the Chief and Managing Editors

We are pleased to present the fifth issue of Falsafa, The Undergraduate Journal of Philosophy. While utilizing remote work for another publication due to an ongoing pandemic, Falsafa’s team sought to highlight under-represented, undergraduate work. We strove to create a platform for every field of philosophy and, thus, this issue brings together several styles and traditions, publishing papers submitted by five talented undergraduate authors from around the world. This publication contains papers on the universal-particular distinction, stoic compatibilism’s coherence, ethical frameworks of consent, Spinoza and incarceration, and a review of Marina McCoy’s book on the use of imagery in Plato. We have arranged these papers by subject, with the two papers on metaphysics first, followed by our papers on ethics, and concluding with a book review to inspire further reading.

This issue would have been impossible without our skilled and dedicated team of editors, our publisher, communications manager, and our designer. Their hard work, despite the demands of school, their extracurricular responsibilities, and the challenges of remote work, allowed us to prepare the issue in record time.

We would also like to thank the authors included in this issue, as without their hard work, writing, and revising, Falsafa would not exist. Their passion and attention to detail indicate their competence in the field of philosophy and that they have a bright future ahead of them. We hope that all those who submitted to Falsafa will continue to write and read philosophy. We would also like to extend our gratitude to the hundreds of schools who distributed our call for papers and helped us find the fantastic papers that comprise this issue.

A special thanks to UC Irvine’s Department of Philosophy for their assistance and guidance. The editing team is very grateful to have your continued support for our mission to create a platform for promising undergraduate philosophers.

James McDaniel
Chief Editor

Davin Caswell, Alexandros Gkikas, Jacqueline Markham
Deputy Chief Editors
DO RAMSEY’s OBJECTIONS AGAINST THE
UNIVERSAL-PARTICULAR DISTINCTION SUCCEED?

Emma Bird, Trinity Hall, University of Cambridge

Abstract

In ‘Universals’, Ramsey rejects that we have good reason for an ontological distinction between universals and particulars that is based on a logical distinction between subjects and predicates. I will argue that his rejection of a subject-predicate distinction as a basis for a universal-particular distinction succeeds. However, Ramsey does not attempt to provide any conclusive positive argument against the universal-particular distinction, and thus the most that can be concluded from Ramsey’s work is that the subject needs further discussion.

Introduction

The putative existence of universals is a contentious metaphysical issue. If universals, (those properties that an object has in common with other objects) are accepted as distinct entities, independent of the particular objects that possess them, a radical shift in the discussion of properties and objecthood would be required [1]. In ‘Universals’¹, philosopher and mathematician Ramsey rejects that we have good reason for an ontological distinction between universals and particulars that is based on a logical distinction between subjects and predicates. I will argue that his rejection of a subject-predicate distinction as a basis for a universal-particular distinction succeeds. However, Ramsey does not attempt to provide any conclusive positive argument against the universal-particular distinction, and thus the most that can be concluded from Ramsey’s work is that the subject needs further discussion. The arguments in ‘Universals’ also reject that grammar is a useful guide to logical form.

In this essay I will assess three arguments for a subject-predicate distinction. In section 1.1, I will assess the transposition argument, which Ramsey correctly dismisses as only considering a grammatical distinction, not a logical one. In 1.2, I will assess the argument from incompleteness, which Ramsey also successfully refutes by reasserting symmetry between subjects and predicates. In section 2, I will consider Ramsey’s reductio of complex universals and conclude that this successfully rejects the possibility of a universal-particular distinction that is based on a subject-predicate distinction. Finally, in section 3, I will assess the possibility of an alternative basis albeit for a universal-particular distinction; usefulness.

Before analysing whether such a distinction exists, I will first clarify what is meant by the terms ‘universal’ and ‘particular’. A good account comes from Russell\(^2\) (the primary target of ‘Universals’) and his distinction between individuals or objects, called ‘particulars’, and qualities or attributes (such as ‘redness’) called ‘universals’. Russell concluded that there must be a logical distinction between an object (which has one logical type) and its properties (which have a different logical type). A universal is a property which can be shared by multiple objects, while still retaining numerical identity and being the same universal; for example, a tomato and a strawberry may both have redness and this redness remains one and the same property, despite simultaneously belonging to distinct objects. By contrast, a particular may not be shared across objects and retain numerical identity; this tomato cannot share the property of being this specific tomato with something else, and its ‘tomato-ness’ is not numerically identical with that of another tomato. It must be noted that most accounts of the universal-particular distinction avoid requirements of spatio-temporal identity (being situated in the same place in space and time), as this causes difficulties for more abstract particulars, such as those of mathematics.

**1.1 Rejecting the Transposition Argument**

I will first consider a universal-particular distinction that is based upon a subject-predicate distinction; the relationship between the two shall be understood as

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one of denotation, such that universals and particulars are the entities denoted by predicates and subjects respectively[2]. Russell,\(^3\) writing before Ramsey, correctly identifies that the relevant distinction between subjects and predicates must be a logical one. Ramsey’s consideration therefore is whether the universal-particular dichotomy is entailed by a difference in the logical role of subjects and predicates. I will demonstrate that Ramsey is correct in his rejection of this entailment. This therefore challenges the Fregean belief [3] that the logical form of propositions can be a guide to the ontological structure of reality.

The initial argument for a subject-predicate distinction that Ramsey\(^4\) considers is dubbed by Simons\(^5\) (a critic of Ramsey) the ‘Transposition Argument’. This argument refutes a Fregean conception of language such that simple atomic sentences such as ‘Helen is beautiful’ naturally decompose into ‘Helen’ and ‘x is beautiful’, and that this natural decomposition of language reflects the true structure of the proposition expressed by the sentence. This true structure of the proposition is thought to reflect a logical distinction between two types of entities (subjects and predicates). Johnson\(^6\) (who defends a Russellian analysis) expresses these as ‘substantives’ (corresponding to subjects) and ‘adjectives’ (corresponding to predicates). For the purposes of this essay, the language of ‘subject-predicate’ shall be used when discussing Johnson’s analysis for the sake of consistency.

Ramsey\(^7\) successfully refutes the above ‘natural decomposition’ on the grounds that atomic sentences such as ‘Helen is beautiful’ can be rewritten as ‘beauty is a characteristic of Helen’ such that ‘beauty’ becomes the subject and ‘x is a characteristic of Helen’ becomes the predicate. This demonstrates that a seemingly natural decomposition does not reflect a logical difference as the two different sentences express the same fact [4] and therefore a difference in grammatical form does not reflect a difference in logical form. On the level of surface grammar, a distinction between

\(^3\) B. Russell (1903) The Principles of Mathematics, Cambridge: Cambridge University Press


subject and predicate is arbitrary and therefore cannot reflect a difference in the logical properties of subjects and predicates.

This conclusion of the transposition argument should not be considered surprising, on account of the fact that grammatical form of a sentence had already been distinguished from logical form of a proposition. Russell himself, in his theory of definite descriptions\footnote{B. Russell (1905) On Denoting. \textit{Mind}, 14(56), new series, 479-493.}, identifies how the grammatical structure of a sentence such as ‘the present king of France is bald’ may mislead one into falsely presupposing the existence of a present king of France, when in fact there is none. Russell contends that analysis of the logical structure of the proposition in the form ‘the $F$ is $G$’ reveals that there need be no king of France for the sentence to be meaningful. This is just one example that demonstrates that any argument for a logical subject-predicate distinction based upon grammatical differences is weak, as while grammar may often reflect logical form, it need not always do so.

MacBride\footnote{F. MacBride (2005a), Ramsey on universals. In Hallvard Lillehammer & D. H. Mellor (eds.), \textit{Ramsey’s Legacy}. Oxford University Press.}, in his commentary on Ramsey’s work, points out that criticising Ramsey (as Simons\footnote{P. Simons (1992) “Ramsey, Particulars and Universals”, \textit{Theoria}, LVII: 150–61.} does) for failing to recognise the above is mistaken, due to misunderstanding Ramsey’s argument to be as follows:

\begin{itemize}
  \item [a)] There is no subject-predicate distinction
  \item [b)] There is no universal-particular distinction
  \item [c)] b) because a)
\end{itemize}

It is not true that Ramsey attempts to argue for c) – in fact he explicitly rejects a Fregean conception that language consistently reflects logical form, describing how language is in fact a confounding influence on philosophy and has led to misconceptions. Ramsey is clear that he does not intend for the transposition argument to be a positive argument for the rejection of the subject-predicate distinction; instead, he demonstrates that, even if one does attempt to use grammar as a guide, the differing roles of subjects and predicates in grammar cannot reflect a difference in their logical
properties in propositions. Language fails to provide an infallible guide to logical form and often misleads philosophers:

“Philosophers are very liable to be misled by the subject-predicate construction of our language. They have supposed that all propositions must be of the subject-predicate form, and so have been led to deny the existence of relations. I shall argue that nearly all philosophers, including Mr. Russell himself, have been misled by language in a far more far-reaching way than that; that the whole theory of particulars and universals is due to mistaking for a fundamental characteristic of reality, what is merely a characteristic of language.” (Ramsey, Universals, pg 405).\(^\text{11}\)

This therefore becomes a strength of Ramsey’s argument as he can not only undermine the common basis for the subject-predicate distinction but also explain why a mistaken distinction has become so widespread due to linguistic convenience. Despite grammar not consistently reflecting logical form, the clarity in expression that comes from letting linguistics guide philosophy has resulted in a widespread tendency to let language mislead philosophy. This explains a tendency to attempt to read off a logical subject-predicate distinction from grammar.

The transposition argument should therefore not be understood as making a positive case against a logical subject-predicate distinction but rather as highlighting the irrelevance of grammar to this discussion. What must now be asked is whether we have non-grammatical reasons to purport a difference in the logical properties of subjects and predicates as constituents of propositions. We have proposed for now a denoting relationship between subjects-particulars and predicates-universals; as such, a lack of logical dichotomy between the two would present a strong case against the entities denoted by them being ontologically distinct. Equally, if we do indeed identify logically distinct properties of subjects and predicates, this provides a step towards the conclusion that the entities denoted by them are ontologically distinct. I will consider the argument from incompleteness as a non-grammatical reason for logically distinct

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subjects and predicates and argue that Ramsey’s rejection of it is successful. I will then also consider his trinity argument against a logical distinction and conclude that it successfully demonstrates that we do not have a good basis for a universal-particular distinction in a subject-predicate distinction.

1.2 Rejecting the Argument from Incompleteness

One non-grammatical argument for a logical subject-predicate distinction comes from Russell’s description\(^\text{12}\) of an asymmetric ‘felt difference’ between subject and predicate. This is based on his account of how incomplete/unsaturated constituents bind a proposition together. ‘Constituents’ of a sentence refers to words/phrases, which in first order logic would be represented by upper case letters, denoting predicates, and lower-case letters, denoting subjects.

Russell uses the work of philosopher Bradley to defend this argument. Bradley’s regress\(^\text{13}\) challenges how exactly constituents of a proposition are bound together as they are; for example, consider the sentences ‘\(aRb\)’ and ‘\(bRa\)’, where \(a=\)Angelina, \(b=\)Brad and \(xRy=\)loves. In natural language, these sentences express ‘Angelina loves Brad’ and ‘Brad loves Angelina’ respectively. These sentences express different propositions as they say different things about the world. However, if propositions are individuated solely by their constituents (in this case ‘\(a\)’, ‘\(xRy\)’ and ‘\(b\)’) then they would express the same proposition. Bradley, therefore, raises the challenge of what exactly binds the constituents of logical expressions of propositions (for example, ‘Angelina loves Brad’ expressed as \(aRb\)) together in such a way that they express one proposition and not another.

Bradley describes how using a relation between constituents to explain this inevitably leads to an infinite regress, as such a relation merely raises the question of what binds the relation in a certain manner, and so on. Thus, some other non-relational ‘glue’ between constituents is required, and an account of what the nature of that glue is.


Russell’s solution is to identify certain parts of a proposition that are incomplete/unsaturated (predicates) and must be completed/saturated by other constituents (subjects) thus binding the two together. In the above example, the objects \(a=\text{Angelina} \) and \(b=\text{Brad} \) are complete/saturated, while the predicate \(xRy \) is incomplete/unsaturated. This is reflected in the inclusion on the variable places \(x \) and \(y \) in \(xRy \), which can be filled by \(a \) and \(b \) as required. This follows Frege’s hierarchy whereby objects (corresponding to subjects) fall under first order concepts (corresponding to predicates), while nothing falls under objects. As a result, concepts (predicates) are ‘gappy’ in a way that objects (subjects) are not. This difference in incompleteness between subjects and predicates is not merely a grammatical one but a difference in logical properties, and therefore this can be used to reassert the subject-predicate distinction.

This apparent asymmetry in incompleteness is used by Russell\(^{14}\) and Johnson\(^{15}\) to identify two possible ranges of a proposition that can be formed. Objects (subjects) such as ‘Helen’ cannot be saturated by an argument and thus must always fall under a concept (predicate). Because of this, they have only a narrow range of propositions in the form \(f(\text{Helen}) \) (where \(f(x) \) is a predicate function [5]), such as ‘Helen is beautiful’, ‘Helen is a woman’, and so on. By contrast, concepts (predicates) may both take arguments and fall under another concept. As such, they can form both a narrow and wide range of propositions. The narrow range consists of taking the simplest kind of proposition containing the predicate and varying the subject such that we get ‘Helen is beautiful’, ‘Menelaus is beautiful’ and so on, identifying the narrow form predicate function ‘\(x \) is beautiful’. The wide range of propositions containing the predicate consists of those such as ‘neither Helen nor Menelaus is beautiful’ and ‘somebody is beautiful’ and ‘somebody is not beautiful’ identifying the wider form \(f(\text{beautiful}) \) (such that the first order concept named by the predicate now falls under a second order concept). Thus, the disparity in incompleteness of subjects and predicates means that they form different ranges of propositions; this is a fundamental difference in the logical


properties subjects and predicates that suggests the existence of a distinction between the two. Because of the denoting relationship we have accepted thus far, this is indicative of a genuine ontological distinction between universals and particulars.

Nevertheless, a second argument from Ramsey\textsuperscript{16} refutes this and successfully demonstrates that there is no asymmetry in incompleteness between subjects and predicates. To re-establish symmetry, it is sufficient to demonstrate how, working within Russell and Johnson’s analysis, a wide range of propositions may also be obtained for subjects such as ‘Helen’. This can be done analogously to the constructions of wide ranges of propositions for predicates: let the narrow range consist of ‘Helen is q’ where q is a simple property, such as ‘Helen is beautiful’. A wide range would consist of all propositions of varying complexities that ascribe attributes to Helen, such as ‘either Helen is beautiful, or Menelaus is jealous.’ In this way, there is no genuine difference in incompleteness; both subjects and predicates have wide and narrow ranges. We do not yet have a difference in the logical properties of subjects and predicates in propositions, and by extension we do not have an ontological distinction between the universals and particulars they purport to denote.

I have now considered two possible arguments in favour of a subject-predicate distinction; the transposition argument has been rejected as not giving evidence for a logical distinction, and the incompleteness argument rejected by reasserting symmetry.

Nevertheless, neither of these refutations provides positive reason to deny the existence of a subject-predicate distinction. In the context of MacBride’s\textsuperscript{17} above formulation, no argument has been offered for a) there is no subject-predicate distinction. This is in keeping with Ramsey’s aims, who did not attempt to refute the possibility of such a distinction but merely undermine the claim that there is good reason to believe in a distinction.

“\textit{I do not claim that [the transposition argument] is immediately conclusive; what I claim is that it throws doubt upon the whole basis of the distinction between


particular and universal as deduced from that between subject and predicate, and that the question requires a new examination” (Ramsey, Universals, pg 404)

Without a good reason to suppose a logical subject-predicate distinction we therefore have no good reason to suppose an ontological universal-particular distinction entailed by this. Thus, despite making no positive case against a subject-predicate distinction, Ramsey’s successful rejection of two main arguments in favour of the distinction shows that attempting to assert one is, as yet, unfounded.

2. The Incomprehensible Trinity

I will now challenge the denoting relationship previously assumed to exist between subjects-predicates and particulars-universals. Undermining this entailment strengthens Ramsey’s arguments by showing that, even if we were to have good reason to believe in logically distinct subjects and predicates, this would not necessitate distinct particulars and universals denoted by them.

Ramsey’s reductio ad absurdum demonstrates that assuming the existence of complex universals leads us to an “incomprehensible trinity” and therefore the existence of complex universals must be rejected [6]. The assumption of complex universals is made explicit by Johnson, who discusses the possibility of complex predicates such as ‘rational and animated’ (where subject $x$ is described as ‘rational and animated’ as a singular predicate, rather than the conjunction of ‘$x$ is rational’ and ‘$x$ is animated’). If one assumes, as has been by Russell and Johnson, that predicates denote universals, it must therefore follow that such complex predicates denote complex universals; the property of having rationality and animation.

It is these putative complex universals that Ramsey identifies as problematic. Consider the relational proposition $aRb$, which in natural language expresses the fact that the object denoted by $a$ holds the relation denoted by $R$ to the object denoted by $b$. $aRb$ can be multiply decomposed (broken down in multiple ways), such that it simultaneously consists of 3 subject-predicate relations as such: ‘$R$ holds between $a$ and

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Do Ramsey’s Objections Against the Universal-Particular Distinction Succeed?

If ‘a has the property of having R to b’ and ‘b has the property of a having R to it’. Multiply decomposing the expression in this way gives us three ways to group the constituents: ‘a/b/xRy’, ‘a/xRb’ and ‘b/aRy’ (corresponding to the 3 natural language decompositions respectively). This is where the problem arises: if propositions are entirely determined by their constituents [7], then proposition aRb in fact expresses 3 different propositions. These propositions are mutually entailing and each contain one of the three identified predicates. If one assumes a denoting relationship between predicates and universals, it must therefore follow that each of these predicates (aRy, xRb, xRy) denotes a distinct complex universal. These three complex universals, denoted by predicates in mutually entailing propositions, are therefore tied together by some unexplained necessary connection such that when one exists (there is a fact that the object denoted by a holds the relation denoted by R to the object denoted by b) the other two necessarily exist. This is the incomprehensible trinity described above, as the complex universals are simultaneously one-and-many.

A closer analysis of why this is problematic comes from MacBride’s identification21 of Humean motivations behind Ramsey’s reductio. If we have a commitment to this trinity of predicates and corresponding trinity of universals, one is left with the inevitable position of purporting some connection that explains the necessary co-existence of the different complex universals. In his discussion of causation, Hume22 expresses reluctance to accept the existence of a brute necessary connection between cause and effect, when this is not something that he can directly perceive. In an analogous manner, Ramsey is reluctant to accept a brute necessary connection between three universals, and Russell certainly does not attempt to explain one; we are left with an inexplicable brute entailment between propositions, which must correspond to a brute necessary existential connection between universals.

This is a conclusion drawn from the assumption of complex universals and one that is unsatisfactory on account of a lack of explanation of a necessary existential

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connection. The only way to explain the mutual entailment between the predicates is that they are all constituents of propositions expressing the same fact; as such, the different predicates embedded in the propositions \((xRy, aRy \text{ and } xRb)\) cannot denote different universals. Therefore, we must reject the previous assumption that predicates denote universals, and thus conclude that logically distinct subjects and predicates cannot denote ontologically distinct universals and particulars, lest there be an inexplicable and undesirable brute necessary connection. As such, the denotation relationship between subjects-predicates and particulars-universals, assumed above, should be rejected. As such, premise c) in MacBride’s formulation has been refuted.

However, it is crucial to identify a key assumption upon which argument against complex universals rests; an assumption he has yet to defend. Ramsey assumes that differing constituents inevitably result in different propositions. That this is assumed is made explicit in ‘Universals’ where Ramsey states that “these must be three different propositions because they have different sets of constituents” (Ramsey, Universals, pg 406) before his damning claim of an incomprehensible trinity. If this assumption is false, his trinity argument would fail on the grounds that the propositions formed using \((xRy, aRy \text{ and } xRb)\) are one and the same proposition despite their differing constituents. This would allow for a singular universal to be denoted, thus avoiding any ‘incomprehensible trinity’ of universals requiring an unexplained connection. Therefore, if Ramsey’s argument is to be successful, a justification for the assumption that differing constituents inevitably result in differing propositions is sought.

MacBride considers an Ockham's razor defence of Ramsey such that he does not in fact rely on this assumption; perhaps Ramsey is merely highlighting that we have no need for complex universals given that simple universals and particulars are adequate constituents of all propositions. Therefore, complex universals would add nothing to our ontology and simplicity dictates that we deny them, in the absence of other reason to accept them. Appealing though ontological parsimony is, appealing to it

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is a weak defence of Ramsey. Ramsey’s argument does not merely attempt to
demonstrate that complex universals do not add anything of use to our ontology, but
rather attempts to demonstrate that the inclusion of complex universals is actively
opposed to a consistent and fully explained ontology. This claim is stronger than a mere
claim of redundancy, and therefore cannot be defended by appeal to simplicity. The
assumption that different constituents necessitate different propositions is yet
undefended.

One attempt to refute Ramsey’s assumption is offered by Oliver, in his
discussion of factual decomposition. Oliver attempts to demonstrate that facts can be
multiply decomposed and yet remain the same fact. For example, the fact expressed by
‘P & Q & R’ can be decomposed to consist of ‘P & Q, R’, ‘P, Q & R’ and so on, while
remaining the same fact. If the same is applied to propositions, then ‘P & Q, R’ and ‘P, Q
& R’ are constituents of the same proposition, ‘P & Q & R’. As such, having different
constituents does not necessarily result in a different proposition, so long as the fact
expressed by the proposition remains the same.

However, I believe that Ramsey can very simply be defended from Oliver’s
analysis. I believe that Oliver’s claim that fact can be multiply decomposed is flawed; it
only appears this way because the fact has not been fully decomposed. When
considering the sets of constituents ‘P & Q, R’ and ‘P, Q & R’ both can be further
decomposed to form the same set of base constituents ‘P’ ‘Q’ and ‘R’. As such, they are
in fact the same set of constituents, the proposition expressing this fact can be formed
from this single set of constituents. The underlying assumption behind this is that
propositions get their meaning from denotation, and thus if a proposition is to have a
finite set of meanings (required in order for us to make sense of propositions) they must
denote a finite set of things. As such, it is not the case that facts can be multiply
decomposed; when it seems that this is so, it is merely the case that the fact has not
been fully decomposed into its base constituents. Oliver’s challenge to the assumption

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fails and Ramsey is unchallenged in the claim that different constituents mean different propositions.

Rejecting a rejection is not the same as justification; it is not the case that Ramsey’s assumption that different constituents necessitate different propositions has been vindicated thus far. However, at this point, given the intuitive appeal of the claim and rejection of an attempt to undermine it, I am willing to concede this assumption to Ramsey. I place the burden of proof on the defender of different constituents forming a singular proposition, and proceed hereafter granting Ramsey his assumption. I therefore conclude that Ramsey’s reductio has successfully demonstrated the impossibility of complex universals denoted by complex predicates.

3. The Argument from Usefulness

The two main arguments for a difference in the logical properties of subjects and predicates have now been rejected and therefore one can now consider whether we have any remaining reasons to reassert a logical distinction between the two, which could denote an ontological distinction between universals and particulars. This particular-universal distinction could not of course admit of complex universals, as demonstrated in section 2; this is of little significance, however, given that a theory of universals and particulars need not admit of complex universals.

One final reason to defend a belief in a logical distinction between subjects and predicates comes from their use in formal logic. When we treat subjects and predicates as logically distinct (as is the overwhelming norm in formalisation) we are able to successfully deconstruct propositions and analyse logical relations, gaining greater insight into the structure of language and deductive argument. Ramsey does address this in Universals and considers it the most likely grounding for a logical subject-predicate distinction. The usefulness that comes from treating subjects and predicates as logically distinct is a strong indicator that the two really are logically distinct, given that this would be the simplest explanation of them appearing to be so (analogous to the argument from constructive empiricism regarding scientific realism).

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If one accepts both that a subject-predicate distinction is useful in logic (as evidenced by our use in formalisation) and also denies that such a distinction actually exists, one is left with a gap in explanation as to why it is useful as such. By inference to the best explanation, we can say that the best explanation of a subject-predicate distinction being logically useful is that a subject-predicate distinction exists. Therefore, in this way, the fact that we treat subjects and predicates as logically distinct and that this is useful to us suggests that we do have reason, albeit not conclusive, to suppose that they really are logically distinct. By extension, it is at the very least useful to continue to treat universals and particulars as ontologically distinct, despite not having a conclusive positive reason to believe that this is the case.

**Conclusion**

Overall, Ramsey is successful in his rejection of grammar and incompleteness as distinguishing between subjects and predicates as logically distinct. Additionally, the reductio demonstrates that accepting a denotation relationship between subjects-particulars and predicates-universals results in an unexplained necessary connection we are unwilling to accept. Because of this, an ontological distinction between universals and particulars based upon a logical distinction between subjects and predicates is not only challenged but demonstrated to be entirely implausible. Rather than showing that there is no universal-particular distinction, what is shown is that there is no universal-particular distinction based on a subject-predicate distinction. Ramsey does not attempt to make a positive case that a subject-predicate distinction and a universal-particular distinction cannot exist separately from a denotation relationship. Arguments for such distinctions may be found elsewhere, such as an observation the usefulness of treating subjects and predicates as logically distinct, on the grounds that, when we treat them as such, we can form deductively sound arguments. While there can be no basis of a universal-particular distinction in a subject-predicate distinction, the possibility of a non-a priori grounding, such as one of pragmatics, is unexplored and may provide resolution to further metaphysical debate.
Do Ramsey’s Objections Against the Universal-Particular Distinction Succeed?

Notes

1. This is of particular interest to discussions of the interpretation of second-order logical quantifiers. If universals are bona fide entities, then an interpretation of second-order quantified predicates denoting universals is coherent. If one does not admit of universals, some alternative interpretation of second-order quantification is required.

2. The specifics of denotation will not be given much attention here as the exact denotation relationship is of little important.

3. Frege, a contemporary of Russell, believed that by formalising and analysing our language, we could identify the underlying ontological structure of the world. This view is now contentious, but was influential in the early part of the 20th century.

4. I will set aside, for scope, discussions about the individuation of facts. Regardless of whether the world consists of multiple distinct facts or instead all propositions express one singular Fact that is the world, the arguments from Ramsey still stand. The expressions ‘Helen is beautiful’ and ‘beauty is a characteristic of Helen’ express the same fact regardless of whether facts are individuated at all.

5. A predicate function is a predicate with the subject removed and replaced by a variable. For example, the saturated predicate ‘Helen is beautiful’ can have the subject ‘Helen’ removed and replaced by variable ‘x’ to form the predicate function ‘x is beautiful’.

6. It must be noted that this argument as presented by Ramsey can be understood as an argument against the existence of complex predicates due to mutually entailing propositions with an unexplained necessary connection, or as an argument against the existence of complex universals denoted by these predicates on account of an unexplained necessary existential connection between facts in the world. For the purposes of this essay, I will limit it to a rejection of complex universals.

7. This is not uncontroversial but shall be returned to later.
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  Oxford University Press
Abstract

This paper is an exploration of the metaphysics which uphold Stoic compatibilism. I introduce the difference between non-rational and rational action, highlighting the inclusion of assent in the latter. The impression-assent-impulse-action relation characteristic of rational action in the Stoic tradition appears incapable of rendering an agent’s actions undetermined without some additional aid. Due to that, I turn to an examination of lekta, incorporeal entities that provide a point of detachment between impression and assent, one which is undetermined because it lies outside of nature. Unfortunately, though undetermined, lekta introduce the new problem of whether and how corporeals may interact with incorporeals in a Stoic framework. I investigate the relationship between impressions and lekta and suggest a means of exploration of that between lekta and assent.

Introduction

In Ancient Stoic metaphysics, everything is divided into two types of things: corporeal and incorporeal. While a select few entities are incorporeal, lacking any material body or existence, all of nature is contained in the corporeal realm of being. It is this realm of existence, nature, that the Stoics take to be “preordained by fate”\(^1\) or deterministic. For the Stoics, nature is determined in the sense that it is exhaustively constituted by two principles, namely, the active and the passive, the former of which governs the latter. Identified with Zeus, the active principle is rational and composed of fire and breath, or pneuma.\(^2\) The passive principle, likened to Hera, is that upon which

\(^1\) Frede, \textit{Stoic Determinism}, 192.
\(^2\) Frede, 183.
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pneuma acts. Nature is thus a causal network wherein the active force, pneuma, exerts itself over all physical entities, determining the passive principle. The only exceptions from this causal determination are humans.

For the Stoics, humans are set apart from all other physical beings, animals included, on the basis that we are not governed entirely by pneuma but are each endowed with our own share of that active principle. This allows each of us to form “a microcosm [of the active principle] within the macrocosmic network of causal factors...[and thereby] have a certain amount of autonomy.” Stoic compatibilism, then, asserts that, despite the fact that nature is determined, humans posses a level of agency. Compatibility is central to Stoic ethics and metaphysics and is a distinctive feature of their philosophy. Because the reconciliation of causal determinism with a degree of human freedom is a hallmark of Stoicism, it deserves attention.

My aim in this paper is to defend Stoic compatibilism within its own framework. A further goal might be to defend that thesis as true but, to achieve such a defense, I think we would first need to secure Stoic compatibilism within its own tradition. This proves to be a challenging task. There is a history of tension over this doctrine, but compatibilism is so critical to Stoic thought that, despite reasonable doubts, I attempt to offer it potential justification. I do not presume to do so with complete success but hope to supply an understanding of the problems at hand, as well as to nod in the direction of possible solutions to them.

In Section I, I provide an account of how autonomy is said to arise in humans. I discuss the uniquely human faculty of assent upon which our autonomy depends. Though I show that assent plays a key role in Stoic compatibilism, I argue that it cannot do so without its incorporeal counterpart, lekta. Lekta are understood both as “the most important kind of incorporeal”, and as one of the most unclear aspects of Stoic philosophy. Lekta problematize compatibilism by requiring an explanation of the

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3 Frede, 183.
4 Frede, 183.
5 Frede, 186.
6 Bailey, Structure of Stoic Metaphysics, 277.
relation of two corporeal faculties (impression and assent) to incorporeal lekta. Thus, Section II consists of a justification of the relationship of impression and lekta based on the way of being called subsistence. Finding this way of being insufficient to account for the lekta-assent relation, in Section III, I provide an extended exploration of D. T. J. Bailey’s tripartite conception of Stoic ontology. I suggest that the application of the third way of being he offers, obtaining, to the issue at hand might be fruitful. Finally, with Section IV, I present one of the problems that my proposed defence of Stoic compatibilism encounters; one that will need to be addressed before this account can rest on stable footing.

I. Assent

Stoics differentiate between the actions of rational animals and those of non-rational animals, recognizing only humans as the former. Because we are endowed with a portion of the active principle, pneuma, we have a degree of autonomy. This stems from the inclusion of an additional step in the sequence which precedes our actions, as compared to those of non-rational animals. The Stoics posit that, for a non-rational animal to act, it must first receive an impression.8 An impression consists of that which results from an object striking “the mind through sensations”9. Once presented with such an impression, a non-rational animal experiences an impulse10, wherein it is moved towards an object, “eager to seize and reach it”.11 Actions, then, are completed impulses.

This sequence is constituted by entirely corporeal pieces (impressions, impulses, and actions). As such, it appears to be deterministically automatic, mechanistic. While the Stoics easily apply this sort of description to non-rational animals, it is not so seamlessly applicable to rational animals. Humans, unlike non-rational animals, are not simply pieces of the world, unfolding in time according to some untouchable, deterministic concatenation of events. For the Stoics, because we contain portions of the active principle, pneuma, we are not the sorts of beings which lack freedom. Instead,

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8 Long & Sedley, 53A-4.
9 Long and Sedley, 53P-2.
10 Long and Sedley, 53A-3.
11 Long and Sedley, 53P-4.
humans possess a level of agency. For this reason, the basic, deterministic impulse-impression-action sequence that is applicable to non-rational beings is insufficient to account for our actions.

Stoics posit that humans also have the faculty of assent, an additional corporeal entity which fits between impression and impulse\textsuperscript{12} and by which an agent passes judgement on an impression.\textsuperscript{13} Hence, while the first event in this sequence remains impression, for humans, the second step becomes assent. During this second step, assent allows that agent to assess whether she should commit herself to the desirability – or lack thereof – of that impression.\textsuperscript{14} In this way, assent ‘mediates’ between impression and impulse, rendering the latter in humans an “act of reason”\textsuperscript{15} or an autonomous act. Assent, in other words, allows us to decide what sort of actions we want to pursue based on our impressions.

As the faculty of choice or decision, assent is the cornerstone of Stoic compatibilism. However, upon its introduction into their account of rational action, a problem arises for the Stoics. Impressions cannot be directly assessed by assent for two reasons:

1. If they were, the Stoics would be unable to justify any amount of autonomy in the assessment of impressions. This is because both impressions and assent are corporeal. And if the two were directly connected, assent would merely be as determined as an impulse is in non-rational animals.

2. A judgement cannot be passed on – nor an assessment be made of – a mere impression (sensory data). If one receives an impression of a tiger (of black and orange patches), that impression contains no propositional content.\textsuperscript{16} It would make little sense to claim that one can see such patches and judge “true,” “good,”

\textsuperscript{12} Long and Sedley, 322-53.
\textsuperscript{13} Long and Sedley, 53A-4.
\textsuperscript{14} Long and Sedley, 322-53.
\textsuperscript{15} Brennan, \textit{The Stoic Life}, 56.
\textsuperscript{16} Brennan, 56.
or even “Run!” Those patches are just patches. The thing to which those judgements would respond is the proposition, “that there [is] a tiger right there”.

Both because it is necessary to disconnect impression from assent with something incorporeal (1), and because assent requires something propositional to assess (2), *lekta* become integral for rational action. Here, we can understand *lekta* as propositional content. It is important to distinguish between *lekta*, the incorporeal content of thought and language, and thought and language as such. The latter two entities are bodily, contained within a head, communicated through the disturbance of air, or written on paper; they can be causally active. *Lekta*, by contrast, are “what is conveyed in language”, but neither language nor thoughts themselves. *Lekta* act as those incorporeal components which detach impressions from any direct causal determination and provide propositional content (such as *I see that there is a tiger right there*) which assent can assess.

Though assent is the faculty from which autonomy stems, I propose that assent functions only if it can take *lekta* as its subjects. As such, the control we have over our actions, our assent itself, hinges on *lekta*. This, however, may pose another problem. The Stoics contend that to be corporeal is to exist. Moreover, Stoics add, only those things which exist can act or be acted upon (in other words, only corporeals can be causally active). However, *lekta* are incorporeal and, thus, do not exist. As such, it seems to be the case that, because *lekta* lack existence, they cannot act or be acted upon. Ultimately, this implies that impressions cannot cause *lekta*, nor can *lekta* cause, or otherwise result in, assent.

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17 Though *lekta* is a more diverse category (also including things like questions and oaths), truth and falsehood, propositions, are their “most important[] species” (Long and Sedley, 199-33).

18 Long and Sedley, 53C-1.

19 This is the case because Stoics, like Aristotle, hold that ‘contact’ is a necessary condition for acting or being acted upon, and the only sorts of things which are able to make contact with one another are those which have extension and resistance; bodies (Long and Sedley, 273-53


21 Annas, 76.

22 Long and Sedley, 49B.
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Though their removal from physical causality is precisely what make lekta so valuable in explaining autonomy, it is difficult to understand how, considering this removal, they could be of actual use. But the Stoics claim that lekta play a critical role in supporting rational action, despite their incorporeality and causal inertness. How is this the case?

II. The Impression-Lekta Relation

Two possibilities present themselves: (I) the Stoics are mistaken in their categorization of lekta as incorporeal or (II) somehow incorporeals can interact with corporeals. Unfortunately, if (I) were the case, we would find ourselves facing the same problem which the Stoics try to solve by incorporating lekta into rational action in the first place; lekta too would become corporealized and would be unable to ground Stoic compatibilism. Because my goal here is to defend Stoic compatibilism within its own framework, I will disregard (I).

Alternatively, (II) could prove adequate in remedying this issue; it could suggest a way in which lekta relate to impressions and assent, while avoiding their corporealization and the subsequent undermining of Stoic compatibilism. Let us imagine how lekta, or incorporeals generally, could interact with corporeals in a Stoic framework. To do so, we will need to recognize that there is a three-part relation in question. To support Stoic compatibilism, we need not only to explain how impressions interact with lekta, but also how lekta interact with assent. This impression-lekta-assent relation will be the focus of the remainder of this paper. Because the two halves of this relation will require different treatment, this section will examine the impression-lekta component. In Section III the lekta-assent component will take centre stage.

The impression-lekta portion of the problem will best be investigated by an examination of existing conceptions of the other three commonly recognized Stoic incorporeals: void, place, and time. The following descriptions of these will provide a basic picture of subsistence, a way of being conceived by the Stoics.
Void is understood as “what can be occupied by [a corporeal] but is not.” It is the “lack of body” which “is itself ‘outside’ of the realm of corporeality.” Void depends entirely on the existence of bodies for, without these, “there would be nothing at all – not even void.” Because void is understandable only via reference to bodies and depends so heavily on them, particularly a lack of them, it subsists “according to underlying body”.

Place is what can be and “is occupied by an existent.” It is, according to Chrysippus, either “what is occupied through and through by an existent” or what can be so. Due to this complete occupation by a body, place is “made equal to” whatever body occupies it. This is perhaps the clearest example illustrating an incorporeal’s dependence on body for its subsistence.

Time, for the Stoics, is “the dimension...accompanying the motion of the cosmos,” that in which the movement of bodies is contained. Such movement can be identified as events or periods, like a year, where this event itself is a body which occurs in time but is “not identical with time.” Time itself is not a body, but it subsists as a result of the movement of bodies.

In these brief accounts of Stoic incorporeals, I have highlighted their modes of subsistence, which is their way of being. Just like with Stoics claiming that all incorporeals do not exist but subsist, lekta share this property with void, place and time. Void’s subsistence depends on the body (specifically its lacking); place’s subsistence on the occupation by the body, and time’s subsistence on the movement of

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23 de Harven, How Nothing Can be Something, 407.
24 de Harven, 408.
25 de Harven, 405.
26 de Harven 418.
27 Long and Sedley, 49B. de Harven, 407.
28 de Harven, 410.
29 de Harven, 410.
29 Long and Sedley, 49B.
30 de Harven, 410.
31 Greene, The Imperfect Present, 22.
32 Long and Sedley, 307-51.
33 Greene, 27.
34 Greene, 16.
35 Long and Sedley, 33C.
the body. Here, I propose that, as suggested in Sextus Empiricus’ *Against the Professors*, *lekta’s* subsistence depends upon impressions\(^{36}\), a particular type of body.

It seems that via their subsistence, incorporeals can interact with corporeals; they can and do depend on corporeals for their mode of being. Corporeals enable incorporeals to subsist which, in my view, constitutes a mode of interaction. ‘Dependence’ may be a fitting name for this and an adequate explanation for how impressions are ‘attended’ by *lekta*. Hence, while void, place, and time depend on body and movement, *letka* depend on impressions for their subsistence.

If *lekta* subsist where there are impressions for them to attend, we can reasonably claim to understand the impression-*lekta* portion of the impression-*lekta*-assent relation. This, however, does not constitute a full understanding of the role of *lekta*. Though I have developed a picture of how *lekta* arise from bodies (impressions), it remains unclear how they can be taken as a ‘subject’ by corporeal assent in the *lekta*-assent relation.

*Lekta*, unlike the other three Stoic incorporeals, do not just *depend on* bodies, but are such that they seem to be *depended upon* by something corporeal: assent. To fulfil its role as that which gives us a degree of autonomy in an otherwise deterministic world, assent, as I argued above, requires *lekta*. In this sense, assent *depends on lekta* for its efficacy. This relation – a sort of inverted dependence of corporeal on incorporeal – is not found with regards to any other incorporeal. Void, place, and time are not such that some thing in the corporeal world would cease to function without their subsistence.

Because of this difference, it seems I have exhausted the insights available about *lekta* through their comparison to other incorporeals. As such, I turn the discussion towards the tripartite framework D. T. J. Bailey proposes, which supplies a third mode of being, *obtaining*, in addition to the standard two, subsistence and existence. Exploration of this will provide us with a more nuanced understanding of Stoic ontology which will, in turn, allow us to approach *lekta* and their relationship with assent in a more constructive way.

\(^{36}\) Long and Sedley, 199, 200.
III. Obtaining and The Lekta-Assent Relation

To sufficiently explore the lekta-assent relation, I will first discuss lekta as such. Up to this point I have provided an argument for the importance of lekta to Stoic compatibilism and noted the issues that follow from this due to their incorporeality. I have suggested that we may look to the subsistence of other incorporeals to account for the first half of the impression-lekta-assent relation but have thus far been unable to justify the latter half of this chain. At this point, having shown the relevance of this incorporeal, it necessary to discuss some of lekta’s technicalities.

a. Lekta

Lekta are often called ‘sayables’ because those things referenced by them are sayable, or things which can be spoken, said, or otherwise communicated. Among lekta are found both complete and incomplete sayables. These varieties will become relevant to my later discussion of Bailey’s account of Stoic ontology, so I take them to be worthy of distinction. For the Stoics, complete sayables can be understood as ‘finished’ sentences which combine a corporeal (a subject), with some articulated predicate. Incomplete sayables are “verbs without a specified subject”; they are empty predicates, lacking a referent. Complete sayables are incomplete sayables which have been “satisfied” by the saturation of their predicate with a subject term. What sets complete sayables apart from other varieties of lekta is their capacity to be true or false; their propositional nature.

Long and Sedley note that “meaningful sentences can be false as well as true.” This sentiment becomes quite interesting when considering the implications it has regarding what might make some complete sayables meaningful. False sayables cannot, according to the Stoics, have the same meaningfulness-makers as their true counterparts. Consider the proposition, “Amy is smiling,” which can be either true or false. When true, it is easy enough to point at the smile on Amy’s face and claim that the

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37 Long and Sedley, 199.
38 Annas, 94.
39 Long and Sedley, 199.
40 Long and Sedley, 199.
proposition at hand is made meaningful by its truth, its grounding in a body (Amy’s smiling face). To be sure, this does not mean that true complete sayables become bodies but only that they are in some special sense connected to a body.

If there was no smile on Amy’s face, the statement, “Amy is smiling,” would be false. “[T]he false statement ['she is smiling’ could not] have a corporeal entity [- the non-smiling Amy –] as its meaning.” With no existent body available to identify as that which makes meaningful a false statement, such a statement must be made so in some other way. This, for the Stoics, necessitates the incorporeal subsistence of lekta. Despite their lack of grounding in a body, false complete sayables are still something, still meaningful, by virtue of the subsistence of their content. Because falsity cannot be made meaningful via some body – as truth can – it must be made so via incorporeal subsistence.

b. Obtaining

Here, I will introduce Bailey’s tripartite framework which will illuminate the difference between true and false sayables, and in doing so, will move us towards an understanding of how some of these sayables could be depended upon despite their incorporeality. Bailey introduces his discussion of Stoic metaphysics as follows:

“Our satisfactory account of Stoic metaphysics requires some story about three ways to be. There is the way enjoyed by bodies, typified by... the Greek verb to be (einaí). Then there is the quite different way enjoyed by the incorporeals, usually translated as 'subsisting' (huphistanai). Finally, there is a third way, enjoyed by the incorporeals when they bear some special actualizing relation to bodies, which I shall translate as 'obtaining' (huparchein).”

Most translations seem to agree that huphistanai equates to ‘subsist’. However, where Long and Sedley translate huparchein to both ‘be’ and ‘belong’43, Bailey differentiates the Stoic use of this verb from that of einaí. He translates the latter to ‘be’

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41 Bailey, Structure of Stoic Metaphysics, 261.
42 Long and Sedley, 489.
43 Bailey, 261.
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or ‘exist’, and the former to ‘obtain’. Bailey justifies this distinction by noting that “even if the Stoics do not always use these [verbs] with technical force, it is overwhelmingly likely that in the passages that concern us on the incorporeals [huphistanai] and [huparchein] are indeed being used as terms of art.”44 On these grounds, he finds these three verbs to represent three ways of being for the Stoics. It is this recognition of obtaining as a potential third mode of being which is highly promising in our pursuit of an understanding of the lekta-assent relation and of the unique properties of lekta.

To clearly illustrate his conception of obtaining, Bailey constructs an analogy between offices occupied by things and incorporeals. As this is a useful tool for grasping the concept of obtaining, I will offer an account of his analogy.

Essentially, an office “is something for a thing to be: a thing can be the President of the United States...or my watch, where these italicized expressions refer to things particulars might be...More precisely, an office is an immaterial object that sustains the same mode of being regardless of whether or not it is occupied”.45 Consider the example of my watch; if I were to claim that “My watch is heavy,” I would not actually be referring to the hunk of metal on my wrist, “but to an immaterial office” currently filled by that hunk.46 Bailey pre-emptively counters doubts of this idea by asking us to “consider what happens if it becomes true that ‘Tomorrow I lose my watch and buy a new one.’” 47 If this happens, once I lose and replace the specific hunk of metal currently on my wrist, it will no longer be that thing which is referred to by ‘my watch.’ Instead, the new thing – the replacement of that hunk – becomes the referent of ‘my watch’ by occupying the office, my watch. 48

This illustrates that “my having a watch is simply a matter of the office of my watch...being filled by a concrete body.” 49 If I happened to find myself in the position of lacking a watch, there would still be that immaterial office, my watch, that which is

44 Bailey, 263.
45 Bailey, 262-263.
46 Bailey, 263.
47 Bailey, 263.
48 Bailey, 263.
49 Bailey, 263.
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actually referred to by the expression ‘my watch.’ 50 This is where we can begin to see the analogy between offices, such as my watch and incorporeals. For Bailey, we can and should understand Stoic incorporeals “as offices capable of being now occupied, now vacated by the fundamentally real,” namely, by existent bodies. 51

What happens if we adopt a conception of incorporeals as office-like? Bailey explores this by taking the Stoic incorporeal time as an example. For the sake of simplicity, I will follow suit.

In an excerpt from Stobaeus, we are told that “[Chrysippus] … says that only the present [obtains]; the past and the future subsist, but [obtain] in no way.” 52 Similarly, from Plutarch, we see that “Chrysippus…says in his book On the Void and elsewhere that the part of time which is past and the part which is future subsist but do not [obtain] and only the present [obtains].” 53 What, however, does it mean to obtain?

Bailey posits that even though time “has subsistence as its mode of being,” a portion of it can still “be occupied in some special actualizing way, namely, by present events.” 55 Consider your own experience living in time. Does the present moment not feel more concrete, more real, more actualized than some other time, like last Thursday afternoon? Is there not some precedence given to the present in how we experience our daily lives? This is what Chrysippus seems to observe. According to this view, the present event of these keys succumbing to the weight of my fingertips as I type right now feels and, thus, is much more real than a similar event I experienced yesterday is at this moment. It is this experience that we have of the present as privileged that Chrysippus highlights with his claim that “only the present [obtains].” 56 The present time obtains at bodies when those bodies occupy it in a certain actualizing way.

Linking this with Bailey’s office analogy, the specific way in which bodies must occupy the present for them to obtain can be understood by conceiving time as an

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50 Bailey, 264.
51 In these quotations I have swapped Long and Sedley’s translation of “belong” to Bailey’s “obtain”.
52 Long and Sedley, 51B-4.
53 Long and Sedley, 51C-5.
54 Bailey, 265.
55 This terminology will be further explored below.
56 Bailey, 262.
office. As the office *my watch* can be occupied by a hunk of metal, so, too, the office *time* can be occupied by presently occurring events and obtain.

Much in the way that the present portion of time can obtain when occupied by present events, so, too, can some *lekta* – in the form of complete sayables – obtain when they are true. Consider, for example, the proposition (complete sayable) “There are 365 days in this year” (P). This proposition is true when, and only when, there are 365 days in the year of its utterance. If P were to be uttered in 2020, for example, it would be false since 2020 was a leap year, comprised of 366 days. Uttered right in 2021, the complete sayable P would be true.

Now, imagine P as an office, *there are 365 days in this year*; or, more appropriately put in this context, *a year with 365 days*. This reframes P in such a way that it can more naturally be seen as an office, as “something for a thing to be.” 57 In this case, it is something for a year to be: 365 days long. While the year 2020 could not occupy this office, the year 2021 can and does. Because *P* is occupied by 2021, a body 58, *P*, uttered in 2021, is true. This means that, in this framework, *P* is true because, in being occupied, *P* is afforded “some special actualization ... [and, thus] is said to obtain; just as time is a subsistent office [which obtains] at just those portions of its continuum occupied by present events.” 59

### c. The Lekta-Assent Relation

This, I propose, will give us some way to understand how *lekta* can be taken as the subject of assent and, thereby, be depended upon by a body. Bailey’s office analogy gives us the ability to describe incorporeals, *lekta* included, as obtaining in certain circumstances and, thus, becoming in some way – albeit currently vague – actualized. Because it is so critical to define *lekta* as dependable upon, actualization, and the relation of this concept to that of obtaining, needs further exploration.

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57 Greene, 25.
58 Bailey, 267.
59 What exactly the present is in this context seems open for interpretation. Perhaps C.F. James’ notion of the specious present is a useful comparison.
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Below, I offer a thorough interpretation and explanation of ‘actualization’ regarding Bailey’s framework, which would allow us to justify the nature of *lekta*. Turning back to the example of time, the view that the present obtains\(^6\) seems to pick out that felt realness, tangibility, or grounded-ness of that time. The Stoics, as noted, observe present events as more actual in that they are all and the only events with which we can come into direct contact. \(^6^1\) While future and past events subsist, they lack the higher degree of reality afforded to present events, which obtain.

In terms of *lekta*, the actualization implicit in the notion of obtaining picks out the higher degree of reality associated with true propositions. On the Stoic view, “Amy is smiling” is something grounded in a body when true, similar to how the present time is grounded in the bodies of present events.

Obtaining selects the actualization associated with the grounding of an incorporeal in a body (of time in present events and of complete sayables in their truth). Generally, the grounding of incorporeals in corporeals is essential to Stoic metaphysics\(^6^2\) because, as discussed above, for the Stoics, all incorporeals depend on bodies. \(^6^3\) What Bailey’s interpretation of obtaining offers us, is the ability to recognize the varying degrees to which incorporeals may be grounded, with higher degrees resulting in a shift from one way of being to another, from subsisting to obtaining.

With this, we may be able to begin constructing a solution to the question of how *lekta* can be depended upon in the *lekta*-assent relation. Moreover, while this is probably not a definitive solution to this issue, it does appear to be a step in the right direction. If we understand complete sayables – the variety of *lekta* upon which assent depends – as office-like, as being occupiable by bodies that make them true\(^6^4\), then we can see a way in which corporeals and incorporeals can come together without corporealizing the latter.

IV. Concerns and Concluding Remarks

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\(^6^0\) Because making contact with events (bodies) requires motion, which only lives in the present.

\(^6^1\) Hence the emphasis I have placed on it here.

\(^6^2\) Bailey, 256.

\(^6^3\) The body of a smiling Amy would make true the complete sayable, “Amy is smiling”, and this sayable would correspond with the office, *is smiling*.

\(^6^4\)
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To close, I believe it is important to note at least one problem that may arise from this account. While Bailey implies that the obtaining of an incorporeal does not result in its corporealization, this is still open to doubt since the ‘actualizing’ of some thing might be intuitively likened to its corporealization. However, as stated previously, this cannot be the case if we wish to maintain Stoic compatibilism. That is, we cannot allow lekta to become bodily. So, assuming that the Stoic framework is inherently consistent, there must be some way to understand the obtaining of lekta that does not imply their corporealization.

Though worthy of more detailed exploration, here I can only offer a brief comment on this matter. It seems to me that, because Stoic ontology has been so steadfastly seen as separating incorporeals as subsistent and corporeals as existent, there may be a tendency to conflate incorporeal with subsistent, and corporeal with existent. But this conflation may not be necessary. If we conceptually separate the way of being (existent, subsistent, and now also obtaining) from the type of something (corporeal and incorporeal), perhaps the introduction of obtaining can become less problematic in this regard. For instance, something can slide from subsisting into obtaining while not becoming a different type of ‘something.’

In this paper, I have argued that, to understand Stoic compatibilism while assuming that its framework is inherently consistent, we must recognize the role played by lekta. Because human autonomy resides in our faculty of assent, one which requires lekta to function, I proposed that this incorporeal is invaluable. I also observed that its inclusion in the account of human autonomy is troubling in that it necessitates an explanation of how an incorporeal can relate to corporeals. In an attempt to offer such an explanation, I identified the relationship between impressions and lekta as one of dependence, wherein the latter relies on the former for its subsistence. Because dependence was not sufficient to characterize the lekta-assent relation, I introduced D. T. J. Bailey’s tripartite interpretation of Stoic ontology and suggested that the notion of obtaining identified therein might be fruitfully applied to that relation. Outlining Bailey’s likening of Stoic incorporeals to offices, I was able to propose that some lekta may obtain when occupied in certain ways by bodies, and that their obtaining could be a
way in which they are taken as the subject of assent. If this proposition is correct, it is possible to defend Stoic compatibilism against the criticism directed at its underlying ontology. Finally, I also recognized one issue that requires further treatment for a successful defence of Stoic compatibilism.
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Bibliography


IS CONSENT A RELIABLE INDICATOR OF THE MORALITY OF SEX?

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Abstract
This paper evaluates the attitudes of the radical and the liberal feminist towards consent and explores the dilemma created when the merits and limits of both are recognised. I represent the radical feminists’ argument as requiring that consent be a decision made with ‘full autonomy,’ which I take to be both unrealistic and undesirable; the far-reaching influences of patriarchy mean that this would imply a complete isolation from society incompatible with the social nature of human beings. I then explore the benefits of Kukla’s account of ‘properly scaffolded consent.’ I seek to draw a limit to this account and suggest understanding it as an assessment of the moral value of the act rather than the culpability of the agent. I show that this has the additional advantage of breaking the artificial binary between the behaviour of the individual and the influence of society. It furthermore suggests how individuals can improve women’s experience during sex through behaviours that extend beyond the sexual act. This implies and reinforces an important recognition that, although it is impossible for individuals to control the entire social, institutional and material context in which they have sex, ethical sex partners must be sensitive to the limits of and possibilities for agency and consent in a given context and adjust their actions accordingly.

Introduction
Our society assumes that consent marks the distinction between permissible and impermissible sex. For radical feminists, this is predicated on an unrealistic view of the autonomous individual in a theoretical vacuum. Such a focus, therefore, fails to acknowledge their embeddedness in society and the potentially corrosive effect of unjust background conditions on the reliability of consent as an indicator of the
morality of sex. However, this is also a problematic critique, failing to respect the agency of women.

I present a compromise between these radical and liberal feminist positions, arguing that both are problematically idealistic, though in different ways. I make use of both Kukla and West’s works to conclude, contrary to the radical feminist, that consent, understood through Kukla’s framework of \textit{consent with minimal decisional autonomy (consent}_{MDA}) and \textit{properly scaffolded consent (consent}_{PS}), reliably indicates the morality of sex, where this lies on a continuum from the morally permissible to the morally ideal scenario. I seek to limit this account to an assessment of the moral value of the act rather than the culpability of the agent. That is not to say that consent is the only or even the most reliable indicator. Rather it responds to the radical feminist argument that consent is not even one of many relevant indicators.

1. Preliminary importance of consent$_{FV}$

Here I distinguish two forms of consent: consent at face value and consent with full autonomy:

\textit{Consent$_{FV}$}: the agent gives permission for something to happen, or agreement to do something

\textit{Consent$_{FA}$}: the agent gives permission or agreement on the basis of a decision made with all of the relevant information, which expresses their own values, desires, and purposes without the presence of coercive factors

Consent$_{FA}$ entails consent$_{FV}$, but not vice versa. This preliminary distinction serves to prevent misunderstandings, i.e. where one theorist claims that consent does reliably indicate the morality of sex and the other insists that it does not might be because one is referring to consent$_{FV}$ and the other to consent$_{FA}$. I use consent to refer to consent$_{FV}$, and denote other forms of consent differently.

I first want to consider why consent is relevant to the morality of sex. Consent typically indicates whether an agent is freely choosing to perform a certain action; it communicates that they want to perform said action. This is a practically useful way to ensure that people are not involved in anything involuntarily. Thus, the value of consent
lies in its ability to remove a moral barrier, rendering permissible an act that would otherwise not be so. However, this is too reductive, creating a rather unnatural picture of individuals going around with obligations not to have sex with each other that can be removed by consent.¹ A more realistic picture of sexual relations reveals that the value of consent lies in the importance of autonomous choice: the ability to choose for yourself when, where, why, how, and with whom you will have sex.

It is this emphasis on agential power, self-expression, and self-determination that drives liberal feminists’ emphasis on consent. This is further motivated by the liberal desire for greater negative liberty and emphasis on the right to privacy. Liberals are also opposed to paternalism, and particularly so, as Scanlon argues, when it takes the form of singling out one group as incapable of doing something, thereby representing them as inferior.² Thus, legislation surrounding sex can reduce negative liberty by overcriminalising behaviour that seems harmless or only negligent, and exercise unhelpful paternalism when it denies the agentic power of women, as well as feeding pernicious stereotypes of women’s inability to say ‘no’ to sex and assuming their general aversion to sex.³

2. Preliminary insufficiency of consent

Although this focus on agency is key, liberalism’s focus on the autonomous individual arguably deprives liberal feminism of essential tools with which to recognise and correct structural oppression. Without a more complete understanding of the ways in which individuals are connected by their characteristics and relations, phenomena such as violence against women are more likely to be seen as situational, an exchange between two isolated agents, than as forms of systemic oppression. This difficulty in recognising and understanding the unjust background conditions which shape individuals and relations within society creates a problematically simple picture of individuals as fundamentally equal, fuelling the fetishisation of the neutral state as the creator and sustainer of equality. Shifting our perspective, to perceive individuals as

¹ Kukla, 2021
² Scanlon, 1986
³ West, 2010
members of social group(s), means we are much better placed to diagnose structural inequality and oppression.\textsuperscript{4} Thus, women, by virtue of being women, have been economically exploited, even if individual women are economically privileged. Individual women might choose, or appear to choose to be mothers rather than undertake paid labour, but women as a group have been subject to the social norms and expectations surrounding domestic labour. This is harder to perceive via the analysis of individuals. Similarly, looking at consent\textsubscript{Fv} alone encourages us to isolate the situation in question from the broader social context, assuming a background of equality of power relations, and an absence of coercive norms.

MacKinnon argues that to do this is taking the male standpoint, labelling it ‘neutral.’ Women are theorised about as if they were men because the power imbalances and coercive norms which have shaped women’s desires and choices to be different from men’s are not taken into account. This manifests in and is reinforced by our judicial process which translates a male-orientated view of consent into a male-orientated definition of rape. This further impedes the ability of women to effectively consent to sex, since their experiences are not taken seriously by the justice system. This bias is then re-integrated into society, where the implicit social standard becomes ‘if a woman could not prove it in court, it was not rape.’ When women do not believe that the justice system will take their testimony seriously, when their experiences are doubted by family, friends, and society, when they themselves start to doubt their own experiences, their ability to effectively refuse sex is diminished. As a result, women might often indicate consent\textsubscript{Fv}, in conditions that preclude consent\textsubscript{FA}, showing both that the two are distinct and that consent\textsubscript{Fv} is an unreliable indicator of the morality of sex.

3. Two levels of consent\textsubscript{Fv} as insufficient

I now examine in more detail some criticisms of consent\textsubscript{Fv} as a reliable indicator of the morality of sex. As I see it, there are two separate levels of critique. First: consent is not a reliable indicator of the morality of sex because internalised patriarchal norms

\textsuperscript{4} Young, 1990
lead women to subjugate their desires to those of another. West persuasively describes the distinctive harms that can result from sex that occurs under these conditions. She holds that women’s desires should be affirmed, rather than disregarded, but that patriarchal norms preclude the alignment of their choices with their desires. Second: the extension of this criticism is such that even when a woman’s will does reflect her desires, these desires are constructed by the patriarchy and are therefore poor indicators of the morality of sex.

*Consensual, unwanted, unwelcome - harms*

West highlights the distinctive harms of what she terms consensual, unwanted, and unwelcome sex. This results from two distinctions; the first between sex that is desired in virtue of the sexual desire of the agent, which she calls ‘wanted,’ and sex which is desired for another reason, ‘unwanted.’ Within the category of consensual but ‘unwanted’ sex, West wants to make room for ‘welcome’ sex, whereby, despite the absence of sexual desire, sex is still welcome, if it is, for example, part of a relationship that is generally constructive and healthy. Thus, just as it is possible to agree to watch a film you don’t particularly like to please your partner’s tastes, it is possible to agree to sex even though there are other things you would rather do, such as read or watch TV. The second category covers situations in which one consents to sex that is both unwanted and unwelcome. These choices are influenced by material, social, and institutional inequalities that lead women to consent to sex that does not accord with their desires and, crucially, can cause harm.

The argument that power differentials can create coercive force is not new. It is prevalent in our understanding of many situations, from consent in bioethics to the inability of minors to consent to sex with adults. In response to these power imbalances the law should, and often does, protect the vulnerable party. However, this protection does not extend to gender. For example, in bioethics, it would undermine the consent of the trial subject if they were seen to be coerced into consenting, i.e. if they were brought out of an intolerable financial situation by the financial reward that they received for

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5 Kukla, 2021
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consenting to a medical trial. However, in the analogous case of an economically dependent woman consenting to sex because her husband threatens to leave her, the law is silent. On this view, inequality between men and women has created power differentials that can create coercive force in the same way as those that result from age or result explicitly from employment settings. As MacKinnon argues, the vulnerability that girls share with boys—age—dissipates with time, the vulnerability that they share with women—gender—does not.

Furthermore, social, material, and economic inequalities can interact, further reducing the possibilities for women to effectively refuse sex. Thus, women might be inclined to consent to sex because of the social norm that represents them as unnecessarily confrontational if they say no. They might continue with a sexual act that they no longer want to engage in because there is an expectation that, having begun, we owe it to our sexual partner to continue. The possibility of subverting these social norms and expectations is reduced by the additional material and institutional inequality that women often face. For example, economic inequality makes it more likely that a woman will be reliant on her male sexual partner for financial security, introducing further consequences to saying no, and more coercive force prompting her to say yes. Meanwhile, institutional inequality, whereby the judicial process takes the male standpoint as the default and refuses to take women’s experiences seriously, means that they do not feel supported in saying ‘no,’ creating a further barrier to their ability to express and act in accordance with their real desires.

Engagement in sex of this kind can be harmful, as it is physically invasive and emotionally abusive. Furthermore, when a woman consents to sex that is nevertheless unwanted and unwelcome, she acts contrary to her sexual desires. This can lead to an internalisation of the message that these sexual desires do not matter in comparison to those of her sexual partner. Thus, although the sex is still consensual since her will is respected, she has accorded her will not with her own desires, but with those of another.

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6 Beauchamp, 2010
7 MacKinnon, 1989
This alienates a woman from her own desires and constitutes a threat to her autonomy, arguably a harm that can extend far beyond the sexual encounter.  

Sexual desire as constructed

The two levels of critique have much in common. Both argue that the political, social, and economic power imbalances created by the patriarchy and sustained by liberalism mean that \( \text{consent}_{FV} \) is not always a good indicator of the morality of a sexual interaction. To draw a parallel with labour theory, both question the neoliberal logic that \( \text{consent}_{FV} \) to a transaction makes it morally acceptable and instead seek to investigate why someone might want to sell their labour. Both engage in an analysis of the material conditions that led to the transaction and criticise a situation in which someone sold their labour as a result of material deprivation. However, if there was no obvious source of external coercion, I suggest that only the deeper level of critique seeks to analyse the source of the desire to sell one’s labour, such as addressing the role of capitalism in the formation of the desire to accrue wealth and criticise the transaction on this basis. So, where the basis of the consent given to the sexual interaction is straightforwardly sexual desire on the woman’s behalf, West would see this as consensual, wanted (and thereby welcome), and unproblematic. MacKinnon, though, would seek to analyse and problematise the origin of the woman’s sexual desire.

One way of motivating this account is to consider, briefly, MacKinnon’s understanding of sexual violence. It might be considered disturbing that the only thing that makes acts of aggression and violence during sex immoral is that women do not consent to them. As MacKinnon puts it, if women consented to and desired what is currently rape, then sexual violence would become sex.  

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8 West, 2010

9 MacKinnon, 1989
attachment to their attacker. This attachment then shapes their desires; they might no longer wish to escape, or they might even start to desire the sex that was initially forced upon them. This seems like a desire that we would want to question and problematise. We can understand MacKinnon as suggesting that patriarchal power can shape women’s sexual desires in similarly problematic ways. This reveals the necessity of questioning how our desires are formed, rather than taking them as they are, and letting them shape our theories.

Thus, on this account, consent_{FV} cannot be taken as an indicator of the morality of sex. Only consent_{FA}, which arises from desires that have not been problematically shaped, should be used as such an indicator. This would require the formation of women’s sexual desires outside of patriarchal influence.

Deciding between the two

Which level should we prefer? I argue that West and Kukla’s responses to MacKinnon are not sufficient to overcome the worries that MacKinnon raises since they ultimately rest on an unacknowledged empirical claim. However, I also offer reasons to think that the empirical answer to the question might not be the place to turn, and that theoretical considerations alone go a long way towards ruling out MacKinnon’s requirement for consent_{FA}.

West and Kukla’s responses to MacKinnon lack sufficient justification. Both criticise MacKinnon’s position as being offensively paternalistic about women’s authentic desires.\(^{10}\) This criticism works if these desires are indeed not problematically socialised by patriarchy, that is, when coupled with some suggestion of inaccuracy on MacKinnon’s part. Then, the offensiveness and paternalism are unnecessary. However, if the critique is in fact accurate, then, although we might wish to avoid offensive paternalism, the significance of MacKinnon’s concerns is not erased.

So: are sexual desires socially constructed, and, if so, to what extent have patriarchal forces rendered them inauthentic? We might direct this question toward sociology and anthropology. However, answers to questions like these are frequently

\(^{10}\) Kukla, 2021, West 2010
underdetermined by the available empirical evidence, so that there is no way to adjudicate between theories of innate versus socially constructed desire. Furthermore, the biological and social factors that shape our identities and thus our desires and decisions are highly intertwined and difficult to separate. This makes it unlikely that we will find the evidence required for a clear-cut empirical justification for MacKinnon’s claim. Although this goes some way toward overcoming my objection to West and Kukla; there is more to be said.

So, if we side with MacKinnon, where are we left? For MacKinnon, consensual sex requires consent. Women’s sexual desires are constructed by the coercive norms of patriarchy and are therefore not authentic; they in some sense fail to express women’s own values, desires, or purposes. So, given that we do live under the conditions of patriarchy, must we seclude ourselves from all social influences to achieve authentic desires? Does consent demand a decision that is made with complete immunity from potentially coercive external forces? I do not think so, at least not without further argument to this effect. Not so far as West and Kukla have argued, as they have left open the response from MacKinnon, that it is not the social construction of sexual desire, as such, that she opposes, but the influence of patriarchy specifically. Men’s sexual desires are presumably also socially constructed, yet male consent is not seen as problematically coerced.

In order to ensure that our desires are authentic, then, we must reject patriarchal social norms and come to have our values, desires, and purposes independently. It might be possible, in principle, to identify harmful patriarchal norms, and to separate these from other social norms. However, in practice, the deeply pervasive effects of patriarchal norms and the subtle manifestations of their power mean that it is impossible to isolate yourself from patriarchal influence without isolating yourself from all social influences. The patriarchy has shaped who we are and how we behave from the beginning. Patriarchal norms have, as Foucault argues, become ingrained at the level of the body, and in habitual behaviours. This means that patriarchal forces do not need to be explicit in social interactions for them to be reinforcing patriarchal power, and their subtle nature can often make them all the more insidious.
So, it is in fact the case that, to ensure the authenticity of our desires, we must isolate ourselves from all social influences that might be affected by patriarchal forces, which, in practice, means all social interaction and influence. However, I think that this is an untenable position. For one thing, it would be incredibly difficult to achieve given the interconnected nature of the world that we inhabit. For another, it would be ultimately undesirable, if it were even possible. Social interaction is essential to human development; we form and maintain our identities in and through social interaction. Conly gives a compelling illustration of the necessity of allowing the counsel of others to influence your decisions using Austen’s Persuasion.\(^{11}\) In allowing this, we are inevitably influenced by social forces, some of them deeply pernicious, but the alternative of a solipsistic isolation is untenable. Therefore, given the widespread effects of the patriarchy on society recognised by the radical feminist, it is this individualistic picture of autonomy that we are forced to ascribe to, which can only be achieved via complete isolation from external influence, if at all. This is incompatible with the social nature of human beings.

Finally, I think that there is an absurdity in the very project of trying to uncover a true or authentic desire in women that is independent of the influences of society and the patriarchy that reveals a contradiction in the radical feminist position. It is the post-structuralist understanding of the social construction of the self that enables the feminist to argue that sexual desire is constructed by the patriarchy and to problematise it on these grounds. However, the contrast set up between the biological and the social, the authentic and the constructed, endorses a separation between the real and the actual self that goes against the post-structuralist understanding of the self. According to post-structuralist theory, the self is not merely embedded in, but actually constituted by social relations, such that it is impossible to talk about the ‘real’ self, as something that could have arisen without the particular social forces that shaped the actual self.\(^{12}\) It is therefore a mistake to construe the biological as ‘authentic,’ and the social as ‘constructed,’ and to try to eliminate the latter. Yet this is exactly what MacKinnon is

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\(^{11}\) Conly, 2004

\(^{12}\) Hirschmann, 2003
trying to do, in suggesting that women have authentic desires, values and purposes that are different from those that they appear to have.

Therefore, I argue that we can do more than merely level the charge of offensive paternalism at radical feminists. Rather given their understanding of consensual sex and their understanding of the far-reaching effects of patriarchy, to hold the radical feminist position is to do two arguably problematic things. The first is to embrace an individualistic conception of autonomy that fails to reflect the social nature of human beings. The second is to postulate a ‘real’ self, or ‘real’ desires, values, and purposes that are separate and different from those that women actually identify with. This is not only paternalistic, as Kukla says, but is furthermore incompatible with the very theory that enables the critique of the social construction of desire in the first place: the post-structuralist view of the self. Importantly, I am not criticising this for its paternalism alone which is what I have criticised in other authors. Rather it is in light of the understanding of the socially constructed nature of the self that the postulation of a ‘real,’ biological self with ‘authentic’ desires seems unwarranted and paternalistic.

In this section, I have argued that both the liberal and the radical feminist’s positions are therefore problematically idealistic. The liberal feminist idealises the autonomous individual, struggling to understand the extent to which background injustices and power dynamics can undermine consent as a reliable indicator of the morality of sex. The radical feminist is equally reluctant to compromise, such that, without overthrowing the patriarchy entirely, there is no space for women to engage in, and, importantly, to express their agency through heterosexual sex.

4. Properly Scaffolded Consent

Kukla recognises the background conditions which can render consent a poor indicator of the morality of sex and uses these in their theory of ‘properly scaffolded consent.’ The real achievement of their theory is that it posits a ‘nonideal’ theory of consent, working on the understanding that consent is an ‘unreachable and unhelpful ideal,’ but refusing to thereby abandon the positive value of consent. They develop a picture of how sexual consent is possible (as an indicator of the morality of sex, for my
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purposes), and how it can be fostered and protected, even under autonomy compromising conditions.\textsuperscript{13}

\section*{Minimal Decisional Autonomy}

I have previously shown that this debate splits across two levels, with West’s critique of the will failing to accord with desire, and MacKinnon’s that the desires themselves are inauthentic. I see Kukla’s two notions of consent; consent with minimal decisional autonomy (consent\textsubscript{MDA}) and properly scaffolded consent (consent\textsubscript{PS}) as splitting in a similar way, with the former addressing West’s criticism and the latter attempting to address MacKinnon’s.

Thus, in setting out a theory of consent to which we should aspire, which leaves space for sex to be of positive value, Kukla does not thereby neglect everyday sexual encounters for which this theory sets too high a standard. They establish a bar of consent\textsubscript{MDA}, which enables us to set a standard for morally permissible sex. This has three conditions; that the choice is not directly manipulated, coerced, or extracted by someone else, that the action flows directly from the agent’s own motivations, and that the agent has sufficient normative responsiveness and reflective capacities to be open to recognizing reasons not to do what they are choosing to do. This is a reasonable, realistic minimum bar for consensual sex.\textsuperscript{14} The final condition should preclude cases such as Stockholm Syndrome, as considered in Section Three, from qualifying as consensual sex.

\section*{Properly Scaffolded Consent}

In their theory of consent\textsubscript{PS}, Kukla identifies a number of factors that can either bolster or undermine consent. Two such factors are; having the concrete ability to exit an activity at will, without recrimination or extended negotiation, in a way everyone involved can immediately recognise, and both agents being socially connected; embedded in a support network that provides them with a check on reality and a

\textsuperscript{13} Kukla, 2021

\textsuperscript{14} Ibid
community which holds people accountable. From Kukla’s example, these conditions are clearly missing from many care homes, such that people with dementia lack these protective measures, and are therefore more likely to have their wellbeing compromised.

A key advantage of Kukla’s account is that the basis of these conditions is an understanding of the self which I have criticised MacKinnon for overlooking. The idea is that many of the roles/identities/activities that are most central to our sense of self are maintained only with the help of input from others. Thus, you might recognise and confirm someone’s identity by giving them a gift that fits with their tastes or calling them by their professional title. This rightly embraces the relational way in which identity is formed and maintained, in contrast to the idealisation of individualistic autonomy that arguably results from MacKinnon’s theory.

However, I think that Kukla’s suggestion that we typically and wrongfully assume that we are respecting someone’s agency more by refusing to have sex with them misconstrues the point. The radical feminist is not claiming that this would be more respectful to a woman’s agency but that it would better protect their wellbeing. Their example of dementia exposes this conflict: between protecting vulnerable people against coercion and respecting their agency. Despite this apparent oversight, Kukla’s conditions go some way towards bridging the gap between agency and wellbeing.

Kukla’s understanding of the various and subtle ways in which dementia and patriarchy can diminish an agent’s autonomy rightly understands that issues around consensual sex extend beyond individuals and their treatment of one another, into the material, institutional, and social context. Therefore, a number of the conditions suggested are things that lie outside the control of the individual, such as a ‘broader social context that does not undermine the agency of people who engage in the sexual activities at hand’ and ‘meaningful epistemic agency.’ 15 If the broader social context does not recognise the sexual agency of a woman, or undermines it, through actions such as slut-shaming, this diminishes the likelihood that women will recognise and act according to their own sexual agency. If women are not given meaningful epistemic agency, their experiences will be discredited by the justice system and by society more

15 Ibid
generally as discussed in Section 3. This broader social context must thereby be corrected in order to properly support women who are trying to express their agency through sex.\textsuperscript{16}

Nonetheless, it is arguably problematic for Kukla to include within their theory something which no individual can change on their own. I think that an implication of this is that simply in virtue of living in a fairer and more equal society that respects women’s agency, an individual, A, would be behaving more morally when having heterosexual sex than B, another individual, living under a patriarchal social order. This is because, despite A and B behaving in exactly the same way, A’s sexual partner would have more epistemic agency and a broader social context that respected her agency, whilst B’s would not.

As a result, I think that Kukla’s account should be limited to an assessment of the morality of the act of sex, rather than of the moral culpability of the agent engaging in said act. There are two key advantages to this. The first is that it breaks down the artificial binary that is often drawn between the behaviour of the individual and the influence of society, whereby the two are considered to be independent, and the influence of societal forces on individual actions is underestimated. My suggestion brings with it the requirement that this is replaced with a more realistic understanding of the way in which the two emerge together so that any viable attempt at change must address both. The second advantage is the practical instruction to be taken from this view that can help us better understand how to improve the situation of women and their possibilities of consent\textsubscript{PS}. Thus, in my interpretation of Kukla’s theory, the individual can help to create the conditions required to enable the expression of agency through sex by engaging in obligations that are not restricted to their behaviour in and around the sexual act. These obligations might include the involvement in wider campaigns for sexual equality, including the elimination of the gender pay gap, a refusal to engage in practices that undermine agency such as slut-shaming or watching pornography that promotes misogynistic norms.

\textsuperscript{16} Ibid
It is important to clarify that I do not intend to use these wider obligations I have noted to assess the culpability of the agent. This might, again, seem unfair, as B would have more obligations than A simply because he finds himself living under patriarchy. Rather, they provide useful instruction for what individuals can do to improve the possibilities for women to express their agency within sex.

Without the recognition of these factors pertaining to the wider social context of the sexual act, Kukla’s theory would do one of two things, both of which I have argued are problematically idealistic. It might verge towards overlooking them and thereby accepting consent$_FV$ as a reliable indicator of the morality of sex. Alternatively, it might follow MacKinnon’s theory, writing off the importance of consent entirely.

Whilst it is certainly true that the ability of external factors to undermine the validity of consent$_FV$ is a significant problem, and the solution is by no means clear, the importance of the expression of agency through sex that has been discussed here means that we must seek a compromise. I have argued that these external factors can be integrated into a theory of sexual consent. I have suggested that there are key advantages to this, whereby the mutual influence of society on individual behaviour and vice versa is better understood, and the obligations that are generated reflect this. I have also suggested that this requires that we limit Kukla’s account to an assessment of the moral status of the act, not the agent. However, this does not mean that the theory is silent regarding the latter; it is instead merely realistic. Rather than ignoring pernicious external forces, it recognises that ethical sex partners cannot possibly control the entire social, material, and institutional context, but that they can be sensitive to the limits of and possibilities for agency and consent in a given context and adjust their actions accordingly. It also suggests that, to improve the possibilities for agency within the act itself, we must engage in work outside the sexual act itself.

**Conclusion**

This paper has shown that the existence of patriarchy and the resulting coercion experienced by women in their sexual encounters with men does not erase the importance of consent as an indicator of the morality of sex. I have argued that the type
of consent employed here should be Kukla’s two levels of consent: consent$_{MDA}$ and consent$_{PS}$. This is because both the liberal and the radical feminist views are problematically idealistic, with the former failing to understand and correct structural oppression, and the latter unable to make recommendations in order to improve the situation of women due to its fixation on the complete eradication of the patriarchy. I have characterised the latter position as requiring that consent be given in conditions of full autonomy, which I have shown to be incompatible with the social nature of human beings. Kukla’s theory of consent$_{PS}$ provides a suitable compromise between these; with a realistic view of the social nature of identity and a list of conditions for consent$_{PS}$ that encompasses potentially coercive factors that are both internal and external to the sexual act, with the resulting recommendations vastly improving women’s possibilities of giving morally valid consent. I have suggested several improvements to and interpretations of Kukla’s theory. The first is that the account should not be used to assess the moral culpability of the agent. The second is that the theory can break the artificial binary between the behaviour of individuals and the influences of society. Finally, the theory can generate wider guidelines for individuals that extend beyond the sexual act itself. Using consent$_{PS}$ as a reliable indicator of the morality of sex respects women’s agency, enables them to affirm their positive experiences, and avoids unnecessary and unhelpful paternalism, without thereby ignoring the significant degree of coercion that can result from power imbalances. Furthermore, preserving the use of consent reduces the need to come up with a substantive theory regarding what is right and wrong within the sexual act, which would present significant problems regarding agency.
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Bibliography


Abstract

There is a tendency in the literature on Spinoza’s conception of freedom to focus on its nature to the exclusion of its implications (Kisner, 2011). I see this trend as limiting, since considering the real-world implications of any given theory tends to be a good way of illustrating the theory’s strengths and weaknesses. The discussion here is a response to such a lack of real-world analysis, illuminating Spinoza’s idea of freedom by discussing his views on imprisonment and prison. I argue that his conception of freedom may afford justification to some forms of imprisonment, but that it does not allow for justified retributive imprisonment.

Introduction

The link between Spinoza’s understanding of freedom and imprisonment – where imprisonment is considered the state of being physically incarcerated in an institutional setting (prison) with the aim of punishment – might initially seem opaque, but I argue that with clarification there appears a compelling case for analysis. I will begin here by setting out what the motivation for this discussion is, and with that established, I will set out how I will go about my argument; that his conception of freedom may afford justification to some forms of imprisonment, but that it does not allow for justified retributive imprisonment.

The two main, and related, motivations for discussing the relationship Spinoza’s account of freedom has to imprisonment are highlighted in a 1972 conversation between Foucault and Deleuze. The first, and most important, is mentioned directly when Foucault points out that “in a general way, the penal system is the form in which power is most obviously seen as power” (Deleuze & Foucault, 2006). He clarifies his meaning; prisons give an example of state power as explicit power, which seems coherent given how detaining and imprisoning someone exerts nearly the maximum amount of power.
over them possible. Given that Spinoza argues both that the state is critical to human good, and that “the purpose of the state is really freedom” (Spinoza, Complete Works [hereafter: CW], 2002, p. 157) it seems prudent to question whether the state, in exerting power in this ultimate way, is acting in the interests of freedom. If it is not, if this ultimate assertion of power is contrary to this goal, then the punitive system must be condemned by a Spinozean doctrine of freedom.

This makes clear the link between Spinoza’s account of freedom and imprisonment and shows why a desire to understand Spinoza’s ideas in greater depth might lead us to an analysis of freedom and imprisonment. Beyond this, though, there is a secondary motivation, which lies in the way certain contemporary thinkers have made use of Spinoza’s thought, found in part in the conversation between Foucault and Derrida cited above.

Warren Montag states that “even if they would hesitate to refer to themselves as Spinozists, there is ample evidence of Spinoza’s presence... in Deleuze... Lacan, Foucault, and Derrida” (Montag, 1995), and James Juniper writes that “Spinoza’s approach to... causality prefigures ideas developed by Foucault in his theory of governmentality” (Juniper, 2008). These thinkers, whose ideas are influenced by Spinoza, centered many of their works around prison abolition, or the effect of the penal system (the most obvious, of course, being Foucault’s work). More concretely, these thinkers were all involved (particularly Foucault and Deleuze) in the Prison Information Group [1]. Work having been done on both the influence of Spinoza on the work of these thinkers, and the relation between these thinkers and the penal system, it seems relevant to consider directly how Spinoza’s ideas apply to imprisonment and systems of imprisonment.

Looking at the implications of Spinoza’s conception of freedom with regards to imprisonment fulfills a dual function; it clarifies his view of freedom by considering an instantiation of explicit power/restrain and also prepares the ground for a greater in-depth analysis of the impact of Spinozism on a central aspect of contemporary continental thought.

With these two functions in mind, this essay will be divided into three parts. First, (P1) I will give an account of Spinoza’s conception of freedom, derived from his
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metaphysics. This interpretation is necessary in order to move to the bulk of my argument, in (P2) and (P3). I will begin, in (P2), by arguing that Spinoza’s conception of freedom, as established in (P1), condones punishment only when it is necessary for state stability or when it betters every party involved. After having established this, I can conclude in (P3) by arguing that Spinoza’s conception of freedom does not support advocacy of imprisonment (as here defined) as a form of punishment.

Part 1: Spinoza’s conception of freedom

The concept of freedom is central to imprisonment since it consists of the restriction on one’s physical liberty. Kisner (2011) asserts that Spinoza’s conception of freedom should be seen as being more than what is left after his belief in causal determinism has been established. Shein (2018) writes that many consider Spinoza’s metaphysics to be “holistic and systematic”, which suggests that it would be inconsistent for Spinoza’s definition of freedom to be a negatively constructed by-product, as opposed to an important part of the system in its own right. I will support this idea by constructing a positive account of Spinoza’s conception of freedom. I will still hold, however, that his causal determination is very important; indeed, I consider it to be one of the two elements of Spinoza’s metaphysics that stand out as crucial for understanding his conception of freedom, next to his theory of affects. I will, therefore, first establish Spinoza’s reasons for holding that the universe is determined, and then give a brief overview of his theory of affects, to then put forward an account of Spinoza’s conception of freedom.

It is useful to give a brief definition of three important terms here: substance, attribute, and mode. Each of these terms is subject to much scholarly controversy, but a basic account can be offered. A substance is something that is self-caused and self-explained (E1D4)[2], and in E1P14 Spinoza asserts that there is only one such substance: “besides God no substance can be” (E1,p13). This substance “necessarily exists and is absolutely infinite” (Lin, 2006, p. 146), and since God is an absolutely infinite substance, it must be God[3]. All finite particular things present in the world are modes of this one substance and are often considered its properties (as per Van Cleve
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and Curley (Lin, 2006)). The one substance also has infinitely many attributes or essences, of which, however, only two - thought and extension – are known to us. The necessary nature of the single substance God is important in understanding Spinoza’s account of causation; since there is nothing but the one substance of God and everything else is a state of God, and since God exists necessarily, there can be nothing which is contingent (E1, p47). This means that Spinoza is a necessitarian[4]; that is, everything is causally determined to exist as it does, and bring about the effects that it does, and thus the causal order of nature could not have been otherwise than it actually is.

The implications of Spinoza’s determinism for humans can be better understood if we look at how Spinoza conceives of the mind. Spinoza retains the Cartesian separation of the mental and material since they are two different attributes: thought and extension. He is not a substance dualist, however. Rather, for Spinoza, the human mind is simply a mode of God’s attribute of thought (E2P11), while the body is a mode of God’s attribute of extension (E2D2). As a result, the human mind is not exempt from Spinoza’s assertion of causal determinism: “In the mind there is no absolute or free will but the mind is determined to this or that volition by a cause which is also determined by another cause” (E1P48, p44).

We will return to the implications of Spinoza’s determinism for his account of freedom in a moment. Before we do so, we should define the second crucial element of Spinoza’s theory of freedom: our affects. An affect, for Spinoza, is an “affectation of the body by which the body’s power of acting is increased or diminished” (E3D3, p51); it is a variation produced in the mind or body by an interaction with another body. Specific forms of affects can broadly be categorized as being either joyful (laetitia) – as active and increasing the mind’s power -, or sorrowful (tristia) – as passive, and decreasing the mind’s power (E3, p76-82). Spinoza sees our striving towards power as critical; “the more it (a thing) acts, the more perfect it is” (E5P40, p253), and as a result, considers active affects to be desirable, and passive affects to be undesirable.

This focus on power is central to Spinoza’s conception of freedom; he writes, “that thing is said to be free which exists solely from the necessity of its own nature”
(E1D7). However, since God is the only thing of which this can be said, under this
definition only God is free. How can we reconcile this bleak acceptance of the
impossibility of human freedom with Spinoza’s claim that he will demonstrate “the
method—the way to be followed—to achieve freedom” (E5, p121)? Kisner (2011) has
argued that the only way to affect such a reconciliation is to separate this ‘absolute’
form of freedom from a lesser, achievable kind which he dubs ‘degree freedom’, and
these two kinds from a third, vaguely defined, ‘goal’ freedom. This seems unnecessary -
Kisner himself recognizes that all three kinds are “unified by an underlying conception
of self-determination” (Kisner, 2011, p. 34). I second this and consider it to absolve the
need for these distinctions. As Kisner argues, there is nothing necessarily contradictory
in the construction of a scalar model of freedom according to Spinoza’s assertion; one is
freer the closer one is to existing solely from the necessity of one’s nature.

In the context of his discussion of the affects, Spinoza states “we are driven about
in many ways by external causes … we toss about, not knowing our outcome and fate.” (E2P59,
p103) This could be read as a bleak assertion of our inescapable unfreedom, but it makes
far more sense to read this not as an observation, but as a warning. While it is true that
for Spinoza, as Hasana Sharp puts it “finite beings enhance and diminish one another’s
power necessarily” (Sharp, 2011, p. 26), this is not inherently negative. A traditional
belief in our freedom of choice may be illusory - “the mind is determined to wish this or
that by a cause” (E2P48) - but coming to realize our actions are caused has “an
advantage… as bearing on conduct… It teaches us… to perform more perfect actions”
(E2P49). Coming to realize that our actions are caused, and more importantly, what our
actions are caused by, contributes to our freedom, rather than detracts from it. Spinoza
writes “in so far as the mind understands all things as necessary, so far has it greater
power over the affects, or suffers less from them” (E5P6, p233). The practice of
attempting to reach a greater understanding of the causes of one’s actions is referred to
by Renz as the “therapeutic efficacy of philosophical reflection” (Renz, 2012, p. 122); such self-discovery allows us to act with greater self-determination and therefore makes us more free.
Spinoza’s conception of freedom, then, maybe summarised succinctly as self-determination, where self-determination is working towards increasing the power of the body, with a complete understanding of the causes of one’s actions. I argue that this definition is appealing because it allows two important things. The first is that freedom is meaningful, in that a considerable amount of freedom is attainable without being universal. Having considerable freedom is rare rather than the norm; human freedom is limited because all things other than God are limited (Dunner, 1955). Nonetheless, considerable freedom is still attainable for us, and is defined in a natural way; one considers oneself to be unfree when greater levels of restraint are present, as we understand them. The second is that this conception of freedom is, as I stipulated it should be, shaped by, rather than restrained by, Spinoza’s determinism.

Part 2: Spinoza’s conception of punishment

This conception of freedom having been laid out, we can now begin to think about how it might create a theory of punishment, central to understanding the impact of Spinoza’s thought on imprisonment. In this section, I will first explain why there might appear to be a complication to this conception, but then go on to argue that Spinoza still believes that there is a justified form of punishment, and will explore what this justified form of punishment amounts to.

There is a parable in the Book of Chuang Tzu which illustrates the potential conflict between Spinoza’s account of freedom and an understanding of punishment; “If someone ... is hit by an empty boat, he won’t be angry, no matter what sort of a temper he has. However, if there is a man in the other boat, he will shout at him” (Tzu, p. 47). Our ordinary attribution of blame tends to stem from a sense that somebody could have done otherwise: I rail at the helmsman not because they hit me, but because they hit me rather than taking steps to avoid me. If, however, I found out that the collision could not have been avoided, it would be unreasonable to continue in my anger. When we consider justified punishment to be the consequence of a correct allocation of blame, the problem quickly becomes clear, for Spinoza’s account of human freedom does not allow for the helmsman to ever have done otherwise. Indeed, as Peter Strawson (1962) points
out, we cannot avoid attributing blame, and therefore desire that punishment be meted out (Strawson, 1962). It is important, then, that we consider how Spinoza can account for these reactive attitudes.

Spinoza does not dismiss these attitudes as simpliciter. Spinoza writes in a letter to Ostens; “So he’s wrong when he says that I maintain that there’s no … expectation of reward or punishment” (Spinoza, CW, 2002, p. 385). Spinoza appreciates the existence of systems of punishment and blame, and that reactive attitudes are socially important; in the same letter, he writes (in response to a point about the prevalence of punishment in scripture) “I say that scripture, since it is intended mainly to serve ordinary people, continually speaks in a human fashion” (Spinoza, CW, 2002, p. 388).

Green (2016) claims that most of Spinoza’s extended remarks about the warrant of punishment are, as above, in response to critics objecting that rejecting free will must mean that punishment can never be justified. That he faced so much interrogation on this point is unsurprising when one considers the unordinary nature of Spinoza’s conception of punishment, one not so much beholden to determinism as entirely built upon it. To return to Chuang Tzu’s parable, according to Spinoza, I blame the helmsman because I believe they are responsible for the crash. This is important for understanding the sense in which Spinoza can cope with our intuitive desire for punishment whilst maintaining his determinist position. Spinoza does not dispense with the idea that we are responsible for our actions. Rather, he simply believes that we cannot fail to be responsible for our actions in the sense that every action we perform is necessary. This is a different sense of responsibility, being as it is descriptive rather than normative; after all, we tend to hold people to be responsible only when they could have done otherwise (the Principle of Alternate Possibility, or PAP (Frankfurt, 1969).[5]

Dispensing with our belief in PAP might seem unappealing, but when we spell out what we would lose, it seems there are which are retained in Spinoza’s conception of freedom. PAP, at its most basic, could be said to be motivated by the fact that in everyday life there are cases in which people are and cases where they are not held responsible for their actions, and this distinction is made by absolving responsibility when there was no alternate possibility [6]. The descriptive sense of ‘responsibility’ just
laid out cannot account for this intuition, but Spinoza’s theory of affect can. Spinoza draws a distinction between our mind actively doing things, and passively undergoing things (E3P1), and this difference is explained by the fact that an affect can increase or decrease the power of the body. We could never do otherwise than as we did, but in some situations, we act, and in others, we are acted upon. The distinction which motivated PAP is therefore intact.

There is clearly a difference, then, between a helmsman swept into me by the tide, and one who steers into my boat intentionally. However, though blaming the latter is thus understandable, it is only desirable in specific circumstances. Hatred, according to Spinoza, is “nothing else but pain accompanied by the idea of an external cause” (E3P3, p57), and since pain is passive, so too is hate. Shouting at the helmsman is therefore passive, and undesirable.

Green (2016) makes a compelling case, however, for thinking that Spinoza does consider there to be grounds for supporting blame in some circumstances. Spinoza says that “no one can cherish [love] his neighbour in accordance with piety, unless he accommodates piety and religion to the public advantage”. He holds the stability of the state to be a priority: “[I]f the state is destroyed,” he writes, “nothing good can survive” (Spinoza, Spinoza: Complete Works, 2002, p. 560). Our actions, therefore, should contribute to its protection. The practice of blame, then, is permissible when it is to public advantage (Green, 2016). In order to secure stability, punishing acts that undermine the state is justified, since the state prescribes a common rule of life, and threats are necessary to enforce it. (Wollenburg, 2012)

Understanding the limitations to this, however, is crucial for analyzing the relationship between punishment and imprisonment. An ideal judge, for Spinoza, seeks to further the interests of both parties, not just the injured, because the judge acts out of concern for the general welfare. He writes: “[A] judge who condemns a guilty man to death—not from hate or anger, etc. but only from a love of the general welfare—is guided only by reason.” (E4P63, p112) This motivation is an active one, as opposed to the motivation to do harm by weakening another, which is a form of hatred (E3P1). Increasing our security, and thus decreasing the amount we are controlled by passive
affects is the purpose of government for Spinoza; he writes “The virtue of government is security” because it should strive to “free each (person) from dread” (from Wollenburg, 2012, p162). Punishment to this end is therefore justified. One important implication of this is that punishment should not be intended to soothe the injured party, since, as previously mentioned, dwelling on wrongs done to one is passive and undesirable. Instead, a judge must punish “with insight, so as to help and improve the one as much as the other” (Spinoza, CW, 2002, p168).

Thus, acting “from a love of the general welfare” contains two stipulations for justified forms of punishment – acting for the stability of the state, and acting for the benefit of both parties. If a punishment does not fulfill these, then it is not justified, although punishment itself is explained and condoned by Spinoza under his conception of freedom.

**Part 3: Imprisonment as an undesirable form of punishment**

As set out in the introduction, to understand how Spinoza’s conception of freedom can be applied to imprisonment (as here defined) it is crucial to understand how his metaphysical system shapes a certain idea of freedom, and how this idea of freedom effects his conception of punishment. I have proposed an understanding of Spinoza’s conception of freedom and explained how Spinozist freedom, thus understood, leads to the account of just punishment given above, where punishment is justified *iff* it is either in the interest of state stability or benefitting both parties involved. I now argue that imprisonment does not fulfill either requirement effectively. I will begin by considering why imprisonment is not ideal for creating state stability and go on to explain why it also is not beneficial to both parties, in light of Spinoza’s idea of interaction.

As just mentioned, the justification for punishment rests on the importance of creating a stable state. In *Desire & Democracy* Wollenburg argues that to create a truly stable political system, which is what Spinoza seeks, you need self-perpetuation (Wollenburg, 2012) – a desire of those within the system to preserve the system. This is plausible- if a political system is *not* self-perpetuating, then its continuation must be
imposed externally in a totalitarian way. If the external motivation ceases, apparently obedient behavior will also cease. Ruling through fear, for example, will mean that the system’s stability is only maintained through the continuing threat of punishment. A motivation for obeying the state that is not reliant on an external threat, on the other hand – in other words, a desire for the system to continue - will reinforce itself, and thus be much more stable.

The concept of the self-reinforcing state as stable is affirmed in Ethics: Spinoza claims we work towards the preservation of things we love without any kind of proximate coercion (E3P25, p60). The motivation of love, of a desire to preserve, is an active affect. As mentioned earlier, active affects increase the power of the mind – it is thus much more effective to move through an active affect than constrain through a passive one (E3P43, p68). If we wish to create a stable state system, then, should we motivate through fear of punishment or love for the stable system? The answer, under Spinoza’s ideas as laid out so far, is clear.

It is crucial to reiterate that a stable state is considered a state of freedom. As such, prison, at least under a retributive justice model, is at odds with Spinoza’s conception of freedom. Using it as punishment simpliciter is undesirable because this practice of enacting hatred is passive; vindicating the injured party is not a step towards greater security in itself, nor is it beneficial in terms of increased self-determination. As a method of securing stability, it is also lacking; motivating through fear in this manner is ineffective, and undesirable as a result.

This is not enough, however, to establish imprisonment as being at odds with Spinoza's conception of freedom. We saw previously that it is sometimes necessary to rule through fear, despite its undesirability (Green, 2016). As restated above, Spinoza prizes the stability of the state, and in instances where there is no option but to enact said stability through desire, fear is permissible. Perhaps, one could argue, enaction motivation through fear of imprisonment is justified. Note, however, the limitations of this. This is always a poor substitute for self-reinforcing positive motivation and stressing the benefit of imprisonment in anything other than necessary circumstances is unfaithful to Spinoza’s conception of freedom and punishment. It is true that in some
circumstances it can be justified in terms of stability, but this is not desirable in any positive sense of the word.

Imprisonment’s undesirability is further impressed when considering the role of social connection in Spinoza’s thought, and the way in which it ensures that it is not beneficial to all parties. Kelly McBride (2010) identifies the role of prison as a space of removal from the ‘outside’ world, regardless of its status as a socially established institution. This is antithetical to Spinoza’s beliefs about the importance of social interaction as set out in Ethics. There, he writes that when people act from virtue under the guidance of reason (e.g. are active) they will agree with each other because they will all be following what is good for their own human nature. As a result, they will all agree in nature. Spinoza believes that the more something agrees with your nature the better it is for you, and as a result, the best thing for a person is another human being living by the guidance of reason. Such an arrangement facilitates peace, since “[w]hen we love a thing that is like ourselves, we try our utmost to bring it about that it loves us in return” (E3P33, p4).

That Spinoza values this kind of social interaction so highly is unsurprising once we consider the other elements of sociability implicit in his theory of freedom. Given that Spinoza’s monism means the causal chain of our thoughts is fully mirrored by a parallel chain of bodily states, whatever affects the body also affects the mind. There is no part of us, then, exempt from external influence, and as a result, we are very susceptible to it. On its effects, he writes “external causes give varying kinds of pleasure, unpleasure, love, hate, etc. to a man, thus varying his constitution” (E3P56, p73). The effect that the external world, including other people, has on us is crucial; “Men,” he writes, “are not born civil; they are made that way.” (Spinoza CW, 2002, p296) - the ability of mankind to coexist civilly is dependent on external conditions. Freedom for Spinoza does not mean an exemption from the influence of others and should instead be seen as evidence for seeking out beneficial social interaction. Self-determination means we should move towards society, not away from it.

A final worry should be treated here, however. Given how important this social connection is to Spinoza, if one is of a similar persuasion to Jeremy Bentham, who
thinks that prison should contain those who act against society to protect society from their influence (Semple, 1993), the opposite conclusion may be more convincing. Should we not make sure to remove those who undermine social stability from society, given how pervasive the impact of another person can be? This is a useful worry to address because it is a traditional argument for imprisonment. Though interesting, however, it is not a dangerous objection, given the kind of imprisonment we are discussing. If it were the case that we were imprisoning people based on their corruptive influence, then it would certainly provide a strong case for rejecting my conclusion, but a focus on retributive imprisonment undermines the objection. After all, those who have committed a crime are not necessarily a poor influence. Nothing in Spinoza’s theory indicates that they should be considered so, particularly when one considers the huge amount of people living immoral lives outside a penitentiary. Even without a more comprehensive empirical account of how this is not a necessary connection, we can appreciate that this uncertainty, as opposed to the certain detriment to those imprisoned (as above), leaves the conclusion intact.

In summary, then the purpose of punishment, according to Spinoza, should ideally be to the benefit of the injurious party as much as to the injured party, and imprisonment cannot fulfill this, given the social issue just discussed. Privation from society will be not just detrimental to the inmate, but seriously detrimental, and cannot fulfill the second requirement of justified punishment; that it be issued through reason, and benefit both parties. This, coupled with our first criticism – that concerning state stability- means that imprisonment as punishment is not justified by Spinoza’s conception of freedom.

**Conclusion**

There were two primary motivations for this discussion, and as a result, two targets. The first, major, motivation (discussing imprisonment as a way to clarify Spinoza’s conception of freedom) has certainly been met, notably in the exploration of its political implications in Part 3, and in the discussion of punishment in Part 2. The second, minor, motivation was an increased understanding of the way Spinoza is used and implicated in contemporary continental thought. Having defined a conception of freedom which allows but also limits the enaction of justified
punishment, I concluded that Spinoza’s conception of freedom does not justify imprisonment as here defined. It fails to fulfill the two requirements his idea of punishment necessitates; namely, that punishment either increases the stability of the state or that it be of benefit to all parties involved. This conclusion, a sentiment also attributed to the notable continental philosophers in the introduction, is interesting. It may not establish him as a prison abolitionist, but it does raise interesting questions about the purpose of punishment. Spinoza’s belief that punishment – even for security’s sake - should aim to free, rather than to restrain, is thought-provoking and provides some useful groundwork for future analysis of the exact nature of Spinoza’s contemporary influence in this area.
Notes


[2] All references to Ethics here are from the Penguin Classics 1996 edition. The following abbreviations will be used: E-Ethics #- the part referenced
   P-proposition D-definition

[3] also referred to as nature, since it is not the anthropomorphic God of the Torah


[5] Note that where ‘responsibility’ appears in Spinoza’s work, it tends to be a translation from the Latin cura, which also means care or concern, implying jurisdiction rather than culpability

Bibliography


Retrieved from The Determinism and Freedom Philosophy Website.


Examining the entirety of Plato's *Republic*, Marina Berzins McCoy innovatively and effectively addresses one of the dialogue's oldest and most apparent tensions. Reconciling Plato's harsh criticism of images and literary devices with his own consistent philosophical use of those very devices (e.g., the City and the Soul, the Cave, the Divided Line, etc.), McCoy's work examines the method, objectives, and philosophical process of the *Republic* to provide a robust solution. Her vastly unique thesis builds a new bridge between Platonic images and philosophical reason, arguing that the use of the images invites the reader to move beyond the obvious into the intelligible, bringing newfound clarity to one of the discipline's most contentious texts and its method.

Plato's broader project in the *Republic* fundamentally concerns establishing the order and philosophical character of the just city-state (i.e., the ideal city, or *Kallipolis*). Throughout the dialogue, Plato employs various literary devices, images, allegories, etc. such as the aforementioned City-Soul analogy, the Cave allegory, and the Divided line analogy, to establish core concepts of the ideal city, namely justice, knowledge, and goodness.¹ The famed Cave analogy, for example, likens the uneducated masses to prisoners in a cave who only ever experience deceptive shadows and believe them to be a reality, in the same way the uneducated believe sensibility and appearances to be the highest form of knowledge.² However, perhaps to the dismay of his own arguments, Plato heavily criticizes the philosophical uses of such devices in Book X. Plato's essential criticism of imagery is that poetic imagery and imitation rank below truth

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¹ Plato, *Republic*, VII
² Ibid., 514a-517a
epistemologically speaking\(^3\), corrupt the soul\(^4\), and therefore, must be banned in the ideal city. In the broader sense of the philosophy process, the use of imagery and poetic imitation can often cheapen a rigorous philosophical approach that would otherwise move beyond the *prima facie*\(^5\) images and deceptive imitations to substantial conclusions. Its use can vastly oversimplify an otherwise more robust philosophical process, substituting refined arguments for derivative and memetic parable and allegory, rendering an otherwise critical project an exercise in mere sophistry.

How then, does Plato reconcile his own philosophical use of imagery with these criticisms? McCoy’s thesis suggests that Plato’s use of image-ridden, literary language consists in inspiring the would-be philosopher to actively engage (and even struggle) with the ‘rudimentary’ imagery to gain a deeper philosophical understanding of the concepts that images capture. Consider the Divided Line analogy, for example. The line epistemologically ‘divides’ the visible world and the intelligible world based on their levels of reality. To the former belongs εἰκάσια and πίστις (i.e., illusion and belief, respectively), and to the latter belongs διάνοια and νόησις (i.e., mathematical reasoning and understanding, respectively). He then invites the reader to move beyond the former, into the highest levels of understanding.\(^6\) At a glance, the analogy might merely illustrate the distinct levels of truth in the world, but this is a largely superficial reading. However, with some rigor and intellectual effort, the reader will uncover the ontological and metaphysical significance of these distinctions to Plato’s very conception of reality, and the epistemological significance of moving beyond the sensible to the intelligible. The philosopher is inviting the reader to uncover the ‘image beyond the image’, in an exercise of philosophical reasoning. Plato, in a sense, defiantly uses the objects of his own critique to illustrate the merit of moving beyond the sensibly obvious to the intelligible – McCoy beautifully illustrates this long-overlooked move.

The first chapter sees McCoy set the scope of the project, defining what constitutes an “image” in the Platonic sense. Moving well beyond the traditional scope

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\(^3\) Ibid., 596e–602c
\(^4\) Ibid., 602c–608b
\(^5\) *Prima Facie* – “first impression”.
\(^6\) Ibid., 509d–511e
of stories and obviously figurative inclusions alone, her project considers the
paradigmatic case, the illustrative example, and the analogy. In this sense, *Image and
Argument* is much more expansive than previous efforts to examine the conflict between
the content and method of the *Republic*, grappling with far more of Plato’s dense
philosophical devices. The joy of reading McCoy’s work is that she performs the
intellectual labor of broadening the criteria for what constitutes a ‘Platonic Image’ far
beyond the scope of prevailing discourse on Platonic metaphysics, aesthetics, and
political philosophy. This allows her examination to span the *Republic* in its entirety,
making it a wholeheartedly charitable effort to understand the smallest nuances of
Plato’s argument.

Chapters 1 to 4 see the investigation of the images that Plato uses. The
paradigmatic case in question is justice. Through examining the virtue as a
paradigmatic, universal “image”, McCoy suggests Socrates forces his interlocutors to
move beyond the archetypal assumptions to nuanced conceptions. In the classical
conception, justice is resolutely understood as Socratic virtue, but McCoy innovatively
classifies it as an image – a primordial *representation* of virtue; the popular conception of
justice is merely the ‘first impression’ of virtue that requires further examination to truly
grasp. At a passing glance, McCoy’s categorization of a ‘practical virtue’ as an ‘image’
seems counterintuitive, if not altogether untenable – it is an uncommon reading of
Plato’s method by most metrics. However, McCoy traces the fault lines of the discussion
between Socrates, Glaucon, and Adeimantus, illustrating precisely how essential these
‘depictive’ paradigms – the images of virtue – are to the early dialectic process.
Grappling with complex concepts such as justice is best begun by examining the
‘popular images’ of these notions, and only then moving into its subtleties. In terms of
analogy, McCoy aims at the famous Soul and City parallel – an analogy at the core of the
*Republic’s* thesis. The dialogue’s central analogy suggests that there is a non-accidental
parallelism between the individual soul, and observations about the ‘just city’ can also
be veridically predicated on the individual soul.  

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7 Cf. James I. Porter’s “Plato and the Platonic Tradition: The Image Beyond the Image”.
8 Ibid., 368e-369a
Review of Marina Berzins McCoy’s *Image and Argument in Plato’s Republic*

allows for the philosopher to ‘visually’ nuance the actual resemblance between a city and the soul, in a way essential to Plato’s methodology here. Through her shift in framing, McCoy interjects a newfound clarity surrounding Plato’s method that is quite frankly absent in the *Republic* itself.

Chapters 5 and 6 are where McCoy’s philosophical prowess really shines through. A discussion on the *Republic*’s various cities, McCoy examines the cities as images themselves, comparing them to the prevailing socio-cultural ‘images’ of Plato’s classical Athens. She effectually grounds the ideals and images found throughout the *Republic* in Plato’s most immediate Athenian context, elevating the analysis from a mere textual study to a comprehensive contextual study. Notably, this includes an examination of the religious activities in Thesmophoria and the plays of Aristophanes – ‘images’ parallel to those of the City of Sows and gender dynamics respectively. This section in particular displays incredible philosophical dexterity, exceptionally weaving together nuanced historical and socio-cultural ‘images’ with the images of the cities in the dialogue, all well within the context of her broader thesis. However, the brilliance of this section is somewhat fleeting, as drawing more parallels to Grecian idiosyncrasies may have bolstered McCoy’s comparison by adding even greater cultural context. McCoy draws parallels between Plato’s images and the images of cultural history so expertly, so much so that it is unfortunate not to have seen her do so more often.

Moving into the *Republic*’s metaphysics, Chapters 7 and 8 engage with the Platonic Forms and the aforementioned of the dialogue’s best known “imagery” of the Cave, the Sun, and the Divided Line. This is where McCoy’s thesis essentially converges on itself, seeing her not only challenge some of the pre-existing interpretations of Plato’s images, but also further a notably unique conclusion about their philosophical merit. While traditional interpreters have mostly considered the use of images such as these pedagogic teaching tools meant to convey complex philosophical ideas to students and learners⁹, McCoy suggests that these images are actually the rudimentary, first thoughts of the philosophers themselves. Only upon realizing this can the philosopher move beyond the image. In other words, images are not merely disposable means to

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⁹ See Avi I. Mintz’s “Plato: Images, Aims, and Practices of Education”.
expound more complex, dense philosophical content, but are the natural origins of philosophical reason itself. This is the bridge between image and reason McCoy develops, showing the former’s role is reaching the latter. While I do not mean to say that McCoy is unwitting of former interpretations (engaging with ample Plato scholars, such as Allen, Elias, Gadamer, and numerous others cited in the work), I must emphasize that her conclusion is uniquely her own. Setting a new precedent for Platonic scholarship, forthcoming scholars in the tradition must go far beyond the usual images considered to engage with Plato as extensively as McCoy has done.

At its core, *Image and Argument* is a demanding scholarly text. While I would be remiss to discourage students of philosophy at any level from reading it, the more inexperienced learners among them should be aware that the book challenges much of the already complex *endoxa*¹⁰ of Platonic scholarship and develops a difficult thesis. McCoy’s examination of Platonic imagery is dense, detail-oriented, and incredibly critical. It reaches deep into various sections of Athenian culture, from religion to poetry, making this a borderline multidisciplinary approach – an approach for the understanding of which may require a seasoned knowledge of Plato’s dialogues and their relevant contexts. However, this (menial) barrier is also a testament to the work’s rigor and excellence. For graduate and postgraduate scholars interested in reconciling one of the many tensions in the *Republic*, *Image and Argument* will prove to be an invaluable scholarly contribution rich with its own philosophical merit.

In conclusion, McCoy’s thesis is a radically unique one – but more importantly, it is a deeply insightful one. In bridging the long-unbridged gap between Platonic images and the process of philosophical reason, not only does McCoy save Plato from the criticisms that his remarks on imagery and poetry in Book X diminish most of his preceding arguments, but she also expounds how those image-ridden arguments invite the reader to explicate the ‘image beyond the image’ moving from εἰκασία to νόησις. While more than sufficiently providing a comprehensive synthesis of the pre-existing

¹⁰ *Endoxa* (ἐνδοξά) – the robust, verifiable “commonplace consensus” of a particular group.
literature, *Image and Argument in Plato’s Republic* also furthers a brilliant conclusion that uniquely sheds a welcome light on Plato’s shadowy dialogue.
Bibliography


