

Ex Animo

An Undergraduate
Philosophy Journal



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Ex Animo is a peer-reviewed, open-access undergraduate philosophy journal, run by University of Oregon undergraduate students.

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Letter from the Editor

This journal is the product of well over a year of hard work from seven of the most passionate, brilliant, and genuine individuals I've had the pleasure of meeting and working with. Born over cups of coffee in Café Roma, the development of the journal encountered numerous challenges, and, at times, I was uncertain of whether it would be completed. With the onset of the pandemic, the resolve of each member of the team was tested, but each of them persevered. This journal is the culmination of their tenacity, their commitment to philosophy not just as a discipline, approach, or way of thinking, but as a practice, as a way of living and being in the world.

From the outset, it was our intention to start a journal that would be accessible to all, both in terms of its content and by making it open access, and that would test the boundaries of what philosophy is and can do for us. Of course, such a lofty task is difficult, especially for a group of young philosophers who still were struggling with answering that principal question posed to all of us at some point in an introductory philosophy course: *what is philosophy?* All of us have different answers to this question, but the one thing we all agreed upon was that philosophy is an end in itself, an activity worth doing for its own sake. But we all also recognized that philosophy has the unique capacity to inform our understanding of ourselves and the world around us, helping us navigate the variegated topography of existence with an open mind and open heart; it can give us tried and novel means to positively change our lives, the lives of others, and, indeed, the world. This journal attempts to accentuate, to traverse the line between and to negotiate, both of these aspects of philosophy.

Included in this journal is a collection of philosophical works from University of Oregon philosophy students that highlight the efficacy of philosophy today, its practical applications, and demonstrate just how much it can meaningfully inform our lives. These pieces serve as poignant reminders of the pressing need we have for philosophy today and the insights it affords us. But to do justice to these works, requires one to let them speak for themselves. And so, I encourage our readers to do just that.

A special thanks is owed to my team for all of their hard work, as well as Dr. Steven Brence, whose support and advocacy were critical for this journal's inception. Were it not for all of you, this journal would have never been able to come into fruition.

To the readers, on behalf of the entire *Ex Animo* team, I hope you enjoy our inaugural volume. To my team, I hope you are proud of this incredible achievement—I certainly am.



Shane J. Cooney
Editor-in-Chief, *Ex Animo*

Epistemic Fragments

Luke Currie

This is an attempt to think through the idea that human knowledge has no fundamental ground. It seemed best to present this gesture in fragments rather than argument. In the questioning pursuit of absolute certainty, one ultimately finds the promise of such certainty itself to be what is most questionable and uncertain. With this newfound uncertainty, the ground falls away and an abyss opens up which makes one wonder if and how we know anything at all. What is miraculous is that, despite this epistemic abyss, we nonetheless can and do know—just not in a firmly grounded, absolutely certain way. We rather seem to make recourse to “commonsensical” articles of faith which make understanding possible for us as much as they limit us. Perhaps the ultimate concern of these brief fragments is human finitude and human knowledge, as it is an attempt to humble aspirations certain, grounded knowledge in one regard, yet gestures toward what may be possible for human knowledge in another.

§

At the bottom of every system of knowledge lies not a solid foundation, self-evidently true, but mere articles of faith. “Self-evident truth” is synonymous with “irreducible article of faith.” These articles of faith *ground* some system of knowledge; but, being *groundless*, they also betray the shaky foundations thereof. Upon this realization we may ask: “What grounds the ground of this system of knowledge, if its initial grounds prove to be mere articles of faith without sufficient grounding?” “Why, the ground which grounds the ground!” “But what grounds the ground which grounds the ground?” “The ground which grounds the ground which grounds the ground!” and so on *ad infinitum, ad absurdum*.

§

The infinite is an abyss — The infinite regress which “opens up” when one plumbs the depths of the ground of some foundational system of knowledge does indeed leave us with a foundation of a sort: not a firm footing, but an *abyss*—for infinite regress is itself an abyss.

§

At the foundation of every system of knowledge yawns an abyss.

§

How are we to understand this abyss? It would seem foolish to avert our eyes from this disquieting spectacle. Has this newfound nothingness below our feet a positive or negative content? Have we simply led ourselves astray by relying too heavily on a foundationalist metaphor of knowledge, seeking a sufficient ground when there never was one to begin with? Have we stumbled upon a truth? Have we already gone astray? Perhaps the *actual* foundation of things is this abyss ...?

§

An abyss emerges because we expected something at bottom which is not, cannot, and never has been there.

§

Absence has presence — The experience of nothingness itself has positive content when it is felt as an *absence*, an unmet expectation felt as a *lack*. Without any prior expectation, nothingness is *pure* absence, and perhaps goes unfelt, for in this case one does not even know what one is missing.

§

Fundamental principles or self-evident truths (i.e., irreducible articles of faith, *beliefs*) appear to *ground themselves* by way of a bastardized circular logic (*causa sui*), curiously capable of begetting entire systems of knowledge, working as tacit beliefs about the world which make *action* (including thought) possible for us.¹ This self-causing power of certain beliefs, however, says nothing about their claim to *certainty*, especially as solid foundations for systems of knowledge.

§

Beliefs are not actively held, but rather subsist passively and unconsciously. Certainty is little more than the *belief* that something is certain. Likewise, the apparent solidity of foundations comes from the belief that such foundations are so. Beliefs themselves are first taken to be certain in some regard. Then, certain beliefs, “solid” to whom they are believed to be certain, become unconsciously, passively accepted by the believer *as* knowledge without further question.

§

Doubt is thus an unconscious belief loosened from its passive, believed certainty, either by way of

1. Such tacit beliefs may be called “common sense.”

recalcitrant experiences or other disturbing events which confront said belief by “falsifying” it and bringing it to light as something *questionable*.

§

Though beliefs may cause and uphold themselves, this does not necessarily make them trustworthy or “sufficiently grounded”; in fact, this propensity to self-ground and its unavoidably circular logic is what makes belief most dubious and, in effect, *groundless*—in fact, it marks yet another opening of the abyss, for a firm ground remains out of reach.

§

Can we concede the idea that such “self-evident truths”, these irreducible articles of faith which we find at bottom, conceived *as* beliefs, are self-caused? The idea that foundations are self-caused is no less disquieting than the notion of an abyssal infinite regress, for neither option provides us a *firm footing*. But it appears that one can (almost arbitrarily, though this would risk painting with too broad a stroke) posit any belief in some system of knowledge as being self-caused, as upholding itself, merely by *asserting* it and thus, in a crude manner, *making it so*. Yet this only seems to work so long as we do not bring the belief’s *sufficient grounding* into question, burying our heads in the sand and asserting dogmatically what we have no right to claim. Here, finding *causa sui* itself suspicious and insufficient for our task at hand, we are thus left with our abyssal ground as before without getting any closer to its meaning.

§

We may attempt to “cross” this abyss by *positing* first principles, by *consciously* believing in some fundamental, irreducible articles of faith upon which we may plant our feet. However, this active attempt to find one’s footing by way of belief is troubled by the fact that one loses one’s footing when discovering the groundlessness of belief as such, especially the groundlessness of those beliefs which lie as some foundation. Every belief has the capacity to “cause” itself, yet this does not give it any sufficient grounding. The stubborn assertion of some belief only stubbornly asserts some belief; questions regarding the belief’s truth, certainty, and the like remain unaltered therein.

§

Once the abyss yawns, a stubborn assertion of belief will not sufficiently cover it, for it is due to the

very fact that the foundation is composed of groundless beliefs which opened the abyss from the start! And is there such a thing as a *sufficiently grounded belief*...?

§

We appear to remain ensnared in the nothingness which emerged at the outset. Yet, as Hume says, “An absurd consequence, if necessary, proves the original doctrine to be absurd”—with this yawning abyss we have arrived at an absurd consequence, for an abyss is almost inconceivable (*horror vacui*), regardless of its truth or illusoriness; but from what original doctrine did it emerge?²

§

The *need for* and the very *possibility of* something like “sufficient grounding” as a foundation should be scrutinized, for we have hitherto assumed the notion “sufficient grounding” as self-evident and necessary for knowledge without bringing out what is *questionable* in it.

§

Implicit in the notion “sufficient grounding” is a need for fixity—the belief in a belief’s certainty, (or at least a belief in the possibility of such certain beliefs which we *can* ground and fix ourselves). The emergent nothingness with which we are dealing is a consequence of the absence of such sufficient grounding, or rather the *illusoriness* of fixity

§

Abandonment of the need for fixity—Foundations, grounds, Being, and the like are attempts to escape the uncertainty and precariousness of the ceaseless flux of existence, to *fix* ourselves where we are in fact without stable ground. Perhaps the abyss which yawns at the bottom of foundational systems of knowledge shows us the nothingness of this fixity sought. For, despite the extreme consequence of this abyss, the world still exists and we are still in it, feeling, breathing, living; rather than reality itself being abyssal, the abstract inventions of fixity show themselves to be without reality, at bottom abyssal. To take the former as the conclusion would be to (wrongly) prioritize epistemology as accounting for all of existence, and to thus assume that epistemology’s conclusions must directly speak to existence *in toto*, rather than only of epistemology itself.

2. David Hume, *An Enquiry Concerning Human Understanding* (Hackett), 67

§

Faith is an attempt to attain fixity, but the abyss which emerges from this attempt shows the limits and insufficiency of such attempts to attain fixity. While faith may be expedient, insofar as such attempts help make inquiry and action possible, there remains something chimerical about such “grounding” principles insofar as any *actual* fixity remains out of reach.

§

Founding principles, irreducible articles of faith, thus work as *heuristic devices* (rather than certain, self-evident axioms) which help us to “know” and act in the world, and which are arrived at and posited *post hoc* rather than the discovered at bottom or thought *a priori*.

§

Of course, these very fragments are predicated upon implicit, groundless beliefs. We are unable to fully uncover the operative beliefs at work here, even if we attempt to enumerate them, for the very process of enumeration involves further groundless, irreducible articles of faith which remain implicit and undisclosed *in order to enumerate*—we *need* them to proceed in any mode of discourse, action, or thought.

§

Further, such beliefs are born through our precarious experiences in the world. Thus, as heuristic devices, they help us more readily think and act without having to derive fundamental principles at every waking moment. However, precarious experience is not so much a *ground* for these beliefs as it is the ever-flowing canal from which they originate, itself always already becoming, approaching us and streaming past us, capable of knocking us off our feet at any moment

§

Irreducible articles of faith are not reducible to further grounding articles of faith, but are enmeshed in a web of other irreducible articles of faith. When some come to light, others remain hidden in the background. Such faith produces commonsensical knowledge, which is as necessary as it is groundless.

§

We are ultimately beholden to our self-evident truths, our irreducible articles of faith, our beliefs,

our illusions, our myths, our knowledge, our fundamental principles, our axioms, our theories, our customs, our hopes ... We are beholden to them insofar as they make the conditions of life both possible and endurable for us; we are prey to them insofar as, on a whim, they may mislead us, disappoint us, break us.

§

We have only the dubious certainty of our feet.

Disconnecting the Dots: Anonymity in the Digital Age

Sydney Hanover

Governmental and corporate spying are no longer a surprising facet of everyday life in the digital age. In this paper, I expand upon the implications at stake in debates on autonomy, privacy, and anonymity, and I arrive at a definition of anonymity involving the flow between traits and the inability to connect them based on deliberate non-publication on a structurally social level. I argue that cultivating the space to remain anonymous is useful for distanced association with oneself in the purely private internal sphere, furthering a more fully examined inner association not based on a future already predicted or prematurely acted upon. The privilege of anonymity is a precondition for genuine self-relation. Later, I argue doubly against the “nothing to hide” argument, i.e., if one has nothing to hide, one has nothing to fear. Firstly, the actionability and fabrication of data make it such that it is always at risk of being interpreted as unsafe. Secondly, this argument is predicated on hiddenness as negative, which I answer with an analysis of the functionality of anonymity concerning personal growth.

I. Introduction

What we search and put on personal devices, who owns that data, and what they do with that information, is at the center of an important debate on privacy containing various opinions on what is being protected and why. This debate is not merely about words and concepts, rather, as exemplified by the extent of corporate and governmental spying in this country, all of us are affected, despite how technologically involved one may be. As I will show in this paper, at stake are the philosophical realms of autonomous deliberation, agency and personhood that underlie our actions in the digital age. These are topics that are often neglected, as we can see by the general public’s blind acceptance of information banks, and even their willing participation in handing out data in forms such as social media and personalized biological information like 23andMe. Once our data is publicized, unbeknownst to us, it is not only wrung out for its future use but also may be manipulated in such a way that can affect how we relate to others—and, importantly, even to ourselves—when being anonymous is no longer a choice. As I will explain below, voyeurism in the form of unsolicited viewership can come in many forms, and often governmental and corporate spying rip away autonomy, deciding the future of personal control of information and its implications.

In this paper, I argue that the concept of anonymity, which I will define in detail below,

ought to be a central focal point of the debate on privacy and autonomy, especially in the context of data-driven, algorithmic, and predictive technologies. If autonomy, the ability of an agent to act on the basis of her own authority over herself, is to be self-authored and reflective of personal deliberation in terms of growth, then anonymity ought to be protected and its centrality brought into focus. As I will show, defending anonymity as central to autonomy can elucidate key aspects of important debates about privacy.

To illustrate the centrality of anonymity in relation to privacy, I will also argue against the “nothing to hide” argument. Daniel J. Solove explains the argument as follows: government surveillance poses no threat to privacy unless unlawful activity is uncovered, in which case it should not be private—legal activity and the surveillance thereof is nothing to worry about.¹ I will refute this argument in two ways. My first strategy will be to challenge the first premise of the argument: that quotidian and legal activity can be transparent and safe. As I will explain below, movability of data, how it is disseminated and by whom allows algorithms and data banks—particularly those sustained by corporations and government—to take raw personal data and create new repossessed data sets. A repossessed data set is a data set that is taken from one data collecting entity and placed, differently categorized, into another database. The information itself is not necessarily changed, but its movement dissociates it further from where it came and its separation may shift the way that it will be used in the future. Once repossessed by the recording technology, and the industry behind it, these data sets are used for further algorithmic purposes.² Eventually, that individual’s data does not truly belong to the agent from whom it was taken any longer. It belongs to banks of data that are stored and continuously revisited. This means that even quotidian and legal activity is not safe from how its actionability will be utilized. This is, of course, exacerbated by the fact that even if such an agent had access to such data, it would be incomprehensible to them without the algorithmic technology required to decipher its actionability.

Secondly, the nothing to hide argument does not consider how the exposition and utilization of data in the form of institutionalized surveillance policy and simpler listening devices in cell phones, for example, reflects back on personhood and growth, which will depict the implications of

1. Daniel J. Solove, “‘I’ve Got Nothing to Hide’ and Other Misunderstandings of Privacy. Informational Privacy: Philosophical Foundations and Legal Implications),” *San Diego Law Review*, vol. 44, no. 4, 2007, pp. 745–772

2. Following Louise Amoore, I will use the term “actionability” to refer to the way in which data becomes usable. By this I mean that traceable data like credit card purchases, flights, and numerical identifiers like social security for instance are used to glean more information about a person or her future actions. Amoore’s work refers to more than the ways in which already established data points are used but how the absence of data is also acted upon. Louise Amoore, “Data Derivatives: On the Emergence of a Security Risk Calculus for Our Times,” *Theory, Culture & Society*, vol. 28, no. 6, 2011, 24–43.

a misled approach to privacy that neglects the value of anonymity. As we will see, there are some things worth keeping for oneself independently of whether or not they are things that would be considered “something to hide.” In one sense, this means that this argument misses the main point of both privacy and anonymity: that we all have something to hide.³

The potential for invasion of personal life is ripe, as is the exposing feeling it engenders even, and perhaps especially, when it is implicit.⁴ For example, unless I share information willingly, I do not want others to have access to certain traits about me, facts about how those traits are related to each other, facts about how they are related back to me, and/or, importantly, what I do with them.⁵ It is this sharing transaction that, as I will show in this paper, is at the center of the flow of information I referred to above. For example, the National Security Agency, a component of the Defense Department is legally able to survey international and domestic communications under the FISA Amendment Act signed under President George W. Bush. Under this act, “foreign intelligence information,” which is the primary excuse for data collection, retention, and dissemination, is defined incredibly broadly.⁶ This vagueness means that Americans, their domestic and international calls, locations, and search histories are subject to government acquisition. This publicity suggests that the data of every American and foreigner, not simply those they consider “a threat” (which also has an extraordinarily broad definition), is available for legal procurement by the government.⁷ What is ours, in fact, is at the disposal of the government (and corporations, which I speak less of, that are also guilty of procuring data in a manner once thought to be barred).⁸ While problematic methods of collection are built into the law, practices— in terms of what they are able to collect and why—

3. As it will become clear throughout this paper, that something should be kept from others, is independent of its moral status or social stigma. Having something to hide is not based on criminality or embarrassment but out of self-preservation, the possibility of a continued notion of self that is simultaneously changing and handling that change.

4. Judith Jarvis Thomson inquires into the violation of rights and what that means for privacy in general by presenting several imaginary, yet very real, cases in which privacy might be being violated. See Judith Jarvis Thomson, “The Right to Privacy,” *Philosophical Dimensions of Privacy*, ed. Ferdinand David Schoeman, (Cambridge University Press, 1984): 272–289, doi:10.1017/cbo9780511625138.012. I am here thinking of her example of a passerby listening to a fight she is having at home heard through open windows versus a neighbor training an amplifier to listen in (273). For most of the paper, she attempts to determine whether these two scenarios, or one or the other, violates the right to privacy and to what degree. I point this example out to note that she uses it because in both cases, intuitive discomfort is palpable and a springboard for her argument.

5. As I will show in detail below, I do not use the term “anonymity” to refer to simple namelessness, nor do I put identity solely in that basket. Rather, as I argue, it is related to a flow of traits, behavioral propensities and embodied habits or hobbies, used to distinguish someone (not externally appropriate an identity for them).

6. Alex Abdo and Jameel Jaffer, “How the NSA’s Surveillance Procedures Threaten Americans’ Privacy,” *American Civil Liberties Union*, April 26, 2015, www.aclu.org/blog/national-security/secretcy/how-nsas-surveillance-procedures-threaten-americans-privacy.

7. Abdo and Jaffer, “How the NSA’s Surveillance Procedures Threaten Americans’ Privacy.”

8. Adam Uzialko, “How and Why Businesses Collect Consumer Data,” *Business News Daily*, August 3 2018, www.businessnewsdaily.com/10625-businesses-collecting-data.html.

also exceed lawful categories.⁹

So, why does having nothing to hide from the government still produce discomfort from the acquisition of information in the personal, and in this case technological, field? There is an underlying aspect of personhood that is extremely important to uphold and protect — anonymity. I would like to suggest that anonymity articulates the boundary for personal rights violation, in the form of exhibition of traits, as well as potential for human flourishing. This internal space, which anonymity seeks to protect, is perhaps to remain space—*as such*, not to be filled in—where I can connect with my most undisguised self.¹⁰ This part of the self is to be the aspect of personhood most free from any third party intrusion, existing only for oneself.

II. Anonymity

In order to begin my analysis of anonymity it is useful to start with a working definition of the term. I define anonymity in the following way:

The inability of any second or third party, beyond oneself, to connect the flow between traits that act as an underlying structural association of social identification that is deliberately unpublicized.¹¹

As I will show later, this definition is closely related to the work of Kathleen A. Wallace, which emphasizes the sociality of anonymity, namely that everyone acts and interacts within a social context in which they can be identified, which contributes to the exhibition of their traits.¹² But first, let us take a look at each of the key terms in the definition above. By traits, I mean physical characteristics, such as hair color and height, but also habits or actions, as well as the relationships between them and their intimate, exclusive relationship to myself.

Expanding on the definition of anonymity above, consider the following example: For me to remain anonymous in one respect would mean that a second or third party observer is incapable of connecting the fact that I am graduating from the University of Oregon, my address on my license is not in Oregon, and that I am communicating with landlords in Portland. If one of these traits were taken individually, it would place me in a different geographical location along the West coast.

9. Eric Lichtblau and James Risen, “Officials Say U.S. Wiretaps Exceeded Law,” *The New York Times*, April 16, 2009, www.nytimes.com/2009/04/16/us/16nsa.html?pagewanted=1&_r=1&ref=us.

10. I do not mean to pinpoint free will or selfhood, but to contribute a conversation on becoming attuned to being anonymous to others as well as oneself, which may be productive and weighty. Free will and the self are concepts extremely tied up in philosophy on the whole, and these topics themselves are not covered sufficiently in this thesis. Instead, my view comments on the importance of the control of one’s own information, and what that might contribute to these larger concepts.

11. The traits we display and how they integrate to form a consistency that is identifiable to one person.

12. See Kathleen A. Wallace, “Anonymity,” *Ethics and Information Technology*, vol. 1, no. 1, (1999): 21–31, doi:10.1023/a:1010066509278.

Taken together one can ascribe to a story of where I am from, where I am, and where I am going. In other words, the aggregation of spatial (location) and temporal (near graduation) traits allow a third party observer to correctly, or incorrectly, infer possible scenarios as to who I am and what I am about to be and do. It is this inference space that anonymity protects.¹³ It is important to note that it is not the traits or throughlines, the connections between the connections of traits, themselves at issue in anonymity. Facts and data point to a story of someone's life. Their traits may identify them simply in some contexts, but their ability to remain anonymous refers to what is done with the information rather than what it contains. Helen Fay Nissenbaum devotes an analysis to the ways in which technology has changed in order to facilitate data aggregation and fabrication. This example is truly a euphemism for the data that is used in what she calls the "vast enterprise of meaning-making [that motivates] a great deal of collection, storage, and dissemination of information."¹⁴ My view of anonymity is more closely related to that of Wallace, whose view addresses the "noncoordinatability of traits in a given respect."¹⁵ Maintaining anonymity seeks to preserve a lack of comprehensive correspondence between traits. By using the term "correspondence" my framework ties anonymity to social contexts, upon which I will expand later. For now, traits identified to one person or a group must stand on the same contextual ground as the one identifying them. By "contextual ground" I mean to suggest an outline of the way in which different social networks in which people exist and act connect to one another, providing a "context" where detailed and different arenas of social life become intelligible to others. This ground does not mean to suggest a cultural or linguistic similarity, but the exhibition of traits must be able to be understood by other people. I am not considering animal behavior or extremely fringe human behavior as exhibiting the same degree of sociality, though there may be intentional interaction within these networks. To comprehend the flow of traits, they must be recognizable in comparison to others' on a social human level.

Now, let me clarify what I mean by the flow between traits. The flow between traits can be conceived of as the abstracted overarching coherence of one person's identity that allows for traits as well as throughlines to be tied together in order to denote a singular person or group. This

13. In training predictive algorithms, the accuracy of capturing each individual instance is not really prioritized, whether it is a correct categorization of an individual or an incorrect one, the system will use it as raw data from which to learn and adapt. See Amoore, "Data Derivatives," 32-33.

14. Helen Fay Nissenbaum, *Privacy in Context: Technology, Policy, and the Integrity of Social Life*, (Stanford University Press, 2010), 45. I dedicate much of what follows to the actionability of data, but Nissenbaum also highlights an important aspect of that narrative: that inventories of information can be "effectively moved into massive aggregations and disaggregated into usable chunks ... Furthermore, information begets information: as data is structured and analyzed it yields implications, consequences, and predictions" (37).

15. Wallace, "Anonymity," 24.

perspective of materialized traits that are mapped onto an actual person does not imply a solely superimposed identity, although to remain anonymous is considered to be necessarily in relation to others. A flow is by definition not rooted or stagnant, its movement is its constancy, but the flow connects the dots between traits, and traits are always socially contextualized if they are to be recognized by others. It is important to note that anonymity, by these characterizations, is a broader term rooted in much more than safeguarding a name. The underlying structural association within these contexts is a throughline of traits that exists for the identification of a singular person. When this flow between traits is shielded, so that links cannot be made and, thus, one cannot be identified by a second or third party, one achieves anonymity.

As I briefly discussed above, in this definition I have departed from the widely accepted definition that ties anonymity to namelessness, the kind of definition that one may even find in a Merriam Webster dictionary. Being anonymous commonly refers to forms of pseudonyms or being unrecognizable. Because this paper focuses on the implications of contemporary data technologies, it is important to note, as Nissenbaum writes, that when it comes to contemporary technology “the electronic medium now offers many points of entry, some of which may be even more effective than a name.”¹⁶ Here, Nissenbaum refers to the way in which data can be inferred about a person through technology without ever knowing his or her name. Consider the following example, someone who shops at Home Depot and donates to charities that construct homes pro bono. The unnamed person can be located geographically and can be typified by her interests. This unnamed individual points out to Nissenbaum that there are other ways to gather information that are even more satisfactory than through a name. What “effectiveness” is getting at in the Nissenbaum quote above is included in the definition: relations of traits become accessible and may pinpoint a person or group. In a later section, I will explore in detail the related notion of “actionability” in this data, a concept used by Louise Amoore. These two facts about this person may be traced to her email, from which she is updated on Home Depot and her favorite charities, then targeted for advertisements on landscaping designs and manipulated into buying expensive tools, thereby making the data actionable. Capturing the electronic medium that Nissenbaum highlights requires a more thorough definition of anonymity, which will clarify my discussion on autonomy and privacy. Nissenbaum is concerned for this external identification (that of locating by another), but on which she does not elaborate. The effectiveness of the entry is what is at stake in risking anonymity and what it seeks to preserve. At stake is a zone of personhood, deliberately nonspecific and undefinable, wherein traits

16. Helen Fay Nissenbaum, “The Meaning of Anonymity in an Information Age,” *The Information Society*, vol. 15, no. 2 (1999): 141–144, doi:10.1080/019722499128592, 142.

and throughlines are melded into one another and one may grow.

Anonymity can include namelessness, but namelessness is only a portion of the larger concept of anonymity. In this paper, I will be using a version of anonymity connected to recognizable traits of identity and the flow of their linkages. At first sight, the concept of namelessness seems in fact a viable way to think of anonymity because the term denotes a certain removal of a part of identity. As mentioned above, Nissenbaum exemplifies nameless anonymity as “people strolling through a foreign city” in which “no one knows who they are.”¹⁷ There is power in this type of anonymity because being able to roam without recognition puts less anticipatory pressure, such as expecting how one will act in a foreign city setting based on already knowing their habits, on any one person. There is a lighter version of responsibility to be held. Being unrecognizable can sometimes mean having the freedom to be anyone at that given moment un beholden to previous duties. However, even in these examples one can see that anonymity is much more complex than a name, especially in an information age sustained by electronic data gathering systems, as previously mentioned. In the first two examples about location on the West coast and shopping/donating both in relation to home repair, external agents can see what I am doing while I nevertheless remain nameless and a stranger to them. In an information age knowing people’s habits and activities allows a system to at least typify me, at most use what I do for predictive purposes. Thus namelessness is only the surface of the traceability of someone, where the availability of traits and their manifestation also act as key identifiers.¹⁸ As Nissenbaum notes, these systems can link bits and pieces of online information to a person or group without ever knowing a name, and the information they can accumulate goes much deeper than a name.¹⁹ In the data gathering systems to which I refer, search history, online purchases, tax returns, and many more items of information are bound to one person and can reveal more about that person without ever knowing her name (this information can all be gathered from what is stored on any one computer). These items are relevant to anonymity because they are not simply pieces of information. Pieced

17. Nissenbaum, “The Meaning of Anonymity in an Information Age,” 141.

18. Here, a proper name does indeed act as a “rigid designator,” which “designates the same object in all possible worlds in which that object exists and never designates anything else.” Joseph LaPorte, “Rigid Designators,” *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Spring 2018, <https://plato.stanford.edu/archives/spr2018/entries/rigid-designators>. The object being identified when called out by name can remain that very object throughout different contexts. But, I am suggesting here, that the patterns of the flow of our traits also point to, by way of identification, to a singular person or group as well. Though the flow of traits is more malleable and subject to change than a proper name, it still acts as a rigid designator because the object remains the same, and the object remains the same within different social contexts. If that object, the anonymous person, is the same person in various social spheres, then the flow of their traits provides a more calculated rigid designator than simply her name, which likely is not needed to place traits on to a person.

19. Nissenbaum, “The Meaning of Anonymity in an Information Age,” 142.

together, they create a story (whether or not it is accurate), that are springboards from which governments, institutions, companies, and private interests target people and tell them who they are. Hence, because of the intricacy of human participation in social life, in this paper I will be using an account of anonymity tied to networks of relation that go much deeper than a name. As I will show later in detail, the insufficiency of the name is what lies in the incalculable forms of knowledge in the form of the elusive self and why the actionability of data and the gaps between data are far more important than pinning down the points of entry that negate anonymity.

Consider now that whether or not my data depicts something worth investigating or prosecuting is not up to me to decide—governments and corporations can manipulate data in general and to their advantage. Amoore cites the ontology of association as implying a relational quality between data points that becomes actionable, able to act upon.²⁰ The intangible link between data points is not concrete in itself, rather becomes actionable because the association and correlation between data is legitimized, even though it is an absence instead of something positive used. There is a level of abstraction based “precisely on absence, on what is not known, on the very basis of uncertainty.”²¹ The potential consequence is an “amalgam of disaggregated data, inferring across the gaps to derive a lively and alert new form of data derivative.”²² This associative method of interpretation can be dangerous, even if the data does not necessarily say so. For example, becoming a security risk at the airport is based on data such as checked luggage, method of payment, location leaving from and going to, and ethnicity. The associative method ties these pieces of information together to create a picture of a threatening person who is then subjected to interrogation and often racism.

Let us now return to the definition of anonymity I provided above. Social context is taken as a prerequisite to the coordinability of traits, as traits cannot stand alone within an intricate patchwork of community, notably in the technological context where platforms are interconnected by people and databases. People’s traits can be thought of as their active expression—what people do characterizes parts of who they are, and when traits overlap and correlate with each other, their aggregation forms a fuller picture of who one is on the whole. Traits are not solely different patterns of behavior but how they are manifested in various and overlapping ways. For example, one person may have a hat collection, a consumer pattern, and use each style of hat for a different outdoor activity she enjoys—running, cycling, hiking, etc. These are traits in themselves and also may, for

20. Amoore, “Data Derivatives,” 27.

21. Amoore, “Data Derivatives,” 27.

22. Amoore, “Data Derivatives,” 27.

instance, suggest she is a pale person that likes spending time outside. Wallace's work highlights that people and their traits are always socially contextualized, which allows them to be placeable within a social realm at the outset.²³ Someone who is completely off the grid is not anonymous because her traits and the flow between them are not in the same sphere as others, and so they are not placeable in the language of traits agreed upon that are socially accessible. Thus, I agree with Wallace in that anonymity is not simply unknownness, in the case of being unaware of someone's existence, but rather being cognizant of someone's existence without identifying a person or group from the information available about them. Instead, anonymity shields one's identity located within a social context that would naturally allow a window into the flow of their traits that makes them not only visible but identifiable. For example, one can be visible without being identifiable. In the case of anonymous support groups like Alcoholics Anonymous, a name is stated along with the literal visibility of one's physical presence in the room, but that person is not identifiable beyond that circle. Wallace deems "network," "order," and "location" within these structures broadly as social contexts, where the examples she gives are economic, geographical, linguistic, etc. and one's position within these orders.²⁴ An order contains several networks of relations that overlap with other orders—for example the market and consumer networks belong to both the economic and political orders.²⁵ These orders make sociality more precise in examining the contemporaneousness of traits in other sectors, opening up the way in which traits, behaviors, and habits overlap in one person's life and with others'. The possibility of disclosure of identity in different sectors is extremely important to anonymity for potentially divulging choice information.²⁶ Divulging one's own information, or pointing out the flow of traits in order to be identified, introduces the agent as a gatekeeper for his or her own identification. This permeability folds a layer of autonomy into the function of anonymity.

Because traits in themselves, like data points, provide only so much information on a subject, topic or person, the flow between them is a more apt conception of understanding the operation of the flow between traits as opposed to description of the traits themselves. More literally I use the term flow to indicate connection. Also, I use the term "flow" to indicate changeability, in terms of growth, development, and shifting interests (for better or worse). In developing new hobbies, habits, or traits themselves, there remains a flow qua throughline that may solidify identity even through its obligatory changes (whether it shifts a little or changes completely over time). There are necessary

23. Wallace, "Anonymity," 21-31.

24. Wallace, "Anonymity," 25-26.

25. Wallace, "Anonymity," 26.

26. By "choice information" I mean to introduce the controllability of data that is at least seemingly one's own.

linkages and associations between traits but the practice of their lived embodiment for a person is constantly shifting. In this sense, I am referring to the developing to which most everyone is subject yet of which one is not necessarily aware. I am pointing to the sense of changing traits and thus how their manifestations change as a natural part of personhood. I doubt none of us are who we were, even if our hobbies and activities have remained the same. Development here is intentionally somewhat shallow and ought not to be taken positively or pejoratively; this is simply a recognition and allowance for variation in traits over time.

All this is not meant to delve into the intricate philosophical debates surrounding the nature of the soul or of personal identity, however the throughline can be said to be that which renders the same person identifiable while her traits and their manifestation change. For example, a student from Iowa that grew up on a farm may be graduating from the University of Oregon with a degree in Environmental Studies. That student previously showed her enjoyment for the outdoors by farming and producing vegetables for the farmer's market. Now, her enjoyment for the outdoors has shifted into protecting farmers through policy and she spends time talking to people in their communities, outside, but also advises local politicians on the wants of this population. She has developed, her interests have changed, but she remains herself. In the more literal (former) sense, flow signifies a more fluid interrelation between traits that may connect or disconnect with other traits of one person—a caveat that Wallace points to but does not expand upon when she says that people are a plurality of traits that are not each related to every other.²⁷ Thus, the flow between traits is perhaps the least material or observable aspect of anonymity, yet it is nonetheless the most definite. Traits change but a flow will remain. The space between traits is seemingly the most empty. But, I emphasize, here as well and throughout this thesis, that negativity can be productive. Traits are established and classified by their positive manifestations, how they come to be in the world, but even though the flow between traits is not positive in the sense that it impresses activities and data on the world, it is generative in the sense of creating a foundation and conditions on which occurrences happen conventionally in the world. The flow between traits is similar to how I will conceive of privacy later on as a network that is somewhat groundless but still substantially rooted and active in sensible connections between more concrete variables.

III. Privacy, Autonomy, and Anonymity

In this section I will introduce the way in which the concepts of privacy, autonomy, and anonymity fundamentally operate in concert with one another. As I will show, anonymity is a central focus in both privacy and autonomy, privacy directly pointing directly inward, and autonomy

27. Wallace, "Anonymity," 26-27.

controlling the publication of that internal and personal space. The space created for oneself to grow through those boundaries is made possible by the ability to protect it, anonymity.

Privacy

Before considering the right to privacy, I will outline some of the conceptions of privacy itself in the literature. There is considerable debate on the term and how we use it in philosophy, law, and colloquial speech. Firstly, some authors believe privacy is a stand-alone concept while others believe it is derivative.²⁸ The latter I will discuss in relation to the right to privacy, but I would like to consider the former in order to later see if the right can be breached or forfeited. Herman T. Tavani delineates four distinct kinds of privacy: physical/accessibility, decisional, psychological/mental, and informational.²⁹ Each is also distinct in type of harm that may be accounted for when the respective type of privacy is violated. Physical privacy is fairly obvious in its spatial manner, focusing on the capacity for harm “through physical access to a person” or her possessions.³⁰ Foul play in this category of privacy may harm the victim in a direct sense. This conception is clearly not the only one and not sufficient, notably in a technological environment where there is no materiality.³¹ Examples may be found in stalking or reading someone’s diary. Stalking infringes on someone’s personal physical space from afar yet significantly impedes in a personal way, whereas reading someone’s diary also invades physical space, the significant harm done is not physical but rather mental. Much like the technological context, privacy is violated without a name, not really physically, and in a way that is inhibiting from within. These examples highlight the inadequacy of considering only this type of privacy. Secondly, decisional privacy is that of freedom from interference affecting one’s choices and the ability to make them, such as states’ rights to deny access to counseling on birth control.³² This non-intrusive type of privacy is exclusionary in the processes leading up to and the moment of decision making—what is questionable here is who or what plays a part in shifting the way one carries out one’s actions. The harm done is more subtle and can be, consequently, more

28. For his extended discussion of these differing conceptions, see Herman T. Tavani, “Informational Privacy: Concepts, Theories, and Controversies” in *The Handbook of Information and Computer Ethics*, eds. Kenneth Einar Himma and Herman T. Tavani, 131–164, 1st ed., (Hoboken, NJ, USA: Wiley, 2009), doi:10.1002/9780470281819.ch6.

29. Tavani, “Informational Privacy: Concepts, Theories, and Controversies,” 132.

30. Herman T. Tavani, “Informational Privacy: Concepts, Theories, and Controversies,” 135.

31. The first type of privacy (physical) and the last type (informational) implicate different conceptions of property. I am referring to three classifications Ali M. Al-Khouri uses to describe personal information. Ali M. Al-Khouri, “Data Ownership: Who Owns 'My Data?'” *International Journal Of Management & Information Technology*, vol. 2, no. 1 (2012): 1–8, doi:10.24297/ijmit.v2i1.1406. They are observed, or “captured” data that can simply be recorded, volunteered, which is shared or given, and inferred from the first two kinds of raw data. For example, I can go to the park and observe the amount of times an adult helps a child on the play set (observed). I can also take a survey which will give me similar information (volunteered). Al-Khouri gives the example of a credit score, which is a numerical value and interpretation of spending habits and financial habits (3).

32. Tavani, “Informational Privacy: Concepts, Theories, and Controversies,” 136.

manipulative. Third, Tavani describes privacy in terms of psychological and mental states including protecting one's thoughts and capacity for thinking free from intrusion.³³ Similar to decisional privacy, psychological/mental privacy attempts to reserve the internal sphere for oneself. In contrast, this latter category focuses more on personality and identity (ripe for harm in this case) than decision making. The last conception that Tavani discusses is informational privacy, simply the restriction of collecting and using personal data—quite relevant to the technological context³⁴—the speed at which information is exchanged, and duration in the form of storage, writ large this last type of privacy in the current conversation on privacy in general.³⁵

Before I move on, I would like to discuss why the psychological/mental in congruence with the decisional conception of privacy are most relevant to my thesis. Psychological/mental privacy is more subtle than physical privacy, as it is not so much what knowledge has been gained or possessions have been taken, but what Mark Alfino contends is that “the very act of the intrusion that prevents [us] from thinking or concentrating on [our] life or actions.”³⁶ Decisional privacy operates similarly, in that the intrusion comes not in the form of epistemic advantage or potential harm, but in that the act of infiltration that can disturb one's *modus operandi*.³⁷ Therein lies the way in which jeopardized privacy phenomenologically feels uncomfortable and logistically inhibits the way people are, though what may be included or under the larger concept of privacy is still at issue. And, I would suggest, that the way that they are, or what is obligatory for their sensing a compulsion for privacy in general, is the recognition that there is something personal to keep to oneself, and it

33. Tavani, “Informational Privacy: Concepts, Theories, and Controversies,” 137-138.

34. Tavani, “Informational Privacy: Concepts, Theories, and Controversies,” 139. There is an already-established use of privacy in the debate on collecting personal data. Colin Koopman's book *How We Became Our Data* details the genealogy of datafied information, in which he comments on these topics. See Colin Koopman, *How We Became Our Data: A Genealogy of the Informational Person*, (University of Chicago Press, 2019). I am not, nor is Tavani, the first to comment on privacy and technology. I recognize that there is a longstanding history and deliberation on the subject.

35. While I agree with and respect aspects of Tavani's endeavors in tackling the vague and unsatisfactory definitions of privacy, I believe he outlines the categories too stringently, not allowing for enough overlap. Delving into his delineations only pointed out how imbricated they are. But in contrast to Tavani, my view is not opposed to the overlapping of the conceptions of privacy. The overlapping is necessary for a more accurate picture of what we mean when we say or use privacy in debate. He does not necessarily advocate for a strict separation out of context, but their entanglement is integral to the way in which privacy affects one person on several levels at once as well as operates interpersonally. The categories are more intertwined than he lets them be in the paper, whether or not he does so intentionally.

36. Mark Alfino, “Information Ethics in the Workplace: Misplacing Privacy,” *Journal of Information Ethics*, vol. 10, no. 2 (2001): 5-8, <http://libproxy.uoregon.edu/login?url=https://www-proquest-com.libproxy.uoregon.edu/scholarly-journals/information-ethics-workplace-misplacing-privacy/docview/1850663213/se-2?accountid=14698>, 7.

37. By “*modus operandi*” I am prioritizing the way in which embody their thoughts and act them out.

can be helpful to do so.³⁸ The ability to privatize personal space and knowledge is why I have found that anonymity is paramount in relation to secrecy, privacy, and integrity of thought that may come from it. By recognizing the way these two specific types of privacy subtly demonstrate a stress on genuine action when they are compromised, I am pointed back to a reserved personal sphere that is separate and necessary for operation in relation to acting with minimal outside influence.³⁹ The opportunity to create this space comes from the ability to shield it. Thus, again, anonymity is a required first for whatever may come of this space subsequently.

Judith Jarvis Thomson's conception of privacy is that of a cluster of other rights from which the right to privacy is derived. In "The Right to Privacy," Thomson proposes a number and variety of scenarios through which she evaluates the potential for violating the right to privacy or other rights less frequently considered a part of the privacy equation. Some examples she considers include: someone stopping to listen to her and her husband fight overheard through open windows, using an amplifier to listen in to a public conversation, and possessing and hiding a secret pornographic picture.⁴⁰ She questions which rights exactly are being violated in each scenario, as it seems that the right to privacy is a general blanket term, but in these cases, the right to one's own person, the right to private property, and positive/negative rights (in using or protecting property) are more likely the rights that are directly compromised. Thomson is unsure if "there are any rights in the right to privacy cluster which aren't also in some other right cluster," and she suspects that "the right to privacy is everywhere overlapped by other rights."⁴¹ Thomson concludes that we have one right in the cluster because we can appeal to another right in the cluster, and that "it is because I have these rights that I have a right to privacy," making the right to privacy "'derivative' in this sense: it is possible to explain in the case of each right in the cluster how come we have it without ever once mentioning the right to privacy."⁴² The right to privacy acts only as an umbrella under which stand the actual rights that are violated. Despite being an umbrella, the right to privacy can only be called upon, for Thomson, by a descendancy of the rights actually violated. The right to privacy is

38. When talking about "private" information, I am diverging from the commonly held view that understands it as information *ownership*, employing terms such as "intellectual property" or "private property rights." Private ownership is often thought of as the delegation of objects or information to a person or group who maintain the rights to govern or use them/it to whatever degree they want. In contrast, I am interested in privacy in the way in which the governing body governs and in what she shelters.

39. I am extremely doubtful of eliminating all outside influence in one's thoughts or how they may be carried out. By this I mean to say that there is a malleable reserved personal sphere, but it cannot be wholly separated from what shapes it. In talking about exhibited traits embodied and carried out, I am not operating within only the internal personal sphere, and insofar as I am working in social contextuality, there is necessarily affectation.

40. Thomson, "The Right to Privacy," *Philosophical Dimensions of Privacy* (1984): 272–289.

41. Thomson, "The Right to Privacy," 284.

42. Judith Jarvis Thomson, "The Right to Privacy," 287.

inferential from the cluster of these other rights, acting as epiphenomenal and inactive, thus untouchable in itself.⁴³

The right to privacy may act as a wide-ranging and unspecific term for Thomson, but that does exclude it from being productive for me. Though it may not necessarily be mentioned in the conversation about which rights are violated, the comprehensiveness of the cluster of rights under the right to privacy is not moot; it may well be that the right to privacy is the precondition for the other rights to occur at all. The other rights could not exist without the grounding concept of the right to privacy, as a private zone must first be established for any personal right to be violated, and likely could not be articulated as such without at least a general theoretical privacy positively disclosing other rights. In Thomson's examination, the rights of property, preservation of life, and bodily freedom are all predicated on other similar rights, rights that are explained by appealing to other rights that also include them.⁴⁴ It is in this sense that the right to privacy is overarching but inaccessible for Thomson. But, while I think she is right to question what rights are expressly violated, notably in a legal and punitive setting, I do not believe that the right to privacy ought to be thought of as idle or static. Instead, it is the right to privacy that constantly acts as a foundation on which other rights are to be built. The other rights would be free floating if not for the right to privacy, which may perhaps remain unclear or intangible, but also allows for the other rights to have weight in their own contexts. Similarly, anonymity allows for the occurrence of flourishing as a layer over which development may unfold, but without which might be sporadic and deficient. By this I mean that anonymity is a precondition for creating space for autonomy and, while it may remain invisible, holding a space containing the potential for anonymity gives a level of security that is generative, which I will delve into in subsequent sections. Personhood, property, and protection are all at stake in this example, where information and thought are thwarted; anonymity as the imperceptible is brought to the fore as it becomes the main component of felt and rationalized inhibition.

Autonomy

At this point, I have outlined the way in which I am using the term "privacy" and why I am

43. Epiphenomenalism is the philosophic view that mental events are caused by physical events in the brain but do not have an effect on any physical events. William Robinson, "Epiphenomenalism," *Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Summer 2019, <https://plato.stanford.edu/archives/sum2019/entries/epiphenomenalism>. The mental events synthesized by the physical events do not have an active role in events playing out. This term lays claim on Thomson's argument because she deems the right to privacy as such by saying that the right to privacy has no causal power in the matter of violation of rights. Instead, the right to privacy is equivalent to the mental events that do not actually affect the physical events playing out, the right to property, person, etc. that are violated.

44. Thomson, "The Right to Privacy," 286.

accepting the overlapping of the term's definition—I think it right to allow this ambiguity for the sake of comprehensiveness. Privacy is a key aspect of this thesis because it points toward a personal boundary that is valued and with which we continuously play. The limits of this boundary are tested in what we show and allow people to see, granting autonomous action in being able to singularly stretch that boundary. What autonomy and privacy together provide is a foundation for deliberate anonymity. For my thesis, this discussion below on the origins and legitimacy of autonomy will play into the conditions that are created for genuine autonomy, from which we can consider the way anonymity also perpetuates these conditions. Whether or not self-governing can be pinned down is not the answer I am after, but rather the question of whether anonymity is primary in setting up the consideration of the reasoning, motivation, and influence that goes into the functions of self-government in the first place.

Personal autonomy is broadly recognized in the philosophic literature as the type of self-governing that is necessary to being a full moral agent, one who initiates one's actions.⁴⁵ The singular power of the agent herself to act begets the authority over her own actions, as she is the only one able to exercise this power over herself. Thus, her actions are entitled to her only by way of her commitments to acting because they are not entitled to anyone else.⁴⁶ The philosophical debate lies in whether influences on the agent's actions erode personal autonomy, putting into question the motivation of actions and, controversially, how they might affect self-governing. For example, someone on a diet seemingly has a choice to not eat sugar, but sugar is also one of the most addictive substances, and diets are a common fad. The debate in this scenario is whether the chemical predilection to eat sugar and/or societal pressure compromises personal autonomy because self-governing may not be considered a genuine choice.⁴⁷ There are several modes of thought that follow on whether agent's actions can be fully, partially, or irrelevantly tied to external influences.⁴⁸

45. Sarah Buss and Andrea Westlund, "Personal Autonomy," *Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Spring 2018, <https://plato.stanford.edu/archives/spr2018/entries/personal-autonomy/>.

46. Buss and Westlund, "Personal Autonomy."

47. In this case, a genuine choice is not only one free of external coercion in the form of social, physical, or psychological determination, but also one in which the agent can explain her reasoning, which is devoid of external influence and the actions that follow from it, but, again, I am not sure if this is possible.

48. Approaches include but are not limited to: the coherentist, reasons-responsive, responsiveness-to-reasoning, and incompatibilist approaches which discuss the conditions for which autonomy may or may not be undermined or solidified by the motives behind them. Buss and Westlund characterize the coherentist as the most internal, in that the agent's motivations correspond to a mental state. For the other approaches, this is insufficient as, respectively, to really self-govern she must reckon with the reasons behind her motives, examine the motives of others and adjust her own, or recognize that all motives can be attributed to an external source. They are not mutually exclusive; in fact motivation as attributed to other factors and reflected upon is likely laden within each argument. Here, I take the position of those that seriously scrutinize the motivations as opposed to the foremost approach that is satisfied by the most surface level motives that prompt action.

The aspects of the approaches—coherentist, reasons-responsive, responsiveness-to-reasoning, and incompatibilist—address from where and how much significance motivation and influence can be placed in personal autonomy. Respectively, as listed above, the agent’s actions may concur with what she wants to do, consider the reasoning behind motives, adjust one’s motives according to that reflection of others’ motives, and write off the possibility that all motives can be attributed to external factors, challenging self-governing in itself.⁴⁹ They each point to a fine line of autonomy that is difficult to identify: “self-government requires two points of view: that of the governing authority, and that of the governed,” which are one and the same—the agent.⁵⁰ Self-governing is predicated on self-reflection which allows this distance between the one that governs and the one that is governed (though in considering self-government, they are the same person). Additionally, the action of the agent must have some basis that cannot be alienated from herself, which is the desire to govern oneself (the agent wishes to govern her actions and does act)—so she cannot be infinitely distanced from herself.⁵¹ I would like to suggest that the space wherein simultaneous distance, between one who is governing and one who is governed, and proximity, the one who acts is the one whose motives motivate, are generated is in an ability to remain anonymous. These conditions under which autonomous action may come to fruition are established by anonymity by a gap that is procured between myself and myself (again, the governor and governed in one), between the actions to which I am entitled as the agent and their materialization in the world (closely aligned with the exhibition and throughlines of my traits), and the separation between those. We test the boundaries of privacy and, by crafting that self-reflection that lends to self-authorship, we grow out of and into that space that we constantly redefine.

Anonymity, again, the inability to connect the flow between traits which act as an underlying structural association of social identification that is deliberately unpublicized, is necessarily embedded into and brightens autonomy. Autonomy opens up that space wherein action is animated by oneself, creating an internal distance as well as between oneself and others, as mentioned above. But the value of anonymity and its location in autonomy cannot be understated. To retain anonymity, to be able to disconnect others from the flow between one’s traits, is to save some of that space for oneself. The thought that creates action for the agent in that space can happen without privacy or anonymity, but at what cost? At risk is not only that space in the main, but also one’s relation to that space. I would like to suggest that development and growth, and, importantly,

49. Buss and Westlund, “Personal Autonomy.”

50. Buss and Westlund, “Personal Autonomy.”

51. Buss and Westlund, “Personal Autonomy.”

room for ambiguity in these realms, is what determines humanity in the sense of slack and novelty. To keep some of oneself to oneself allows for choice information to be selected at all. I will move into selectivity in privacy and autonomy in the next section, but I also want to underscore its importance here, where that exclusive, individual, and dynamic aspect of oneself is cultivated and shared.

Centrality of Anonymity

What I will be calling the “centrality of anonymity” has to do with what anonymity does. While I have begun a preliminary analysis and explanation of anonymity as a term, here I will explore the way in which anonymity functions and what comes out of a primarily impenetrable space or landscape that retains the possibility of access by others according to the one who protects it. My conception of the space that anonymity constitutes is not quite a conventional tabula rasa argument of empiricism—that of a cognitive blank slate filled in by sensual experience. Though I will be referring to the experience of anonymity, I do not mean to endorse an account of anonymity as a personal clean slate that gradually becomes besmirched with the muddy details of life. Rather, I believe the space that one’s anonymity creates is the opposite of blank or empty—it is quite full with the flow between traits described above in what anonymity seeks to render uncoordinated. This space is simply not available to a third party until the anonymous one decides to make it so, at which point a part of her anonymity is lost to whom she shares information with. As the flow between traits is safeguarded, one can use one’s rights to the degree that she connects with them in the innermost personal sphere and, thus, can grow from this place that only she knows. Anonymity functions as a space or landscape uniquely for one’s own experience to cultivate, and that space is valuable for its permission of distanced association between agent and others, furthering a more fully examined association between agent and herself. What is shared is then tinged with the self-relation that has been scrutinized for and by no one other than oneself. By this I mean that the privilege of anonymity is a precondition for genuine self-relation. It is not based on what may happen to the information that comes out of it, nor is it based on who will see or recognize it. In fact, it is quite the opposite. Anonymity takes the debate on the role that motives play in autonomy discussed above and furthers it by asking, who cares? Rather, perhaps, why does it matter? Anonymity reserves the freedom to act in the world to the agent by granting the agent the preliminary area of reflection wherein she can develop her actions before they occur for her own contemplation. Anonymity is primary to autonomy, which may follow suit by the actual self-government, and to seclusion, which is decided upon based on the ability to remain anonymous or not. But it is first based on the fact that one could remain anonymous, and to the integrity of

personal information, which is made possible by the control of that information. It allows for information or rights to occur at all. Perhaps to have a secret with one's self is to produce both an important grounding and an important springboard for development.

The connection between anonymity and privacy is not one of primacy or necessity but one of centrality. Anonymity and privacy are linked in because privacy is rooted in desiring some degree of anonymity or a shield from others, so anonymity acts more fundamentally than privacy does. Privacy could be a manifestation of anonymity in the world or for its own sake; its sources and effects are blurry. But anonymity is nowhere near accidental. Again, it is the flow of traits deliberately unpublicized and hidden. By this I mean that anonymity is more central to the argument of a productive and worthwhile inner sphere and more difficult to pin down than privacy is. Most examples of studying personal and public boundaries exude privacy inadvertently, but being anonymous is willfully creating a space for oneself. Being private can also be intentional, but anonymity is more equipped to engender that landscape to develop. Being private and being anonymous work similarly, but being private focuses on the outer sphere whereas anonymity focuses on the inner sphere. By this I mean that to remain private is to push the world and its contents away, whereas to remain anonymous is to invite them in selectively, cultivate the sense of self for self's sake, and then expose the parts that are self-authorized. This selectivity is what I want to make extremely clear as incredibly valuable.

IV. Implications of the “Nothing to Hide” Argument

In order to integrate the practicality of anonymity and how its value ought to be rationalized in the world of data gathering and analysis technologies, I will discuss an argument often used in colloquial and political spheres to discredit privacy and anonymity. Valuing anonymity may change the way one considers what she trades in using this reply, I have “nothing to hide,” for a semblance of safety. I suggest that a provision of intimacy with oneself ought to be cherished, and only is possible through safeguarding parts of oneself to and for oneself.

The “nothing to hide” argument is a common retort that argues for data collection and surveillance. Those that use this response to the often unauthorized infiltration of information are under the impression that they have not committed what they deem criminal activity, and so are safe from negative disciplinary action, in a legal or stigmatic form. For example I, angrily, may find a neighbor opening the mail from my mailbox who seems surprised at my reaction to the invasive act he is committing, to which he responds, blithely, well if you have nothing to hide you should have nothing to fear. The argument has serious implications though—in certain contexts it attempts to balance privacy and security, often implying that security ought to triumph over trivial data that is

not criminal or wrong unless it is, in which case it should be prosecuted.⁵² Since 9/11 there has been a notable increase in government spending and policy-making on surveillance and data collection proposed in the form of protection and safety. The origins of the argument are not clear, but in a statement, it is what Richard Graham, a Member of Parliament for Gloucester, said in response to a government surveillance bill: “if you have nothing to hide, you have nothing to fear.” The problematic quote can be further tied back to Minister of Propaganda for the Nazis, Joseph Goebbels who is believed to use it in 1933 leading up to World War II. Where the argument comes from is not really important; what is significant, though, is how often it is implied in an institutional way as well as between peers. However, there is something amiss in this rebuttal.

This conditional has laden premises and conclusions that make it problematic on a few levels. Firstly, the antecedent suggests that one has something to hide and praises transparency. As I have suggested, there are grounds to encourage the internal sphere. However, in this argument, that hiddenness is tainted with disapproval whereas I will show below, it ought not be. The consequent relies on the premise of future use and concludes upon its uncertainty. What happens to data is characterized, again, by Amore’s notion of actionable data, which I will discuss below in addition to her understanding of incalculable futures, entrusted when they shouldn’t be. There is a lot to fear from seemingly innocent data, which are really calculations of the traits and flows between traits that make up a person, in the form of online companies targeting individuals and governments convicting and suspecting innocent people based on algorithms with aggregates of data that inform them.

Actionable Data and Nothing to Hide

As I stressed earlier, data does not stand alone. As an example, after visiting a sick family member in India, you flew out of Pakistan because of bad weather in New Delhi. You decided to wait until he or she passed away to leave the country, so you cancelled your flight and paid for your flight in cash because your credit card was stolen. You have now become a security risk upon reentering the United States. Information alone can be innocuous. But what institutions that gather it want is not pieces of information. Rather, they are invested in stories that may be found out to locate and stop dangerous people and groups in the name of protection, but also may be derived, as in the case just mentioned. Amore puts it aptly, “the data derivative is not centered on who we are, nor even on what our data says about us, but on what can be imagined and inferred about who we might be.”⁵³ There may not be anything to hide, and data can still be inadvertently troubling to some

52. Solove, “I’ve Got Nothing to Hide,” 747.

53. Amore, “Data Derivatives,” 28.

that, in the wrong hands, can be fabricated into something more harmful. The nothing to hide argument—shortly, if there is nothing to hide, there is nothing to fear—can be thrown out when the consequent, “nothing to fear,” is negated. In my view, dubious governmental and corporate interests are enough cause for concern, negating that there is nothing to hide. But also, less pragmatically but nonetheless as significant, there is something to fear in lack of privacy in general.

Secrecy

In addition, the first part of the nothing to hide argument uses shame and criminality implicitly when, in fact, most of the time when we choose to hide something, it is not out of fear. To go back to the example used in the beginning of this section, I may not necessarily be hiding something incriminating in my mail through which I find my neighbor filching. Perhaps I would prefer to keep a love letter written by a faraway partner to myself for reasons more personal than damning. After a simple inquisition one may realize that there are aspects of private life that do not warrant sharing or fearful secrecy per se. Having something to hide does not necessitate that it is hidden out of fear of retaliation; it can be another way of saying there are things you would rather not be known, which, I must underscore again, are acceptable and their morality is to be set aside. What may come of that boundary is where the implications of anonymity and the nothing to hide argument meld. Thus, hiding a piece of one’s self, and likely the exhibitions of at least some of one’s traits, is not defensive. Perhaps it can be thought of as more proactive—remaining anonymous by guarding parts of oneself is progress with no predetermined path. If some traits and the flow between them remain purely personal, then their exhibition is externally novel once purposefully revealed, allowing for new connections to be made between oneself and others. There is a constant newness that characterizes personhood through anonymity, and being secret about it does not halt development but furthers it.

The Incalculable

In addition to her article “Data Derivatives” Amore writes about correlational inference in her 2014 article “Security and the Incalculable,” in which she elaborates on mathematical theory and its practical application in the conversation on security. She frames her arguments on incalculability within mathematics through the debate between Ludwig Wittgenstein and Alan Turing, who spar on the distinction between and the valuation of pure mathematics versus its operation (what it does). She sets up her argument by investigating Turing’s 1936 explanation on the role of integrated intuition and ingenuity in math. For him, intuition consists in “making spontaneous judgements

which are not the result of conscious trains of reason” that are “akin to ‘inspiration.’”⁵⁴ On the other hand, ingenuity consists in “‘aiding the intuition’ through ‘suitable arrangements of propositions, and perhaps geometrical figures or drawings.’”⁵⁵ In essence, the spark of intuition guides the movements of the math, which is then explained and rendered replicable by ingenuity, formalizing and formulating the intuitive processes. Thus, an unsolvable problem for Turing is not one barred from achieving the correct answer, but one of not having a method to explain and redo it. She harkens back to her earlier work by emphasizing the associative significance in relations, even if incalculable, as opposed to particular data points. The associative jumps between data points make it possible to rely on theories of possibility that are taken as objective and factual even though they necessarily integrate intuition and ingenuity: “what matters are the correspondences and correlations between the elements—how they are held together by inferences across the gaps.”⁵⁶ And even though there are unsolvable problems, futures are predictable or actionable, as delved into previously, from their connections with one another. In this case, the incalculable is never entirely incalculable because it is not in question, rather there is always an arrangement that can be reached in advance. This argument focused on ingenuity and forgotten intuitiveness has obvious implications on security, which is based on making the future safer by eliminating those thought to be a potential threat.

The expectation to calculate the incalculable is profound for a few reasons. Firstly, what we anticipate from our changing data system makes those working with the incalculable culpable. In other words, not acting upon the anticipated future renders one guilty according to those most concerned with the possible outcomes, even if certainty is not guaranteed. For instance Amoore uses the case of Italian scientists found guilty for not predicting an earthquake to exemplify that data ought always to be actionable.⁵⁷ They were expected to figure out pathways to possibilities, and act on them, despite lack of confidence in future events and were held accountable for the lives lost at their hesitation. Additionally, Amoore points to the threat of conjecturing with already actionable gaps in data as false confidence in calculability. It begs the question of other “incalculables” that may be at stake. To take but one example, Tavani briefly mentions the “self” and how other authors have described it vis-à-vis informational privacy.⁵⁸ I do not mean to contribute an effort to that endeavor, but only wish to state that perhaps the self is another actionable incalculable. I do not take up any

54. Alan Turing, cited in Louise Amoore, “Security and the Incalculable,” *Security Dialogue*, vol. 45, no. 5 (2014): 423–439, doi:10.1177/0967010614539719, 427.

55. Turing, cited in Amoore, “Security and the Incalculable,” 427.

56. Amoore, “Security and the Incalculable,” 431.

57. Amoore, “Security and the Incalculable,” 423-439.

58. Herman T. Tavani, “Informational Privacy: Concepts, Theories, and Controversies,” 138.

one assumption or preconception of the self, philosophically in this thesis, but I would like to set aside space for its ambiguity. By this I mean to say that these overlaps and inconsistencies in the debate point to some version of the self's potential for growth. It may act as an incalculable because the self may grow unpredictably but is acted upon by the reactions of others and oneself. To be anonymous is to keep a bit of oneself to oneself, leaving room to grow but cutting off the attempt to anticipate and act on those anticipations. As such, anonymity may cultivate a sense of space for oneself and also space into which one can develop genuinely, with no predisposed plan, and technological algorithms and the debates surrounding them threaten this opportunity.

V. Conclusion

In this paper, I have argued for the importance of anonymity, especially in a digital age. I defined anonymity as the inability of any second or third party, beyond oneself, to connect the flow between traits which act as an underlying structural association of social identification that is deliberately unpublicized. I argued that anonymity is central to arguments on privacy and autonomy. Privacy, while the views on its characteristics and reach are divided, is nonetheless valued for the personal sphere it suggests and highlights. Simply, privatization promotes the recognition of an internal space that one keeps to oneself, which ties back to anonymity—in short, our ability to maintain that boundary. Autonomy, an agent acting on her own volition, tests that boundary by keeping a tight grip on her disclosure of personal information; by retaining a degree of anonymity, she puts the exhibition of her traits, and thus herself, in her own hands. Chiefly, being able to remain anonymous allows for a space to examine oneself, for oneself, and shape those boundaries and traits. In the latter sections of my thesis, I rebutted the nothing to hide argument in its legitimacy and in what it suggests—a depreciation of anonymity that is plainly regretful.

Lastly, I would like to add that this thesis is not meant to be prescriptive. While there is ample reason to be extremely wary of technology and the future it will certainly affect, this thesis should not be taken as reason to discredit all of contemporary technology's advances. There are undoubtedly aspects of technology that are beautiful and inspiring; human connection, medicine, education—they are all the better because of the technology that sustains them. I do, however, intend to emphasize that there are serious implications of personal data that is collected, aggregated, disseminated, and acted upon. Growth, personhood, and agency are so tightly attached to the ability to be anonymous, and our lack of recognition of it will result in erosion retrospective regret if we do not begin to venerate it. I consider this thesis and its analysis to be a preliminary first step in articulating the centrality of anonymity and hope that it serves as the start of a future conversation in which everyone can find a voice.

A Critical Examination of Abstraction in John Dewey's Reflective Thought

Bill O'Brien

The purpose of this paper is to critically examine abstraction in the context of John Dewey's notion of reflective thought. Abstraction is to be understood as a pragmatic tool that underpins reflective thought. In other words, reflective thought—that is, the capacity to think of practical solutions to problems we confront in our lives,—needs to use the tool of pragmatic abstraction. In the context of reflective thought, I explore and explain how pragmatic abstraction is used. Here, I take issue with how pragmatic abstraction is used as merely a means to bring about 'successful' consequences to a problem. This use of pragmatic abstraction fails to consider the critical question of *whose* success is being brought about. Due to this, 'successful' consequences to a problem can result for some, while negative consequences to the same problem can result for others. The 'reasonable woman standard' that developed in the law illustrates a concrete example of this problematic split and a legal effort to resolve it. Ultimately, by reconsidering how reflective thought uses the tool of pragmatic abstraction, "successful" consequences to problems are brought about in a more inclusive manner.

I. Introduction

In this paper, I critically examine the tool of abstraction, specifically within the realm of John Dewey's notion of reflective thought. Our human capacity to utilize the tool of abstraction is fundamental, essential, and sometimes problematic in our practical lives. We must *reconsider* our use of abstraction (specifically *pragmatic* abstraction) in the context of Dewey's reflective thought, such that we can both improve the tool's utility in our lives, and also ameliorate—possibly even eliminate—the inconsiderate practical results of its past use.

To build up to the critical examination, I will begin the paper by qualifying abstraction as *pragmatic* abstraction, drawing on John Dewey's definition of abstraction in his work *Reconstruction in Philosophy*. Next, I will elucidate the context I will be critically examining the tool of pragmatic abstraction in: John Dewey's notion of reflective thought in his work *How We Think*. First, I will explain reflective thought's process, that is, *how* reflective thought functions. Following this, I will explain reflective thought's purpose, that is, *what* it functions for. This detailed understanding of our context completed, I will build up to critically examining pragmatic abstraction within it. First, I will examine *how* pragmatic abstraction functions within reflective thought (i.e., its process). Following this, I will examine *what* pragmatic abstraction functions for within reflective thought (i.e., its

purpose). Here, I embark upon the principle task of this paper, as I critically examine pragmatic abstraction's purpose and use within Dewey's notion of reflective thought, employing an example in law to illustrate some concrete problems that result. From this, I conclude that we should adopt a *reconsidered* notion of reflective thought (as that which must necessarily consider *whose* practical "success" we are dealing with) because it improves the utility of pragmatic abstraction as a tool and can repair some of the inconsiderate practical results of its past use, ultimately rendering it more 'in touch' with the nuances of each of our lives.

II. Dewey and Pragmatic Abstraction

In his work *Reconstruction in Philosophy*, John Dewey explains what he takes abstraction to mean, "Looked at functionally, not structurally and statically, abstraction means that something has been released from one experience for transfer to another."¹ Viewed in this manner, abstraction is a double movement, one that involves both a release *from* and a transfer *to*. This is to say that there is a release *from* present experience and a subsequent transfer *back to* present experience. Understood in this qualified way, abstraction is very practical, as it both originates from and discharges back into present experience. For the purposes of this paper, we are understanding abstraction as that which I will call *pragmatic* abstraction.

At the outset, it is important to dismiss some understandings of abstraction we will *not* be dealing with in this paper. To this point, merely the initial move (i.e., the release), or just the latter move (i.e., the transfer), abstraction has commonly been understood as complete. This one-way understanding of abstraction cannot account for the complete practical and concrete bearing of pragmatic abstraction. In fact, this strictly one-way understanding precludes all together a complete understanding of pragmatic abstraction. It is important for us to recognize that this incomplete understanding, wherein abstraction is simply the removal of facts from present experience, or merely the appliance of facts onto present experience (as some rationalists hold), is precisely what Dewey is attempting to break through. Although this understanding is not wrong per se, for the purposes of this paper, it is simply not sufficient for *completely* understanding pragmatic abstraction, let alone reflective thought. Given this, we must reject the one-way understanding of abstraction, but keep in mind that it is certainly *part of* pragmatic abstraction.

Abstraction now qualified as pragmatic abstraction, we see that we are dealing with a highly practical, dual aspect tool. Further, we are engaging a tool that is essential in and for our lives. Dewey affirms this, stating, "viewed teleologically or practically, [pragmatic abstraction] represents

1. John Dewey, *Reconstruction in Philosophy* (Boston, Massachusetts: Beacon Press, 1926), 150.

the only way in which one experience can be made of any value for another.”² In other words, pragmatic abstraction allows us to connect one moment of our present experience to another. Further, Dewey stresses pragmatic abstraction is the only *valuable* way one experience can be connected to another. This renders pragmatic abstraction a necessary and essential tool for interpreting and making sense of one moment of our lives in light of another.

In sum, from an understanding of abstraction as pragmatic abstraction, and an understanding of pragmatic abstraction as essential in and for our lives, we have a baseline to work with when we begin to later examine this tool in the context of Dewey’s notion of *reflective thought*.

III. Dewey’s Notion of Reflective Thought

Much like pragmatic abstraction, reflective thought involves a practical, double (i.e., two-way) movement. Further, like pragmatic abstraction, reflective thought is essential in and for our lives. It will be seen that a life without engaging reflective thought is not only a life dazed and confused, but also an unrealistic and idyllic life. To this point, I will lay out how reflective thought functions.

Before this though, we can first qualify reflective thought to understand what it is not, this will serve to clear the way for understanding what it is. First, some common and overly-broad interpretations will be cast away. Dewey quips, “He who offers ‘a penny for your thoughts’ does not expect to drive any great bargain.”³ This remark is to comically dismiss an understanding of reflective thought as anything and everything that passes through our minds. Reflective thought must *not* be understood this way, as this understanding is too expansive and even borders on being vague. Examining reflective thought in this sense would be quite cumbersome and, ultimately, unnecessary. To keep with Dewey’s joke, we can say that examining reflective thought in this sense would prove too expensive for this paper’s budget.

This understanding cast off, we must now dismiss another understanding of reflective thought. To this point, reflective thought must *not* be understood as that which is wholly detached from present things. For example, Dewey says that children tell imaginative stories that are not necessarily a “faithful record of observation” of things in present experience.⁴ Given this, we are not engaged with practical (i.e., observed) things, so there is no “aim at knowledge, at belief about facts or in truths” for Dewey.⁵ We see that reflective thought, alongside knowledge, facts, and truths, must be understood *upon the basis* of present things. In sum, reflective thought must not be construed as anything and everything that enters our mind, nor must it be understood as a *baseless*

2. Dewey, *Reconstruction in Philosophy*, 150.

3. Dewey, *How We Think*, 2.

4. Dewey, *How We Think*, 3.

5. Dewey, *How We Think*, 3.

invention of our imaginative capacities. Now that we understand what reflective thought is not, we can more precisely understand what reflective thought is.

In Dewey's words, reflective thought is "*Active, persistent, and careful consideration of any belief or supposed form of knowledge in the light of the grounds that support it, and the further conclusions to which it tends.*"⁶ To elucidate this, we can break it down and begin to examine how this functions. Once its process is understood, we will see that reflective thought—though it lacks the consideration of whose "success" that I claim is necessary—is essential in our lives, just like the tool of pragmatic abstraction.

First, it is paramount to understand that reflective thought must first commence upon a "problem." To this point, Dewey states, "[reflective] thinking *takes its departure* from specific conflicts in experience that occasion perplexity and trouble."⁷ This is to say that when believed facts, knowledge, or truths are thrown into doubt, we have a "problem" before us. Further, the doubt and uncertainty that troubles our believed facts, knowledge, or truths, also obscures how we are to operate practically in present experience.

From this confusion, reflective thought begins operating and is supposed to carefully consider a problem in an attempt to resolve it. But what exactly is the threshold for deeming something a problem where then reflective thought starts functioning? For Dewey, the threshold is minuscule. To understand what constitutes a "problem," we must be "willing to extend the meaning of the word *problem* to whatever—no matter how slight and commonplace in character—perplexes and challenges the mind so that it makes belief at all uncertain."⁸ In other words, we must be willing to understand a problem as anything which stands in the way of us holding, for all intents and purposes, a *certain* belief. Given the broad definition of a problem, we can see why a life without engaging in reflective thought is pure fantasy. For one, life is *anything but* absolutely certain. In fact, it seems to be certainly uncertain! Simply by virtue of living, humans are endowed with uncertain belief, and therefore, are endowed with problems. This is why reflective thought is so gripping and essential as a context to critically examine pragmatic abstraction in. Given any (inevitable) doubt at all in a purportedly *certain* belief, we have a problem which necessitates some degree of "thinking through" to a resolution and this "thinking through" is precisely reflective thought.

Next, but usually in tandem alongside a problem, is the first step of reflective thought. This first step is the observation and noting of present facts that pinpoint (more or less) exactly the

6. Dewey, *How We Think*, 6.

7. Dewey, *Reconstruction in Philosophy*, 139. My emphasis.

8. Dewey, *How We Think*, 9.

problem. This step is fundamentally practical, as it pertains to the facts of a problem as they perplexingly appear directly before us. Regardless of whether the observation of present facts is bundled alongside the occurrence of a problem or not, this observational step of reflective thought importantly leads to reflective thought's suggestion step. Dewey states "The seen thing is regarded as in some way *the ground or basis of belief* in the suggested thing; it possesses the quality of *evidence*."⁹ In other words, the observed present facts serve as the grounds for reflective thought's active, persistent, and supposedly careful consideration of what is then suggested. In this way, observed facts pertaining to the problem, confused and perplexing as they stand at present, *suggest* further (more or less) pertinent facts for the consideration of a problem's potential resolution.

For example, if I believe fairly certainly that I try to take precautions to keep my room insect free, yet I observe ants crawling on my desk, I have a problem. Applied to these facts, the problem is holding, simultaneously, both my insect-free room belief and my undeniable observation that ants are on my desk; the latter perplexes the former belief. Important for potentially resolving the problem at hand, this observation suggests further facts for consideration. From this, we can see why the suggestion step is so crucial in the process of reflective thought. If observed facts did not suggest any potential solution to a problem, we are effectively stuck guessing what to do in light of the confusing present facts before us. For suggestions, we always need to remember their need for further facts to confirm them.

To keep with the ant example we were positing, suggestions for potentially solving it could be along the lines of 'attempt removing the old food from my desk they are after' or 'attempt moving the desk off of the ant hill below it', etc. As previously alluded to, to show the efficacy, worth, and "success," of these suggestions, we need to test them out in present experience (i.e., actually remove the old food from my desk, and so on). In Deweyan terms, we need to consider suggestions in light of their practical application to a problem. Here, we come upon the inquiry step of reflective thought that follows from the suggestion step. As Dewey puts it, this inquiry step serves to "confirm or refute the suggested belief" in present experience.¹⁰ For inquiry, we look for evidence in present experience to corroborate a suggestion, given that a suggestion is merely itself: a *possibility until realized*. In this way, the inquiry step functions in reflective thought as a practical justificatory step for the suggestion step.

Similar to a problem for Dewey, what counts as justifiable inquiry into a suggestion is understood very generally, wherein simple sensory operations suffice. To this end, Dewey gives a

9. Dewey, *How We Think*, 7.

10. Dewey, *How We Think*, 10.

simple example of feeling a cold breeze that suggests a storm is coming. To test this suggestion, all we need to do is look to the sky to see if there are indeed rain clouds moving our way. If a problem is not so simple and mere sensory functions are not enough, one may call upon relevant facts, knowledge, or truths *based on* prior practically “successful” experiences. Ultimately, we can comprehensively understand inquiry as the step in reflective thought that aims to justify what is suggested in such a way that this suggestion proves practically useful for solving the problem at hand. This step explained, we have completed our journey through *how* the process of reflective thought functions.

Overall, we have seen that in the process of reflective thought there is a double movement both *from* and *back into* present experience, much like pragmatic abstraction. Much like pragmatic abstraction as well, reflective thought has shown itself to be a very practical endeavor. By later examining pragmatic abstraction’s function and purpose within reflective thought, I believe that we embark upon an exploration of a fundamental aspect of our lives. We have seen that reflective thought necessitates its own occurrence in our uncertain lives. Given this, engaging reflective thought is unavoidable, and pervasive in many practical encounters. At this point, calling into question the necessity of reflective thought in our lives shifts the burden of proof onto the objecting party. It is possible that there is someone to take up this objection, but, for better or worse, I cannot correspond with the dead or the divine.

Now, I will now explain reflective thought’s purpose. It is possible to have already anticipated reflective thought’s purpose from the trajectory of its process. Anyhow, Dewey says, “*Demand for the solution* of a perplexity is the steadying and guiding factor in the entire process of reflection.”¹¹ This is to say that bringing about a “successful” solution to a problem is the central purpose of engaging reflective thought. Understanding this is key to understanding pragmatic abstraction’s purpose in the context of reflective thought, but we will discuss this in a later section.

Back to the purpose of reflective thought, Dewey states that “the most striking fact about [reflective] thinking as it empirically is—namely, its flagrant exhibition of cases of failure and success—that is, of good thinking and bad thinking.”¹² From this, we see that reflective thought’s striking fact according to Dewey is the fact that it practically exhibits results of either “success” or failure, wherein “success” is a result of good reflective thinking and failure is the result of bad reflective thinking. “Success,” for Dewey, is defined very broadly and is largely unqualified, wherein anything that practically solves a problem is sufficient for being called a “successful” result of

11. Dewey, *How We Think*, 11. Emphasis added.

12. Dewey, *Reconstruction in Philosophy*, 136.

reflective thought. Conversely, failure is simply that which does not meet this sufficient condition for being called “successful.” In short, it does not practically solve a problem.

This striking fact for Dewey emphasizes the inquiry step of reflective thought, where suggestions are empirically confirmed or refuted in light of how useful they are for solving a problem. Ultimately, from reflective thought’s striking fact, we may say that the purpose of reflective thought is embodied in good thinking, as good thinking is that which brings about “successful” practical outcomes that solve a problem.

Interestingly, bad thinking can be educational for good thinking, such that the results of bad thinking can inform future good thinking. Nonetheless, this does not permit us to say that bad thinking is equal to good thinking and ultimately equal to reflective thought’s purpose. No, *only insofar* as bad thinking informs subsequent good thinking does it align with reflective thought’s ultimate purpose: a practically “successful” resolution to a problem. In this qualified way, reflective thought’s purpose can be extended to bad thinking.

Anyhow, further explaining good thinking will give us a more in-depth understanding of reflective thought’s purpose. Good thinking is not only that which “successfully” solves a problem, but it is also that which is logical. “The word *logical* is synonymous with wide-awake, thorough, and careful reflection-- thought in its best sense.”¹³ From this, we understand that the term logical is associated with reflective thought in its best form, and this must mean it is associated with good thinking (as opposed to bad thinking). Subsequently, the ‘logical’ is associated with bringing about a “successful” practical solution to a problem. In Dewey’s words, “Logical . . . is at once . . . vital and practical; [‘logical’ is used] to denote, namely, the systematic care, negative and positive, taken to safeguard reflection *so that it may yield the best results under the given conditions.*”¹⁴ Again, this is to say that what is logical is that which guides reflective thought to a practically “successful” end. In this way, logic (and what is logical) takes on a pragmatic character in Dewey’s reflective thought, where it is understood in terms of its practical results, and their subsequent “success” or failure to usefully solve a problem. As already mentioned, being logical is associated with reflective thought’s *best* form (i.e., good thinking), and is equal to reflective thought’s overall purpose of bringing about “successful” practical consequences that solve a problem. At this point, we now understand the purpose of reflective thought in detail and how it can be understood as embodied in good thinking, and further how good thinking can be understood as that which is logical.

13. Dewey, *How We Think*, 57.

14. Dewey, *How We Think*, 57. My emphasis.

To be sure, understandings will be dismissed (as we did with reflective thought) that are not pertinent to the purposes of this paper. The term logical is *not* to be understood as broadly as “any thinking that ends in a conclusion,” as this would represent bad thinking and the failure to bring about solutions to a problem as logical and good thinking.¹⁵ This understanding is clearly nonsensical, and therefore must be dismissed. Further, the term logical must not be understood as narrowly constrained to what is *strictly* logical. To this point, Dewey states “Stringency of proof is here the equivalent of the logical. *In this sense mathematics and formal logic (perhaps as a branch of mathematics) alone* are strictly logical.”¹⁶ In this sense, reflective thought, let alone good thinking, could not be understood as logical at all because it is not understood as *strictly* logical. Given this, this understanding of the term logical must be dismissed. Having a pragmatic definition of “logical” established, we now move on to examining the tool of pragmatic abstraction within reflective thought, keeping in mind reflective thought’s process and purpose.

IV. Pragmatic Abstraction in Dewey’s Reflective Thought

I will begin by examining *how* the tool of pragmatic abstraction functions within reflective thought. *How* abstraction is involved in each step of reflective thought will be elucidated through understanding reflective thought via two new umbrella terms related to it, namely, inductive movement and deductive movement. Let’s begin pragmatic abstraction’s examination in reflective thought by exploring reflective thought’s inductive movement. This movement encompasses reflective thought’s observation step leading into its suggestion step, and thereby tends “toward *discovery* of a binding principle,” one which relates to solving the problem at hand.¹⁷ In terms of pragmatic abstraction, reflective thought’s initial inductive movement is effectively pragmatic abstraction’s initial movement. Pragmatic abstraction initially releases *from* present experience, and in terms of reflective thought, is involved in its movement *from* present facts *to* a suggested binding principle.

We will now move into reflective thought’s origin, and begin our examination of pragmatic abstraction from where reflective thought takes its departure from: a *problem*. A problem is premised upon the same foundation for pragmatic abstraction. A problem, as already mentioned, exists as a “puzzling phenomenon” in present experience.¹⁸ To emphasize the importance of present experience in both processes, we can negatively say that without it, there is no ground or possibility for pragmatic abstraction, let alone a concrete problem to reflectively engage. Given this, we see that

15. Dewey, *How We Think*, 56.

16. Dewey, *How We Think*, 56. My emphasis.

17. Dewey, *How We Think*, 82.

18. Dewey, *How We Think*, 203.

the grounds of using the tool of pragmatic abstraction are fundamentally similar to the grounds of reflective thought's point of departure. In fact, pragmatic abstraction's initial movement occurs in reflective thought's move *from* the present facts of a problem, *to* the next step in its inductive movement: a *suggestion*. As Dewey says, "Suggestion . . . involves going from what is present to something absent. Hence, it is more or less speculative, adventurous."¹⁹ A suggestion is itself a product of pragmatic abstraction's initial 'letting go' or 'release from' present facts. Therefore, because a suggestion comes about via pragmatic abstraction's initial *release from* the facts of present experience, a suggestion itself is said to be absent from all things practical.

Already, in the early stages of reflective thought, we see that pragmatic abstraction is an essential feature. If it did not occur in reflective thought, we would have no outlet for figuring out possible solutions to our present problem. Without abstraction, let alone pragmatic abstraction, the present facts of a problem would stay confused. Again, this is because there is nothing about the present facts, as such, that directly indicates a possible solution; hence, the problem and the importance of reflective thought's suggestion step absent present experience.

Thus far, we have seen *how* abstraction functions in *the inductive movement* of reflective thought. Further, we see that the first half of reflective thought, as starting from what is present and then moving toward the absent, occurs via pragmatic abstraction. Noting this, we move on to explore the latter half of reflective thought (i.e., its deductive movement) to further trace pragmatic abstraction's process within it. The latter half of reflective thought, called the deductive movement, is in fact the occurrence of the second half pragmatic abstraction, that is, its latter 'transfer' movement. In terms of reflective thought, the deductive movement tends toward "*testing—confirming, refuting, modifying*" suggestions from reflective thought's inductive movement and acts as an "instrument of inquiry, of observation and experimentation."²⁰ From this quote, we find that the suggestion step and the final step of reflective thought (i.e., inquiry) are encompassed in this movement. Inquiry, as already mentioned in a previous section, is all about working out and practically testing the suggestions that have been conjured up from the initial inductive movement of reflective thought. More specifically, its role is to practically confirm or refute a suggestion's "success" to solve a problem at hand.

We can now see *how* pragmatic abstraction's transfer movement is fundamentally necessary for moving from reflective thought's suggestion step to its inquiry step. Having an understanding of how pragmatic abstraction functions within reflective thought, I will now examine what the purpose

19. Dewey, *How We Think*, 75.

20. Dewey, *How We Think*, 94.

of pragmatic abstraction is in reflective thought, and this will lead to the paper's principle task: to *critically* examine pragmatic abstraction within reflective thought.

All our previous examinations and explanations in mind, we turn to what pragmatic abstraction's purpose is within reflective thought. From this examination, we will see that pragmatic abstraction's purpose is effectively the same as reflective thought's purpose and turns out to be quite personal. In the following section, we will examine the problematic results of this conflation of purposes. But first, we know that in order to achieve "successful" practical results from reflective thought, we *must* of course initially release from the practical. In this, reflective thought moves from its practical observation step to its absent suggestion step. After this, reflective thought moves from its absent suggestion step to its practical inquiry step. Like its initial inductive movement, reflective thought's following deductive movement is also carried by and reliant on pragmatic abstraction's movement. Though the whole movement of reflective thought relies upon pragmatic abstraction's complete movement, the purpose of utilizing pragmatic abstraction in reflective thought is ultimately derived from reflective thought's deductive movement.

In this movement, pragmatic abstraction's transfer move is utilized to test an absent suggestion's practical "success" or failure for resolving a problem. This practical inquiry is directly aimed at achieving reflective thought's purpose. In this way, reflective thought's utilization of pragmatic abstraction is ultimately for the purpose of demonstrating "success" sufficient to solve a problem. What exactly constitutes "success" sufficient to solve a problem is largely reliant on the individual who works through the problem, and typically varies from person to person. This point is important because pragmatic abstraction is itself indifferent to reflective thought's practical "success" and failure. Pragmatic abstraction in the context of reflective thought on the other hand, is ultimately understood as always being used *for* bringing about practical "success." In other words, the originally impartial purpose of pragmatic abstraction, now taken up in Dewey's reflective thought, follows the lead of reflective thought's purpose and acts as the grounds that usher "successful" practical ends that solve a problem.

Overall, pragmatic abstraction's indifferent practical purpose becomes oriented *for* reflective thought's partial purpose, wherein pragmatic abstraction is used only to provide grounds *for* good, logical, and "successful" reflective thought. As the purpose of pragmatic abstraction in reflective thought, we find two important implications. On the one hand, pragmatic abstraction's redefined purpose is overwhelmingly how we individually encounter our practical environment and pursue interests in life. On the other hand, pragmatic abstraction's redefined purpose changes the use of a practically impartial tool to a use for a practically partial purpose. When reflective thought utilizes

this tool, pragmatic abstraction loses its practical indifference to its results and becomes something more than just that which releases *from* and transfers *back to* present experience. It no longer acts as simply that which allows for both “success” and failure in reflective thought, rather, it becomes that which is always geared toward one outcome: “success.” As the necessary tool for reflective thought, pragmatic abstraction in this context can now be seen to function for practically bringing about *our own* “success.” For solving problems that are not directly related to oneself, the question of *whose* “success” we are practically seeking when utilizing pragmatic abstraction for reflective thought becomes crucial to consider.

V. Critical Examination of Pragmatic Abstraction in Dewey’s Reflective Thought

To begin the critical examination of pragmatic abstraction in Dewey’s reflective thought, it is important to first reiterate that reflective thought fundamentally functions in and for the practical realm, specifically in and for our *individual* practical endeavors. Not recognizing this premise, or straying from it, is largely the reason why the use of pragmatic abstraction for reflective thought sometimes proves practically “successful” to some yet problematic to others. Dewey acknowledges reflective thought’s individual confines when he states that the phrase “Think for yourself” is tautological; any thinking is thinking for one’s self.”²¹ This is to say that reflective thought, or simply any thought at all, is fundamentally personal, though not necessarily self-interested. It is true that many humans may have the same problem, but it is not true that they deal with this problem in the exact same way. To this point, individuals may mutually observe a present fact of a problem yet disagree on the significance of that fact, or individuals may disagree on what suggestion is most likely to yield (via subsequent inquiry) a resolution to a problem. This shows again that utilizing the tool of pragmatic abstraction to engage in reflective thought tends toward only *one* measure of “success”, namely, one’s *own* “success.” Due to this, we now see why extending to others the practical “success” of reflective thought (brought about *via* pragmatic abstraction) must be carefully considered. To this point, I will now dive into an example that illustrates the problematic concrete consequences of ignoring or not being aware of reflective thought’s individualized use of pragmatic abstraction.

A Case Study: The “Reasonable Woman” Standard

This example is one that has played out in the legal realm and is a good indicator of how the tool of pragmatic abstraction in reflective thought can become less problematically used when it is carefully reconsidered. The consideration of *whose* “success” practically results from pragmatic abstraction’s use within reflective is necessary to take into account. In the field of law, there is a

21. Dewey, *How We Think*, 198.

standard that is called the “reasonable woman standard.” This standard has largely come to replace a standard called the “reasonable person standard” in cases of sexual harassment. This replacement speaks directly to why necessarily considering whose “success” is of great practical importance. Further, it illustrates how “successful” yet problematic practical consequences can be (and have been) avoided. Interestingly, these problematic results are precisely what the reasonable *person* standard sought to eliminate. By designating a reasonable person as a standard, who is qualified only to the extent that they are reasonable and human, the law sought a catch-all, non-discriminatory, and undifferentiated standard. Although the intent of this standard seems just and fair, wherein no person’s difference(s) will affect their representation in a case, it actually proves to be the problem.

In sexual harassment cases for example, homogenizing all persons to an undifferentiated standard has concretely proven unfair and unjust. This is due to the fact that these cases have to do with *differences* between women and men. Adhering to the reasonable person standard is equivalent to not considering *whose* “success” we are practically seeking when utilizing the tool of pragmatic abstraction for reflective thought. One of these important differences (that must be considered) may be seen in the case of *Lipsett v. University of Puerto Rico*:

A male supervisor might believe, for example, that it is legitimate for him to tell a female subordinate that she has a ‘great figure’ or ‘nice legs.’ The female subordinate, however, may find such comments offensive. Such a situation presents a dilemma for both the man and the woman: the man may not realize that his comments are offensive, and the woman may be fearful of criticizing her supervisor.²²

The remarks in this case exemplifies a crucial difference between men and women, wherein the man thinks his remarks are flattering, but the woman thinks that his remarks are offensive. In an issue published by the Fordham Law Review, Robert S. Alder and Ellen R. Peirce evince the importance of recognizing this difference in sexual harassment cases, stating that there “is a body of research suggesting that men and women differ in their judgements of what particular behaviors and comments constitute sexual harassment.”²³ From this, we see that our discussion of the reasonable person standard and the reasonable woman standard is at its core a discussion about whether to consider these differences in judgements. If we apply the undifferentiated reasonable person standard, can this important and concrete difference be accounted for? The answer to this question is no, because consideration of *specifically whose* “success” has been barred, save the undifferentiated reasonable person. The reasonable person standard has not only not accounted for difference, but in

22. *Lipsett v. University of Puerto Rico*, 864 F.2d 881, (1st Cir. 1988).

23. Robert S. Adler and Ellen R. Peirce, "The Legal, Ethical, and Social Implications of the "reasonable Woman" Standard in Sexual Harassment Cases," *Fordham Law Review* 61, no. 4 (1993): 775.

doing this, has also provided a framework in which reflective thought (and therefore pragmatic abstraction) is susceptible to the possibility of practically bringing about “successful,” yet biased and unfair results.

This is problematic because there exists a systemic bias in the reasonable person standard that has historically favored men in sexual harassment cases, and has judged in accordance with practical “success” of men. As pointed to in the case of *Ellison v. Brady*, Circuit Judge Beezer rejects utilizing the reasonable person standard because “we [the court] believe that a sex-blind reasonable person standard tends to be male-biased and tends to systematically ignore the experiences of women.”²⁴ Circuit Judge Beezer opts to not use the reasonable person standard because it does not aptly consider *whose* “success” it tends toward and *whose* “success” it ignores. From these remarks, it is clear that the “success” of women has been systemically ignored. Of course, this is due to the standard for judging sexual harassment cases, which up until relatively recently, has been the problematically “sex-blind” and concretely male-biased reasonable person standard.

Pragmatic abstraction, as taken up in reflective thought, though drawn out to a “successful” practical result to a problem, has not been carefully used. This is evidenced by the fact it has brought about practical consequences that are “successful” to one, yet problematic to another. These consequences are problematic because they are concretely unjust and unfair, not to mention biased.

In terms of a critical examination of pragmatic abstraction in the context of reflective thought, this legal example is analogous, as court proceedings for judging a sexual harassment cases move in much the same way as pragmatic abstraction for reflective thought. When we initially *release from* present experience, we move from observed present facts of a problem to what is *suggested* in present experience. In sexual harassment case proceedings, the same happens. Both sides of the bar argue and *suggest* their favorable potential outcomes for the problem at hand *based upon* the observed and recorded present facts of the case. Next, by *transferring back to* present experience, these suggestions seek justification via demonstration and inquiry. In other words, the suggestions that arose from the observed facts of the present problem now return back to present experience for their confirmation or refutation as practically useful to solve the problem. This is precisely what the job of the judge is, to determine whether suggestions are justified or not by further present facts, and from this, to bring about what they think is a “successful” resolution to the problem at hand.

Using the reasonable *person* standard for this justificatory step in sexual harassment cases, judge’s decisions have drawn from a biased and largely irrelevant set of present facts, and this is concretely problematic, as noted in the *Ellison* decision. When judges look to a concrete standard

24. *Ellison v. Brady*, 924 F.2d 872, (9th Cir. 1991).

for justification that does not acknowledge the difference between men and women and is historically male-biased, the resulting decision is “successful,” yet concretely unjust to women. This is precisely what I am critical of, as pragmatic abstraction in reflective thought does not necessarily consider the question of *whose* “success” is resulting. All it has considered heretofore is whether “successful” practical consequences are brought about. This consideration, especially for a judge, is precarious and usually not particular enough to appropriately address a case’s unique set of facts. If we are presented a case where a woman is bringing a sexual harassment suit, this unqualified consideration of reflective thought is wholly inappropriate, and pragmatic abstraction’s use within reflective thought is liable to practical fault. To ameliorate this, we will examine what has largely replaced the reasonable person standard in cases of sexual harassment: the reasonable *woman* standard.

The reasonable woman standard is a clear concrete example of how pragmatic abstraction’s use for reflective thought can be rendered less practically problematic when whose “success” is considered. In the sexual harassment case of *Rabidue v. Osceola Refining Co.*, we really see why this consideration is essential for concretely fair and just results in court. Rabidue, a female employee at an oil refinery, brought a suit against the company alleging that she was “discharged because of her sex” and cited repeated instances of “vulgar and obscene comments made regularly by her supervisor concerning women generally and occasionally the plaintiff specifically.”²⁵ Further, she reported that there were employees who displayed “nude or scantily clad women in their offices and in common work areas.”²⁶ Understandably, this type of workplace environment is hostile to Rabidue, as her experience and image as a woman is denigrated when she goes to her job. In this case, there is an obvious disconnect between what males think of as acceptable behavior and what females think of as acceptable behavior. Like in the case of *Lipsett v. University of Puerto Rico*, what a male thinks is flattering or harmless may in fact be what a female thinks is insulting and harmful.

Curiously, the court ruled against Rabidue, stating “the obscenities were ‘not so startling as to have affected seriously the psyches of the plaintiff or other female employees’” and further suggested that “sex-related humor and vulgar jokes abound in certain work environments.”²⁷ Essentially, the court ruled that given her field of work, and the fact that “boys will be boys,” Rabidue’s case could not prevail. Given this ruling, it is clear what standard the court had used to judge this case. It is interesting to ponder whether even a truly undifferentiated person would find

25. Adler and Peirce, “Social Implications of the ‘Reasonable Woman’ Standard,” 791.

26. Adler and Peirce, “Social Implications of the ‘Reasonable Woman’ Standard,” 791.

27. *Rabidue v. Osceola Refining Co., a Div. of Texas-American Petrochemicals, Inc.*, 805 F.2d 611, (6th Cir. 1986), quoted in Adler and Peirce, “Social Implications of the ‘Reasonable Woman’ Standard,” 791.

this behavior reasonable to tolerate in a work environment, such that it is reasoned not to be a hostile work environment. Anyhow, this case clearly exemplifies the effectively male-biased undertones of the reasonable person standard. By concluding via the reasonable person standard that in certain work environments this is just the way things are, Rabidue's practical experience as a woman was completely ignored and her "success" was not considered. She was treated as if her experiences were supposed to be the same as a man's experiences, and in this way, important differences between women and men were swept under the rug as if they did not matter.

From this case, we see how the reasonable person standard in sexual harassment cases, as the standard ruling reflective thought's justificatory step (which determines what is practically "successful" to solve a problem) is concretely problematic. To this point, a dissenting judge in the case when it went to an appeals court, Judge Keith, notes that "unless the outlook of the reasonable woman [standard] is adopted, the defendants as well as the courts are permitted to sustain ingrained notions of reasonable behavior fashioned by the offenders, in this case, men."²⁸ The "success" Rabidue sought, was opposed to the biased "success" that the reasonable person standard upholds and adheres to, and this is precisely why she was ruled against. Ultimately, by judging the case in terms of a reasonable person standard, which justifies the suggestions of the barristers in terms of male-biased practical facts and "success," Rabidue suffered an unfair and unjust result.

In contrast, a case where the reasonable woman standard was applied illuminates how the consideration of *whose* "success" is important when utilizing pragmatic abstraction in reflective thought. When we do this, we take into account concrete and interpretive differences, and can therefore circumvent "successful," yet problematically biased practical outcomes. In the hostile work environment sexual harassment case of *Ellison v. Brady*, practical and interpretive differences of present experience (i.e., the differences between the practical experiences of women and the practical experiences of men) were recognized, and a just and fair ruling resulted from pragmatic abstraction's use in reflective thought. In other words, by considering *whose* "success" we are practically dealing with, in this case the women's "success," we primarily and justifiably consider the practical facts relevant to a woman's experience. As seen in *Ellison v. Brady*, the court more appropriately adhered to a woman's present experience instead of a man's present experience and therefore judged the practical "success" pertinent to the case's problem at hand.

In adopting the reasonable woman standard, the court wisely avoided the reasonable person standard's problematic susceptibility to take on irrelevant practical facts and biases. As Adler and Peirce write, "In creating a 'reasonable woman' standard, the *Ellison* court clearly intended to

28. *Rabidue v. Osceola Refining Co.*

establish aggressive new guidelines for conduct in the workplace *rather than adhere to a traditional standard that, in its view, simply reinforced prevailing levels of discrimination.*”²⁹ From this, a careful, more considerate, and largely unbiased use of pragmatic abstraction in reflective thought is exemplified by the reasonable woman standard. This standard is evidence that pragmatic abstraction, in the intimately familiar context of reflective thought (now reconsidered to take into account *whose* practical “success”), can expand its horizons. Before the consideration of *whose* “success” in reflective thought, pragmatic abstraction’s use allows for “successful” results for some yet problematic practical outcomes for others. This is exemplified in the Rabidue decision where injustice and unfairness resulted. After the consideration of *whose* “success” in reflective thought, pragmatic abstraction’s use largely circumvents this problematic bind. This is exemplified in the Ellison decision where justice and fairness resulted.

VI. Pragmatic Abstraction in Dewey’s Reflective Thought, Reconsidered

Overall, the Deweyan notion of reflective thought, that necessarily utilizes the tool of pragmatic abstraction, can largely, unproblematically extend beyond its fundamentally individual context when *whose* “success” is considered. By keeping in mind *whose* “success” we are seeking when engaging in reflective thought, the tool of pragmatic abstraction proves to be less practically problematic.

The critical examination of pragmatic abstraction within Dewey’s notion of reflective thought is now completed, and his notion of reflective thought has been reconsidered, rendering pragmatic abstraction a less problematic tool to use. To recap, at the outset of this paper we have come to understand *how* pragmatic abstraction itself functions, *how* reflective thought itself functions, and *what* reflective thought’s purpose is. From these initially separate expositions, we then moved to looking at these pieces in relation to each other. Specifically, our first examination concerned *how* pragmatic abstraction functions within reflective thought, and our second examination concerned *what* pragmatic abstraction’s purpose is within reflective thought. These combinations understood, pragmatic abstraction was critically examined in the latter context. This critical examination was the principle task of this paper, and given its importance, I employed an example to supplement it. To this point, I discussed the transition from the reasonable person standard to the reasonable woman standard in law, specifically in sexual harassment lawsuits. This concrete example is illustrative of the critical examination done of pragmatic abstraction within reflective thought, as it traced out the problematic practical outcomes of not taking into consideration *whose* “success” we are bringing about.

29. Adler and Peirce, “Social Implications of the ‘Reasonable Woman’ Standard,” 801. Emphasis added.

When engaging in reflective thought, the consideration of whose “success” we are bringing about must necessarily be taken into account. As it stands in Dewey’s work *How We Think*, reflective thought necessitates no such consideration, and this has proven concretely problematic. From this, the tool of pragmatic abstraction as used in reflective thought can be (and has been) used to bring about “successful,” yet problematic practical results. Always considering *whose* “success” we are practically dealing with, Dewey’s notion of reflective thought is reconstructed and reconsidered, rendering the use of pragmatic abstraction less problematic than before.

The tool of pragmatic abstraction can now be used much more expansively without producing concrete problems. We gain the ability to appropriately and carefully solve problems that do not directly relate to us and our *own* practical “success.” This use of pragmatic abstraction in Dewey’s reconsidered notion of reflective thought thoroughly accounts for differences in present experience. Though it seems out of good intention to see the similarities in everything instead of the differences, this view detrimentally ignores important nuances and particularities that are essential to appropriately and carefully solve problems. This was exactly why the reasonable person standard failed at adequately redressing certain sexual harassment cases. This was exemplified in the thinking of *Rabidue v. Osceola Refining Co.*, which assumed a bias that effectively posited a woman’s experience and reasoning to be the same as a man’s experience and reasoning. This is obviously not correct and must be either dismissed, or reconsidered keeping in mind *whose* “success” is being dealt with.

In sum, we should adopt the reconsidered notion of reflective thought, as it improves the tool of pragmatic abstraction, and maps more appropriately onto the practical conditions, nuances, and problems of our lives. In this way, we wield a more helpful and expansive tool to utilize in our constant daily, hourly, minute to second engagement with Dewey’s (now reconsidered) notion of reflective thought.

Angel

A. Isabelle Amezcua

Angels are a common motif in the World, and in the West. Not just in religion (and, by extension, philosophy), but also in art and its myriad expressions. There are many ways to imagine (that is, *to make an image of*) angels, and their etymology is just as varied. For instance, in the Greek translation of the Hebrew *mal'akh*, it means “shadow of God,” which sounds a bit ominous. Angels can often be understood as representative of various religions’ ethical principles, a moral symbol *par excellence*; and yet still others may fall from grace for their transgressions. While they are not always all called “angels,” celestial beings who act as contact points between God(s) and humans appear frequently in many different theologies and mythologies around the world. In the Qur’an, for example, Allah sends angels, who are described as having many pairs of wings, as messengers. The Bible, of course, references various angels as well. There is no one way an angel can be depicted. Fierce, kind, with many wings, or none at all. This particular piece focuses more on the angel’s expression. The expression is aloof. The piece is sketchy, loose, like our translations or ideas of angels.



Medium: Charcoal on Blue-Toned Paper

An Investigation into the Systematic Meaning of Sensuous-Certainty in Hegel

Timothy Schatz

The quintessential characterization of Hegel's philosophy is that of a circle. In the context of his *Phenomenology of Spirit*, this means a kind of unity or semblance thereof between sensuous-certainty and absolute knowing. In this paper, I demonstrate the aforementioned unity through a reading of the section on sensuous-certainty, one which is mediated by the work of Jean Hyppolite and Jay Bernstein. Through this approach, I highlight several issues of metaphysical importance, viz., space, time, object, and subject, at the beginning of Hegel's text, as well as delineating an underlying ethical matter of responsibility vis-à-vis the capacity to remember.

I. A Brief Outline of the Investigation

The aim of this investigation is to answer what it means for sensuous-certainty to be the beginning of Hegel's *Phenomenology of Spirit*. At the outset of my investigation, I have two presumed conceptions that inform my reading, that of Jean Hyppolite and Jay Bernstein. This paper will thereby take the two conceptions together in order to unify the beginning and end of the *Phenomenology*. The result is what I term the "spatiotemporal subject-object ensemble," i.e., the self, the object, the now, and the here. The *conceptualization* of *this representation* is the meaning of absolute knowing, which, through investigating, will enable us to understand sensuous-certainty. From the vantage point of the *end*, for us it stands that sensuous-certainty is essentially a disavowal of mediation, which, in the affirmation of mediation in its sublation,¹ results in a drawing forth of the said ensemble and necessarily holding onto it in memory and taking responsibility for this activity.

II. Initial Considerations: Bernstein and Hyppolite

Hyppolite's conception of sensuous-certainty in his book, *Genesis and Structure of Hegel's*

1. This term presents a number of issues in English, made worse by certain translations, and by the fact that *Phenomenology of Spirit* is essentially a first draft. Though we are no strangers to homonymy, we often are taken aback by the idea that the word has three different meanings: lifting up, preserving, and negating. In German, *Aufhebung* retains these three uses. However, as Hegel discusses in his *Encyclopedia*, he only means two of these: preserving and negation. Hegel's insight is that negation has a preservative effect, and any inclination of upward movement is something forced onto Hegel by readers. The image of Hegelian philosophy is said to be a circle, and the sublation of a contradiction is realizing the limits of that circle within a sphere. The movement is therefore not about subsuming everything but in unifying the world in its differences, from organically moving through thought determinations in an enriching process. The key to this paper here is in this fact, i.e., that we do not leave things behind but realize how they stay with us (i.e., are preserved) and return in new contexts.

Phenomenology of Spirit, is twofold. First, he presents it in regard to absolute knowing and, in the second, to the prior sections in the *Philosophy of Spirit*. In regard to the first he says: “If we are to grasp the whole of Hegel’s thought, we must understand this starting point of his philosophy: the intuition of life or of the I which develops by opposing itself and rediscovering itself.”² He continues, “Hegel shows how consciousness begins with equality that will later be its end, the goal that it will strive to reach, to reconquer reflectively ... In the first chapter, truth and certainty are immediately equal; in the last chapter certainty, i.e., subjectivity, has posed itself in being, posed itself as truth, and truth, i.e., objectivity, has shown itself to be certainty, self-consciousness.”³ Hyppolite locates the notion of this unity of truth and certainty as a result of the sublation of the sensuous soul of anthropology.⁴ This sublation represents a “moment of separation” between the subject and object.⁵ Hyppolite thereby presents his conception of sensuous-certainty as the break with the non-distinguishing perspective of the sensuous soul: “The soul no longer senses but is consciousness: it has a sensuous intuition. This distinction is present in its simplest form at the beginning of the *Phenomenology*.”⁶

Bernstein’s conception proves fruitful in combination with Hyppolite’s, i.e., in relation to the break with the sensuous soul. Bernstein, in his published audio lectures, says:

So rather than think of immediacy as immediate—that’s the wrong view—I’m suggesting that immediacy is itself an expression of a desire to escape from conditionedness, mediation. It wants to escape from the burden that we have to tell the difference between true and false. And that, indeed, in knowledge we are responsible in some way for truth-telling and, therefore, distinguishing truth from false.⁷

Such a position expresses Hegel’s overarching suspicion of forms of immediate knowing. In his *Encyclopedia*, Hegel notes the need to overcome immediate knowing in order to engage in science.⁸ Further, Hegel adds in the preface of his *Phenomenology* that immediate knowing is devoid of spirit,

2. Jean Hyppolite, *Genesis and Structure of Hegel’s Phenomenology of Spirit*, trans. Samuel Cherniak and John Heckman, (Evanston: Northwestern University Press, 1979), 81.

3. Hyppolite, *Genesis and Structure*, 81-82.

4. The third volume of Hegel’s *Encyclopedia* concerns spirit and in many ways re-systematizes his *Phenomenology of Spirit*. Hyppolite’s reading thereby situates itself in the context of the later system.

5. Hyppolite, *Genesis and Structure*, 84.

6. Hyppolite, *Genesis and Structure*, 84.

7. Jay M. Bernstein, “Phenomenology of Spirit Lectures 1 to 30,” Lecture 1, Part 1, 06:59-07:41, <https://bernsteintapes.com/hegellist.html>.

8. G.W.F. Hegel, *Encyclopedia of the Philosophical Sciences in Basic Outline, Part I: Science of Logic*, trans. and eds. Klaus Brinkmann, and Daniel O. Dahlstrom, (Cambridge: Cambridge University Press, 2015), §78. Hereafter cited as EL.

which is called sensuous consciousness.⁹ It appears that the younger Hegel held the opposite view, but, as Brady Bowman discusses, he later turned against the idea of a rich, non-discursive, knowing.¹⁰ Bernstein's reading thereby expresses Hegel's rejection of content-rich, sensuous knowing.

III. Systematic Considerations of Beginning and Sensuous-Certainty

"The beginning," Hegel writes in *The Science of Logic*, "must then be *absolute* or, what means the same here, must be an abstract beginning; and so there is *nothing* that it may *presuppose*, must not be mediated by anything or have a ground, ought to be rather itself the ground of the entire science."¹¹ The mediate will return, as Hegel says "*there is nothing in heaven or nature or spirit or anywhere else that does not contain just as much immediacy as mediation.*"¹² Beginning with the immediate, being as such or pure being, thereby engenders the organic development of the system and so overcomes the dogmatic metaphysics of the past. Sensuous being is recuperated as an expression of absolute essence, and sensuous consciousness (i.e., spirit) is an abstraction of this; that is, it is one-sided.¹³ Thus, the beginning is not irrelevant; a point which Hegel makes more generally in his *Logic*: "The beginning of philosophy is the ever-present and self-preserving foundation of all subsequent developments, remaining everywhere immanent in its further determinations."¹⁴ If we are to investigate sensuous-certainty, then an analysis will be twofold, i.e., have both a moment of mediated and immediate sense.

The two initial conceptions provided by Hyppolite and Bernstein can be understood as the expression of this twofold nature. On the one hand, Hyppolite would have us ultimately mediate the meaning through absolute knowing and, in part, the sensuous soul; on the other hand, Bernstein takes sensuous-certainty primarily in its immediate context. We thereby need to look back from the end, and so the question takes on a final determination: what is the meaning of sensuous-certainty *as* disavowal of the mediate? Hegel characterizes it generally: "*immediate* knowing has the truth for its content only taken *in isolation*, to the *exclusion* of mediation."¹⁵ Structurally, it would deny limits, and in this way appears as a parody of the true infinity of thinking in the manner of there being nothing

9. G.W.F. Hegel, *The Phenomenology of Spirit*, trans. Terry P. Pinkard, (Cambridge: Cambridge University Press, 2018), §27. Hereafter cited as PS.

10. Brady Bowman, "Spinozist Pantheism and the Truth of 'Sense Certainty': What the Eleusinian Mysteries Tell Us about Hegel's *Phenomenology*." *Journal of the History of Philosophy*, vol. 50, no. 1 (January 2012): 85–110, <https://doi.org/10.1353/hph.2012.0019>.

11. G.W.F. Hegel, *The Science of Logic*, trans. and ed. George di Giovanni, 48. Hereafter cited as SL.

12. SL 46.

13. PS ¶760.

14. SL 49.

15. EL §65.

outside of thought in such a way that there is an identity of being and thought. That is, in Hyppolite's view, summarized by Judith Butler in her book on French Hegelianism, "[T]o think the absolute is to engage both a knowledge of temporality and a temporal experience of this truth; in effect, the truth of time must be suffered to be known."¹⁶ Sensuous-certainty denies the need for this suffering in the labor of knowing. Yet, since it is overcome (sublated), immediate knowing is preserved and refigured as posited by later shapes. With a view to where we are going, a richer systematic meaning can be grasped, namely, that sensuous-certainty prepares the setting that is to become the midden heap of history to be reconciled. Since this beginning undergirds the whole development, what it does as a shape of cognition or consciousness needs to be articulated, and, in order to do so, the whole movement of immediate knowing must be grasped.

IV. Analysis of Sensuous-Certainty as a Single Movement

In the first act, sensuous-certainty has already divided the world into the mediate and immediate, but, beyond the mere division, it disavows the mediate pole and thinks immediacy as self-sufficient, i.e., without the need for mediation.¹⁷ When *we* go to test consciousness, *we* ask it a question, *we* write down the answer, and *our* answer proves to be untrue, e.g., the *now is the night*, in the middle of the day ... What has happened to *our* truth? The now became *mediated*: "This self-maintaining Now is thus not an immediate Now but a mediated Now, for it is determined as an enduring and self-maintaining Now *as a result* of another *not* existing, namely, the day or the night."¹⁸ The contradiction is *expressed* by the two propositions: *now is the night* and *now is the day*. From the outside, we can see that it is not the mediation that produces a contradiction, but a disavowal of mediation that produces the contradiction by which two contrary predicates emerged out of the subject. The immediate fails to mean *a single thing*, and so it turns out that "[immediacy] is indifferent to what is in play alongside it."¹⁹ In short, it means nothing at all. This also occurs with *this* as *here*.

The result is that objective, sensuous intuition is universal, yet some, namely Feuerbach, say that only what *we* did is universal. Robert Solomon summarizes the critique by Feuerbach: "what Hegel is fallaciously doing here is attacking a certain claim about the word 'this' (and others like it)

16. Judith Butler, *Subjects of Desire: Hegelian Reflections in Twentieth-Century France*, (New York: Columbia University Press, 2012), 83-84.

17. The dialectic of sensuous-certainty, while a single *movement*, is divided into three moments, which I call the first act, second act, and the third act. Each is not a proper sublation but propels the development in exposing different sides of the contradiction.

18. PS ¶96.

19. PS ¶96.

instead of making the point he thinks he is making about the nature of experience.”²⁰ He comes to argue that Hegel’s critique falls flat because there is a contradiction between word (universal) and world (particular); however, I think that Robert B. Pippin provides a good response to the issue when he says, “The reference to language, in other words, plays an explanatory, not a justificatory, role.”²¹ *Our* questions and answers are grounded in sensuous-certainty experience, i.e., it is not alien to it in meaning. For, as Hegel maintained, “The dialectic which it has in itself will take on a form as intelligible as the ‘This’ itself.”²² Further, “we need only to consider [how the object] as sensuous-certainty has in it sensuous-certainty itself.”²³ We are speaking on the behalf of consciousness, and so the universality of sensibility is not an alien imposition.

Regarding the universality of the sensuous, Hegel says, “We thereby of course do not *represent* to ourselves the universal This or being as such, but we *express* the universal; or, in this sensuous certainty we do not at all say what we *mean*.”²⁴ Neither we nor consciousness present “being as such” to ourselves, for it is not that we are taking existence and reflecting on it. What is at stake here is the question of what is given, or, as W. Clark Wolf puts it, *taken* in experience.²⁵ This is so that nothing besides pure being is taken in immediacy, no matter how much content one would posit as in sensuous being. The reason for needing to speak is best expressed by Hyppolite in his book *Logic and Existence*, where he writes that “the sensible ... turns into sense by negating itself as sensible.”²⁶ Further, Bernstein notes that our methodology is more complex than sensuous-certainty, in the sense that it is not yet capable of engaging in sense-making proper.²⁷ Taken in conjunction with Hyppolite, this analysis must be narrated in language for us and consciousness must develop further before it can understand its development during this shape, thereby neutralizing a Feuerbachian critique.

There is, however, a later moment in the dialectic of sensuous-certainty where a redoubled Feuerbachian critique could be made. In the third act, it is said that “we step up to [the Now] and let ourselves point.”²⁸ Our activity would seem to be essentially different than before, for we are taking

20. Robert Solomon, *In the Spirit of Hegel: A Study of G.W.F. Hegel’s Phenomenology of Spirit*, (New York: Oxford University Press, 1983), 68.

21. Robert B. Pippin, *Hegel’s Idealism the Satisfactions of Self-Consciousness*, (New York: Cambridge University Press, 1989), 119.

22. PS ¶95.

23. PS ¶94.

24. PS ¶97.

25. W. Clark Wolf, “The Myth of the Taken: Why Hegel Is Not a Conceptualist,” *International Journal of Philosophical Studies*, vol. 27, no. 3 (2019): 399–421. <https://doi.org/10.1080/09672559.2019.1612617>.

26. Jean Hyppolite, *Logic and Existence*, (Albany, NY: SUNY Press, 1997), 32.

27. Bernstein, Lecture 1, Part 1, 22:48-23:52.

28. PS ¶105.

an active role. Hegel is narrating the experience of sensuous-certainty, but not in the sense of giving an empirical account of a sensuous consciousness. Sensuous-certainty is experiencing mediation, even if it would deny this if it could be asked, and all that our pointing does is show that mediation is necessarily present. Like Socrates, *we* guide the student to the limits and contradictions present in what is already there. In this instruction, we are not inflicting anything alien but, in a way, *recollecting* or bringing attention to the mediation of immediacy that is already constitutive of the experience. Herein lies the similarity between Hegel's original question and answer (what is the now) and later act of pointing. Yet before we point, *we* and consciousness are not bound in the experience together; this occurs when we point, which will not occur until the third act.

The second act, though brief, sees mediation rise in the *immediate* I.²⁹ Hegel says, "Its truth is in the object as my object, or, in *what I mean*; the object is because *I* know it."³⁰ Bernstein remarks that the I was there all along, which would reveal for us that the cognition of the object was the result of the reception on the part of the subject.³¹ In this way, *I know* the objects "because *I* hold fast to them."³² Yet, "sensuous-certainty experiences in these relationships the same dialectic as it did within the preceding relationships."³³ It thereby transpires that the I is also universal, i.e., *objective* sensuous-immediacy is not relegated to any subset, but it also occurs that receptivity is universal.

In the third act, "we thereby come to posit the *whole* of sensuous-certainty itself as its *essence* and no longer only as a moment of sensuous-certainty, as happened in both cases, in which at first the object opposed to the I and then the I itself were each supposed to be the reality of sensuous-certainty."³⁴ The whole of sensuous-certainty, i.e., the sum of the two parts, the I and object, is now the essence, i.e., it is no longer a container of an essential and inessential moment. This result grounds Hegel's earlier remark that "an actual sensuous-certainty is not only this pure immediacy but also an *example* of it."³⁵ *This* example of mediation in immediacy is not of the prior "this and not this" but the object and I *with* "this and not this." In the third act, therefore, instead of raising up either the self or object, both are taken up as the two co-moments of the immediate. Yet it still is caught up immediately with itself, i.e., the not here and not now, and so it "clings tenaciously in such

29. It is worth stressing the importance of this act, for, in the history of modern philosophy, the self is given a presence to itself, which Hegel begins to unmoor. Among the highest developments of this idea is that of Freud's ego, but we should see here (with hints of Kant's transcendental illusion) the capacity for a lack of immediate transparency.

30. PS ¶100.

31. Bernstein, Lecture 1, Part 1, 44:00-:46:32.

32. PS ¶101.

33. PS ¶101.

34. PS ¶103.

35. PS ¶ 92.

sensuous-certainty to *immediacy*.³⁶ Sensuous-certainty thereby takes on the form of sleep, for sensuous-certainty “no longer wishes to step forward;” it has gone limp, succumbs to a torpid state.³⁷ It attempts to return to sleep, to know only the infinite dream, for it has seen that to be awake is to see death. This state is, however, untenable, and now *we are to point* while immersed in the experience in order to demonstrate this.

With us immersed in the shape of consciousness, our *thoughtless* pointing enables Hegel to announce, “The *Now* is pointed out, *this Now. Now*. It has already ceased to be as it was pointed out; the ‘*Now that is*’ is an other than that pointed out, and we see that the *Now* is just this *Now* as it no longer is.”³⁸ On what has occurred, Hegel narrates:

- (1) I point out the *Now*, and it is asserted to be the true. However, I point to it as something that has been and thus sublata the first truth, and (2) I assert the *Now* as the second truth, that it *has been*, that it is sublata. (3) However, what has been is not; I sublata that second truth, that it *has been*, or, its having-been-sublata, and, in doing that, I negate the negation of the *Now* and so turn back to the first assertion, namely, that *Now* is.³⁹

This movement, as Hegel says, is the “negation of the negation.”⁴⁰ Yet this negation of the negation is not a reversal of act one and two; rather this negation of the negation is sublation. Sublation is negative, *but* that something is negated into its opposite brings with it that movement so that the negated returns, negating its negation. The pointing reveals the mutual implication, for it shows that one thing came from another and, since its result *is its result*, the result posits the negated original. However, there remains a gap in this analysis: why is the *now* I point to a *has-been*? Hyppolite leads us to consult the dialectic of being in *The Science of Logic* for an answer. In *The Science of Logic*, Hegel writes, “[being] is pure indeterminateness and emptiness ... it is only this pure empty intuiting itself.”⁴¹ Being, or this, passed over into nothing, or not this, because it was empty, i.e., immediate meaning really means nothing. Yet, Hegel says, “Nothing is therefore the same determination or rather absence of determination, and thus altogether the same as what pure *being* is.”⁴² Being and nothing are opposites, and so stand opposed to each other, yet the line that is supposed to separate the two does not keep them apart.

Being and nothing passed over into each other, for being is empty and nothing is realized to

36. PS ¶ 106.

37. PS ¶ 107.

38. PS ¶ 106.

39. PS ¶ 107.

40. SL 59.

41. PS ¶ 108.

42. SL 59.

be the same as being. Being = nothing, and yet are not the same; however, this is only made stable through positing being and nothing as moments of becoming as a “quiescent simplicity.”⁴³ Sensuous-certainty will produce a similar outcome: 1) the now passed away and so is not now, 2) it is not now, i.e., *it* is not now, and 3) that now is not now is that now has been shown to *equal* not now, i.e., it is now. This is all to say that the not now is just as much as the now, or the now and the not now are not different, just as being and nothing. This occurs because of the emptiness of the now, and it passes away. The equality of the now and not now is the reason for the emptiness of any intending on the part of consciousness. This also happens with the Here, that not here = here, but with the chirality of three dimensions.⁴⁴ The this and not this co-implicate each other, and so every moment of time or space is a sublation, in the manner that implication posits co-implication.⁴⁵ In regard to the shape of immediate knowing, what this means is that immediacy and mediation are essentially united. This unity is the universal ensemble of hours and minutes as continuous time and also as the continuous space of the self knowing the objective. Therefore, at this point, sensuous-certainty has been overcome, for the immediacy involves mediation. Perceptive consciousness, therefore, has supplanted sensuous-certainty by gathering and binding together the here, the now, the self, and the object, as a universal, *spatiotemporal subject-object ensemble*.

V. Absolute Knowing and Sensuous-Certainty

I asserted earlier that the sublation of sensuous-certainty prepared the space for the unfolding of the shapes of consciousness, which coalesces as the midden heap of history. From the standpoint of the end of the narration of the dialectic of sensuous-certainty, the next shape is perception, and the development continues all the way to absolute knowing. In a one-sided sense, since it was the beginning, it is merely the prior shape to other shapes. Yet, insofar as it undergirds the development, it ought to be explicated from the end—from absolute knowing—and we should look back beyond a mere invocation of the explicit references to it. This richer sense can be initially grasped as the unity of the spatiotemporal subject-object ensemble, memory, and responsibility. Our venture into absolute knowing will be given in two parts: the unity of being and self, and the flux of time with the limit of space.

The identity of being and the subject is realized in the reconciliation of its moments. Hyppolite summarizes, “In [absolute knowing], the element of existence of the spirit is no longer

43. SL 59.

44. PS ¶108.

45. It is a helpful comparison to think of the relation of parent and child. The parent is the anticipated condition of the child, and so the child is a being whose being involves the parent. The parent makes the child a child, and the parent is also only who they are by there being a child.

the Dasein of consciousness, but the concept, universal self-consciousness. Spirit now reflects itself into itself in this element; it becomes the thought of itself, or logos.”⁴⁶ The key idea for us is that *substance has become subject*, for it is that the originally posited shape in being as alienated returns to the self in its development and comes to know what has occurred.

Hyppolite says, later on, “By recollecting the entire previous experience, we should rediscover these successive alienations, which not only prove that being has been resolved into self, but that self has posed itself in being.”⁴⁷ Alternatively, as Jon Stewart explicates, “It realizes that the object sphere is not independent and autonomous but instead is necessarily connected with the subject and the forms of thought.”⁴⁸ Being (or the objective) and the self (or the I or the subjective) are thereby understood as *moments* of spirit, in such a way they are two co-instantaneous moments which are identical by being of the same movement of spirit. We had begun this paper with these two attempting to be equal, and only now do we know it—the equality of truth and certainty.

The final step in absolute knowing is a reconciliation of the ordinary sundering that consciousness discovered in evaporation of the night by the day through the overcoming of representational thinking by conceptual thinking. This is, however, not to say that there is no longer a present or past or future in the sense that the being of past and future are one with the being of the present. Rather, Hegel says, “*Time* is the *concept* itself that *is there* and is represented to consciousness as an empty intuition.”⁴⁹ As Stewart summarizes:

The Absolute [Concept] ... is a conceptual movement that transcends time: ‘Spirit necessarily appears in time, and it appears in time just so long as it has not *grasped* its pure [Concept], i.e. has not annulled time.’ Now, at the end of the dialectic, consciousness ‘sets aside its time-form.’ Absolute knowing is an understanding not of any particular historical development, but of the necessary categorical movements hidden in history and religion, which is timeless.⁵⁰

Hyppolite expresses an unease around this matter, for, according to him, the unity of the temporal and atemporal is the primary question of the *Phenomenology* that, at the same time, lacks a clear solution.⁵¹ He understands it as a unity of knowledge and action, such that “in the element of the concept, this absolute knowledge appears as the very action of the subject that thinks it ... Thus infinite reason knows itself in human self-consciousness and is infinite only in this finite knowledge

46. Hyppolite, *Genesis and Structure*, 581.

47. Hyppolite, *Genesis and Structure*, 593.

48. Jon Stewart, *The Unity of Hegel's Phenomenology of Spirit: A Systematic Interpretation*. (Evanston: Northwestern University Press, 2000), 461.

49. PS ¶806.

50. Stewart, *The Unity of Hegel's Phenomenology of Spirit*, 462.

51. Hyppolite, *Genesis and Structure*, 596.

of itself.”⁵² In a similar way, Bernstein understands the annulling of time as the move from history to historicity, wherein time is “who we are in our continual movement of determination as ... a community of the living and the dead.”⁵³ This reconciliation of finitude, then, completes the unity of spirit and space. As Hegel says,

Knowing is acquainted not only with itself, but also with the negative of itself, or its limit. To know its limit means to know that it is to sacrifice itself. This sacrifice is the relinquishing in which spirit exhibits its coming-to-be spirit in the form of a *free contingent event*, and it intuits outside of itself its pure *self as time* and likewise intuits its *being as space*.⁵⁴

Time as the reconciliation of the living and the dead, i.e., the present and the past, is understood as the knowing and doing of spirit that places its future as also within it. The space which is known as its activity has the limit as its horizon, i.e., the horizon is its historical horizon. The *not* Now and the *not* Here are conceptually unified with the Now and Here as a unity with difference, in what Bernstein calls the overcoming of Kantian time, and is the production of subjectivity that thereby facilitates the transition of substance to subject.⁵⁵

If we turn back to sensuous-certainty, we see that this shape produced the spatiotemporal subject-object ensemble, which, in absolute knowing, is taken up as the ground of the activity of spirit. This activity was not so until we *created* spirit, as Hyppolite puts it.⁵⁶ It was this abstract activity that through the dialectical development became aware of what it was an abstraction of, i.e., consciousness came to understand how its first shape was posited by its final shape. However, it, to speak metaphorically, brought together the raw materials to be developed and so stays with the development of consciousness as to hold these, the aforementioned ensemble, through the narrative. This is the bulk of the meaning of sensuous-certainty, but there are two other activities which go along with consciousness in the development, namely responsibility and memory.

The I, the object, time, and space occupy most of Hegel’s time on sensuous-certainty, but in his reflection of what has occurred, he reveals a possibility of repetition within sensuous-certainty:

It is clear both that the dialectic of sensuous-certainty is nothing but the simple history of its movement (that is, its experience) and that sensuous-certainty itself is nothing but just this history. For that reason, natural consciousness also proceeds to this result, what is the true in sensuous-certainty, to keep pressing ever forward. It learns from experience about it, but then it likewise forgets it again, and then it starts

52. Hyppolite, *Genesis and Structure*, 599.

53. Bernstein, Lecture 30, 39:46–40:08.

54. PS ¶807.

55. Bernstein, Lecture 30, Part 2, 39:20–39:25.

56. Hyppolite, *Genesis and Structure*, 598.

the whole movement all over again right from the beginning.⁵⁷

Randall E. Auxier points out the ambiguity inherent in this statement, namely that it is not clear if the initiates, in regard to the practical matters, are relearning or learning for the first time.⁵⁸ This would divide the matter of memory into two concerns for us in regard to the consciousness which has overcome sensuous-certainty. Consciousness must *remember* the experience, and, on the other, must *take responsibility* for said experience. The essence of its experience was in the third act, and it was here where sublation was first experienced as sublation. The pointing was a primal expression of responsibility and memory that enabled the recognition of sublation, for it was only in the capacity to point and to actually point that consciousness experienced what it did. Forgetting, therefore, is a returning to the beginning, i.e., a return to pure being, but we can understand it also as a forgetting of sublation, or the united negativity of being. Thus, at the heart of the dialectic of sensuous-certainty, there is an ordinary act of binding together of the parts that participated out of the sensuous soul, and it is only through memory and responsibility that the negative unity can be known.

VI. Conclusion

Looking back on the whole of what has been examined in this, from initial conceptions to linking absolute knowing and sensuous-certainty, the meaning of sensuous-certainty as the beginning of Hegel's *Phenomenology of Spirit* has been explicated. Sensuous-certainty is essentially a disavowal of mediation, which, in the affirmation of mediation in its sublation, results in a drawing forth of and holding onto its results. The sublation is an affirmation, in the sense of remembering and holding true to the memory of what was disavowed, i.e., an affirmation of the spatiotemporal subject-object ensemble, which is reconciled in the creation of spirit as the theater of its activity. The abdication of this results in the necessary repetition of the dialectic of sensuous-certainty, and so this responsibility, and capacity to remember, is needed to hold true to the result of the experience it has undergone. This holding onto negativity, though consciousness does not immediately understand, is what it means to begin with sensuous-certainty.

57. PS ¶109.

58. Randall E. Auxier, "The Return of the Initiate: Hegel on Bread and Wine." *Owl of Minerva*, vol. 22, no. 2 (1991): 195, <https://doi.org/10.5840/owl199122220>.

PBIS: Towards a Kinder Form of Discipline

Pollyanna Stalie

Positive Behavioral Interventions and Supports (PBIS) is a practical theory of discipline that focuses on prevention—rather than punishment,—and affirmation of preferred behavior. PBIS is primarily used in schools, and I have used it extensively in my work as an early childhood educator. In this paper, I argue that there is a clear connection between the psychological theory that makes PBIS effective and the sociopolitical philosophies laid out by John Dewey, Friedrich Nietzsche, and Michel Foucault. These theories and methodologies explain power dynamics between a dominant and non-dominant group, and how best to discipline to correct behavior long-term while instilling a sense of agency in the subjugated group. I ultimately conclude that PBIS works to improve classroom function through the implementation of mutual respect and by validating children's needs by giving them a sense of agency. Integrating PBIS in societal institutions can serve as the basis for a new kind of discipline that would, I contend, improve these institutions in myriad way.

I. Background

Like many philosophy undergraduates, my philosophical interests have been shaped by my prior experience. These interests tend to be practical in nature; they pertain to things in my day-to-day life, such as my work as an early childhood educator. My mother has owned a child development center for 15 years, and I have worked there for five. In addition, I have volunteered and was eventually hired at a non-profit that provides parenting classes. Working with children in both cases has taught me a tremendous amount about child development and early childhood education. These experiences have radically shifted my perception of the world at large. Through my work, I have become fascinated with questions about the movement of power dynamics in a classroom setting, how these dynamics affect children's sense of self, and how to run a functional classroom.

II. Introduction

These questions all seem to be answered by Positive Behavioral Interventions and Supports (PBIS), which is a behavior management tool used in early childhood education. As I learned more about PBIS through training, watching it being used by my co-teachers, and implementing it myself, I came to realize how effective it is for the children and for my peace of mind working with them. Digging into how PBIS was developed, I discovered that there were connections between the psychological theory that makes PBIS work and the philosophical theories laid out by Friedrich Nietzsche, Michel Foucault and John Dewey, I intend to explore the specific ways in which each

theory and methodology articulate how best to encourage the function of institutions that involve power dynamics. These theories and methodologies explain power dynamics between a dominant and non-dominant group, and how best to discipline to correct behavior long-term, while instilling a sense of agency in the subjugated group. I will ultimately explain that PBIS works to improve classroom function through the implementation of mutual respect, and by validating children's needs through granting them a sense of agency. From this explanation I will derive the conclusion that integrating PBIS in societal institutions can serve as the basis for a new kind of discipline that would improve the function of said institutions. This piece works to inspire a moderate shift in how we utilize the structures we have in place and aims itself at the creation of a form of discipline that acknowledges that it is speaking to fellow humans with agency, autonomy, and will.

III. On PBIS

PBIS is a tool kit of methods based on a foundation of behavioral research. PBIS (also called PBS) asserts that the prevention of negative behaviors through reinforcement and affirmation of positive behaviors is an effective way to maintain a functioning classroom. According to the Edward G. Carr and his fellow researchers, "PBS is an applied science that uses educational methods to expand an individual's behavior repertoire."¹ PBIS works because if children know what to do and are rewarded for doing the right thing, they will be more inclined to follow that pattern of behavior; whereas punishment will discourage one type of action, and disregards why the child is behaving that way. For example, if a teacher wants a hyperactive child to stop running by punishing the child every time she runs, she will learn to skip instead. Punishing the child did not change the fact that she is a hyperactive child. Punishment does not work to alter a child's behavior long-term, and this is where operant conditioning comes into play.

On Operant Conditioning

The psychological aspects of PBIS will be addressed in brief, in an attempt to keep my analysis philosophical. That being said, it is necessary to understand operant conditioning to understand how PBIS works. Operant behavior is essentially the idea that a behavior is an external communication of an internal thought, i.e., the behavior that we are in control of (or non-reflexive behavior) is purposeful. The researcher B.F. Skinner, who developed this idea, explains that "reinforcement *is* extraordinarily important. That is why it's reassuring to recall that its place was once taken by the concept of purpose; no one is likely to object to a search for purpose in every

1. Edward G. Carr et al., "Positive Behavior Support," *Journal of Positive Behavior Interventions* 4, no.1 (2002): 4, <https://doi.org/10.1177/109830070200400102>.

human act.”² Since conscious behaviors have a purpose, they can be encouraged and discouraged through positive and negative reinforcement and affirmation. This means that, in theory, if a subject receives a reward every time they perform an action, they will perform that action more often. Conversely, if the subject is punished after they perform an action, they will do that action less often or stop doing it entirely. Skinner’s work on operant behavior ultimately concludes that purposeful human behavior can be manipulated by external stimuli. PBIS acknowledges operant behavior and heavily subscribes to the notion that humans have the agency to behave in a way that communicates their will (they act towards the purpose of an end). If operant conditioning is ineffective, redirection is used to diffuse a non-preferred action.

On Redirection

PBIS focuses on redirection as a method for discouraging behavior in order to avoid punishment entirely. Redirection, or replacement skills, attempts to address the child’s impulse to behave a certain way and direct their action towards a preferred behavior. This approach and its outcomes are explained as follows by the Center on PBIS: “PBIS practices are preventative and responsive ... When implemented with fidelity, classroom PBIS practices lead to fewer disruptions, improved student behavioral and academic outcomes, and more time spent teaching.”³ PBIS utilizes a variety of strategies to achieve its goals, including but not limited to using redirection and correction to respond to problem behavior, acknowledging expected behavior with praise, and actively prompting and supervising students.⁴ Children’s behavior is a response to their environment; it is a combination of nature and nurture. Using this holistic approach, PBIS attempts to understand the root cause of a specific behavior. For example, if a child is chronically throwing sand, instead of removing the child from the sand, the teacher would always give the child a ball after saying something like “you cannot throw the sand, but you can throw the ball.” Thus, when the child listens and throws the ball instead, the teacher would praise the child for listening by saying “nice job listening to my words.” Redirection and clear expectations encourage preferred behavior, and positive affirmation after the child listens reinforces this preferred behavior. These methods are used in PBIS to alter a child’s behavior for the better in a way that does not feel abrasive to both the child and the teacher; non-preferred behaviors are teaching moments. Redirection and operant conditioning both work to support the overall goal of PBIS.

2. B.F. Skinner, “Operant Behavior,” *American Psychologist* 18, no. 8 (1963): 515, <https://doi.org/10.1037/h0045185>.

3. “Classroom PBIS,” Center on PBIS, accessed February 16, 2020, <https://www.pbis.org/topics/classroom-pbis>.

4. “Classroom PBIS,” Center on PBIS.

On the Goal of PBIS

The goal of PBIS is to change the course of behavior in a child's life, by carefully reviewing what motivates non-preferred behaviors. The point of PBIS is not simply to manage a classroom, but to try to get the child to be able to question themselves before acting. As Carr et al. explain, "The primary goal of PBS is to help an individual change his or her lifestyle in a direction that gives all relevant stakeholders (e.g., teachers, employers, parents, friends, and the target person him- or herself) the opportunity to perceive and to enjoy an improved quality of life."⁵ This "improved quality of life" can also be explained as fostering a sense of morality or critical thinking skills in a child's mind. If caregivers explain exactly why the child cannot do something, they work to validate the need that motivates the child's behavior; by giving the child options, they will most often walk away feeling empowered to make better decisions next time. PBIS is an educational tool that rejects punishment and works to validate children's needs by giving them choices, while still guiding behavior. The teacher is a guiding figure that fosters a sense of agency and empowerment in her students; avoiding the need for punishment entirely. The main objective of PBIS can be extended to Friedrich Nietzsche's argumentative framework in his work, *On the Genealogy of Morality*.

IV. Nietzsche

On the Creditor-Debtor Relationship

In Nietzsche's *On the Genealogy of Morality*, he critiques the punitive aspects of the justice system. The punitive aspects of the justice system are explained in part by what he calls the "creditor and debtor relationship." Nietzsche asserts that the justice system is punitive, and because it is punitive, it creates suffering. In theory, suffering is supposed to be treated as a means to a higher end; those in power causing intentional pain to the accused as a consequence of the accused (supposed) action is intended to discourage that action in the future (for the accused and for society as a whole) and create a feeling of guilt in performing the same negative action in the future.

The supposed goal of this punishment is to instill a moral compass in the sufferer, or so that the accused can pay her debt to society. PBIS accounts for this in the way that punitive measures are not included in its methods, as they largely do not work towards achieving the supposed goals of the justice system. Nietzsche describes why punitive methods do not work through his description of the creditor/debtor relationship, writing, "This idea of an equivalence between injury and pain ... [originated] in the contractual relationship between creditor and debtor."⁶ Throughout this analysis,

5. Carr et al., "Positive," 5.

6. Friedrich Nietzsche, *On the Genealogy of Morality*, ed. Keith Ansell-Pearson, trans. Carol Diethe, (Cambridge: Cambridge University Press, 2008), 40.

the relationship between creditor and debtor has been evaluated, as it can be seen in the student/teacher and justice system/accused relationships as described above.

The PBIS system understands that this is not a serviceable foundation for student/teacher relationships and asserts the need for prevention and clear boundary setting prior to a behavior occurring. The creditor and debtor relationship creates a platform for suffering in the power imbalance that it affirms; the creditor can decide to what extent the debtor will suffer, under the guise of natural reparations for the debtor's misbehavior, when the reality is that only the creditor stands to benefit.

On PBIS and the Creditor/Debtor Relationship

PBIS and Nietzsche both recognize that punishment serves creditors (or people who have the power in a relationship), and it does not help develop a sense of morality in the debtor. PBIS focuses on redirection as a method for discouraging behavior in order to avoid punishment entirely. In PBIS, for example, if the child is throwing sand, instead of removing the child from the sand, the teacher would give the child a ball after saying something like, "You cannot throw the sand, but you can throw the ball."

The methods used in PBIS avoid the dissatisfaction that Nietzsche describes here: "On the whole, punishment makes men harder and colder ... it sharpens the feeling of alienation; it strengthens the power to resist ... we can safely conclude that the evolution of a feeling of guilt was most strongly impeded through punishment."⁷ Nietzsche's claim that guilt is impeded through punishment applies to all humanity, children included. PBIS and Nietzsche agree that punishment does not establish a sense of morality. Punishment is not effective in the justice system because of the debtor and creditor power dynamic (or in PBIS, the student and authoritarian teacher dynamic). This does not mean that traditional forms of punishment and PBIS are mutually exclusive, but rather to place emphasis on the fact that in most cases energy can be redirected in safe, effective ways. The feelings that arise from this punishment are not constructive, and these feelings are described in Nietzsche's concept of *ressentiment*.

On Punishment and Ressentiment

The concept of *ressentiment* is first mentioned in Nietzsche's second essay and is related to the question: what is the value of justice? Nietzsche's perspective is that *ressentiment*, (also known as the slave morality), creates conditions wherein revenge is mistaken for justice. A more accurate statement would be that a harm committed against someone is a harm committed against the concept of justice; the crime in and of itself is not a personal offense. The justice system as a

7. Nietzsche, *Genealogy of Morality*, 54.

punitive body perpetuates harm in this way because a power dynamic is set up in which the more powerful entity, the prosecutor, has power over the subordinate entity, the defendant. Nietzsche explains how this tit-for-tat mentality can be harmful: “This ‘scientific fairness’ immediately halts and takes on aspects of a deadly animosity and prejudice the minute it has to deal with a different set of emotions.”⁸ *Ressentiment* is the recasting of an injustice as a personal attack against one’s sense of humanity, creating a bruised ego. This recasting is exclusively done by those who are already victims of an unfair power structure who then become prosecutors after an injustice is committed against them. Any injustice committed against these victims (who have become prosecutors) is tainted by strong, spiteful emotions. This is because if the victim’s circumstances are cruel in and of themselves, any additional injustice is an unnecessary hardship, adding weight to an already sinking ship. These spiteful emotions make the prosecutor more creative in the punishing of the accused. Their pain stewing from the injustice after it has been committed, unleashes a kind of creative capacity, motivated by anger and hurt. The prosecutor seeks to “get even,” which is not justice-but revenge.

For example, if a debtor is robbed, *ressentiment* will make them believe that the thief had spiteful intentions and make the debtor want to harm the thief, in an attempt to re-create the pain that the debtor felt post-act. The thief may have needed something and had no other means to achieve that goal, committing an injustice with no emotional motivation behind it. The justice system is an active application of *ressentiment*, because the prosecutor is given the power to punish the defendant, recasting the prior action taken by the defendant as a personal attack on the prosecutor. This is an attempt to give the prosecutor the opportunity to take back what they lost, even though that is only abstractly possible. It should be noted that this argument would only apply to crimes in which the motivation of the accused indirectly affects those who are harmed by the action; meaning that the accused that had caused harm to the victim did so inadvertently. Different moral considerations should be made if there was intentional physical harm made by the accused against the prosecutor or to society at large. While PBIS has its place in re-imagining our justice system, it is not a catch-all system. Justice is a complex theoretical issue and an analogy can be drawn connecting PBIS and Nietzsche, but these necessary moral considerations must come in to complicate the story.

Then, Nietzsche goes on to explain how the justice system is flawed because it tries to enact revenge for the injured party when this only accounts for the origin of justice and not the utility of justice. Extrapolating on this idea, Nietzsche writes, “A system of law conceived as sovereign and

8. Nietzsche, *Genealogy of Morality*, 48.

general, not as a means for use in the fight between units of power but as a means against fighting in general.”⁹ Essentially, Nietzsche is arguing that justice is a human construct and without the imposition or enforcement of justice through a legal system, justice is only the origin of itself. Justice does not “do” anything good because it has no real utility when it is put into use to mediate a fight between two individual wills. Here, the value of justice is framed as a “means against fighting in general,” which means that ideally there is benevolent care enacted when just decisions are made.

On Punishment, Ressentiment, and PBIS

Nietzsche and PBIS agree that if those who hold power seek to “get even” with those who have wronged them (or someone they are representing), the whole system is compromised. Justice is to be utilized as a force for good, meaning that mistakes are learned from in order to improve each individual, because at the collective level, individuals comprise society as a whole. We all must live and work together, and power dynamics are necessary because we are scattered but social creatures that need direction in one way or another. Those in power have the capability to teach those who do not have power if they so choose to, and that is what Nietzsche and PBIS call for.

PBIS largely agrees with Nietzsche’s perception of justice, that an eye for an eye makes the whole world blind. Both PBIS and Nietzsche understand that one will against another can only result in frustration from both parties. It is extremely difficult if not nearly impossible to retroactively punish someone. Once a child has misbehaved, making them sit out only serves to make the child resentful of those in power. The child will not come back with a brilliant, intuitive way to change their behavior for the better. Unless the child is continuously educated as to *why* their will and therefore their agency is being impeded, the child will likely fester in spite of those in power. Agency in this context means having a will and having the power to make the choice of what action to take as a result of that will. Sending people of any age away does not teach them anything; it is an act that abandons their spirit, neglects their mind, and it surrenders their potential—*against their will and therefore their agency*.

PBIS and Nietzsche agree that punishment as a result of non-cooperation from the less powerful entity will not conjure up any sense of morality or guilt as a result of said punishment. PBIS accounts for this by applying the following methods: when conflict arises with a student, information about the conditions in which the student lives are used to understand the function that the problem behavior in question is serving.¹⁰ In this way, PBIS strives to understand what motivates the child’s will to act, and to understand the root cause of a non-preferred action. Teachers are to

9. Nietzsche, *Genealogy of Morality*, 50.

10. “Tier 2,” Center on PBIS, accessed on January 23, 2020, <https://www.pbis.org/pbis/tier-2>.

encourage acceptable behaviors through positive reinforcement and remove stimuli that trigger and perpetuate problem behavior. This means that in PBIS, the teacher wants the child to act in a way that is best for them and for their classmates, and that the teacher sets the student up for success. Both PBIS and Nietzsche understand that humans generally have a will that works towards an end, and with this will comes agency. In managing people, this agency and will must be addressed in a humanistic manner, meaning that those in power respect the capacity of those who are subordinated to make choices and meet their own needs.

Humans have agency or the ability to act because it serves a purpose, their behavior is a means to an end. Punishing or stifling that action or will can only serve to benefit the person doing the punishing, as it asserts dominance in enacting pain. According to Nietzsche, “[The concept that] every will should regard every other will as its equal, this would be a principle hostile to life, an attempt to assassinate the future of man, a sign of fatigue and a secret path to nothingness.”¹¹ This is Nietzsche’s attempt to acknowledge that power is necessary to the function of society, while also acknowledging that when two wills come into conflict that punishing the one with less power is not the answer. The justice system does not work because it is punitive, it tries to enact revenge for the injured party and does not take into account the accused’s will and agency. This issue is exacerbated by feelings resulting from *ressentiment*.

So, PBIS and Nietzsche both discourage the use of punishment, as it does not create conditions for any moral improvement in the subject being punished. The root of this idea is that the creditor (teacher) and debtor (student) power dynamic is unequal; the creditor can enact any kind of unnecessary harm onto the debtor because of this unequal dynamic. This in turn creates the feelings of *ressentiment* in the debtor; and perpetuates the harm created by the initial action of the debtor. Neither PBIS nor Nietzsche would argue for the removal of these power dynamics entirely, as power imbalances are necessary for organization and function of society. But both methodologies would call for the removal of revenge-seeking justice. The theoretical connection between Nietzsche’s critique of the justice system and PBIS has been established, and in the establishment of this connection I see a parallel between this idea and Michel Foucault’s theories about power, knowledge, and discipline in *Discipline and Punish: The Birth of the Prison*.

V. Foucault

On Power

Michel Foucault’s *Discipline and Punish: The Birth of the Prison* provides a critical account of the historical change in the way that people have been controlled in various ways by those in power. He

11. Nietzsche, *Genealogy of Morality*, 50.

is extremely critical of discipline as a tool for subjugation and control, and would largely disagree with the fundamental tenets of PBIS. That being said, his work provides a point of comparison and critique from which the argument for PBIS can be made stronger. A fundamental concept throughout his account is the idea that power relations are pervasive and contentious; contentious in that they can be changeable. According to Foucault, “One should decipher in it [power] a network of relations, constantly in tension, in activity, rather than a privilege that one might possess; one should take as its model a perpetual battle rather than a contract regulating a transaction or the conquest of a territory.”¹² For Foucault, power relations are dynamics between two people in which one person has influence over the other, and these relations are deeply rooted in the function of society. These power relations have the capacity to be highly flexible depending on the circumstances in which the subjects find themselves. Power is an activity, in that it must be consistently maintained in order for the person to stay powerful. This means that simply because one has power in a given moment does not mean that they will always have power if they do not work to sustain this power. It is an active mode of being in which the person in power must be “in perpetual battle” to keep their power alive. This idea is built upon when Foucault discusses the dynamic between power and knowledge.

On Power and Knowledge

Power relations shift over time, and in this shift, there is a knowledge created. This knowledge accounts for the way the power relation was in the past, its potential to change over time, and its current state. Insight can be gleaned from the state of power relations over time; it may become evident why a certain person holds power over another, how she has managed to keep (or lose) this power, and what she has done with her power. Foucault explains, “Power produces knowledge...power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations.”¹³ When this knowledge is produced from the shift in power dynamics, it greatly affects how power relations are carried out in the future. If someone’s power can be undermined, it will not be long before she no longer holds power. Those in power have largely dictated what kind of truth has been produced as a result of this relationship between power and knowledge. Truth is dictated by those in power because they have the means to determine the standards by which credibility is determined, or put differently, the categories of

12. Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan, (New York: Vintage Books, 1977), 26.

13. Foucault, *Discipline and Punish*, 27.

thought that define what is true. Foucault's description of power, knowledge, and the relationship between the two is in conversation with the foundational philosophies of PBIS.

Power, Knowledge, and PBIS

In PBIS, the student and the teacher are interlocked in a power relation. This is a necessary dynamic, in that students (especially young children) have abundant impulses that may not serve their best interests or be safe for those around them. A certain level of autonomy is surrendered to the teacher by the student, in order to avoid unwanted consequences. The key distinction between PBIS and traditional teaching models is that the teacher is required to know how exactly to get the student to surrender their autonomy in particular ways that are specific to each student. For example, Susie acts out in class because she seeks social validation through connection, so isolating her would not meet this need. The teacher knows this, so after saying to Susie "Susie, it seems like you need to talk to your friends, but now is not an appropriate time to talk to them. Would you like to have a conversation with me after or can you wait to talk to them after I am done instructing the class?" The main idea in saying this would be to use a kind but frank tone, making clear that this is not a form of punishment but a willingness to validate Susie's need for connection. Giving Susie the choice would make it feel like there is a transfer of some of the teacher's power to her.

This is a tool for the maintenance of power in that the teacher is always in control of *providing options* to the student. Providing the illusion of choice requires that the teacher has respect and values her students, that she cares about the well-being of her students, and that these dispositions are demonstrated in the teacher's tone and in her actions. The teacher must act (as much as she can) without bias or prejudice, seeing each unwanted behavior as a teaching moment. While these things take great skill and patience, for PBIS to work most effectively there must be a culture of care and respect created prior to the implementation of its methodologies. That being said, Foucault is critical of discipline as it is used within power relations, and exploring his criticism helps bring out what exactly PBIS does.

On Punishment

Discipline and Punish: The Birth of the Prison tracks the historical movement of how people have been and continue to be discouraged from criminal action, explaining how and why people were punished in certain ways at different moments in time. Foucault identifies the move from corporeal punishment to a "soul discipline" intended to permanently alter the way that a subject comports themselves. He explains that "the expiation that once rained down upon the body must be replaced by a punishment that acts in depth on the heart, the thoughts, the inclinations...Punishment ...

should strike the soul rather than the body.”¹⁴ Throughout this work he explains that people attribute this move from corporeal punishment to discipline as a form of humanistic growth; that humanity has become more compassionate as time goes on. He is highly skeptical of this idea and goes to great lengths to prove that it is simply untrue.

Foucault claims that Western society has (generally) moved away from corporeal punishment *because it is ineffective as a means for control*.¹⁵ Harming the body of someone who committed a crime makes those in power the villain and the criminal the martyr. Subjects in society see those in power punish criminals in this way, and contrary to the goal of this type of punishment, become critical of those in power. These subjects identify with the criminal being punished, because both the subjects and the criminal are subordinated in the power relation between the government and its people. Seeing those in power inflict pain on the criminal serves to create empathy for the criminal and breaks down the power relation between people and their government.

On Punishment and PBIS

The relationship described above is comparable to PBIS in that the culture of care maintains the teacher/student power dynamic. Avoiding punishment is central to the framework of PBIS, and the relationship between the government and its subjects is paralleled by the relationship between the teacher and her students. For society or a classroom to function, those in power must be able to maintain control. Punishment is not an effective tool for the maintenance of control. This fact serves as the basis for the use of a teaching discipline in PBIS, of which Foucault is quite skeptical.

On Discipline

Going further, Foucault extrapolates the issues with this “soul discipline”, and he begins to implicitly critique PBIS. Discipline is a necessary tool for control, but in its most cruel forms it can be used for a sinister manipulation of those who are subjugated. On this notion, Foucault writes, “Discipline produces subjected and practised bodies, ‘docile’ bodies ... it dissociates power from the body; on the one hand, it turns it into an ‘aptitude’, a ‘capacity’, which it seeks to increase; on the other hand, it reverses the course of the energy, the power that might result from it, and turns it into a relation of strict subjection.”¹⁶ The kind of discipline that Foucault explains here is one that seeks to render subjects into modes of productivity, erasing their capacities for spontaneity and creativity. Foucault’s account offers a point of critique for PBIS as a tool for control, however this work attempts to provide a nuanced account of the necessity of such programs of discipline in institutions. This type of discipline says, “those without power must serve as a means to ends that

14. Foucault, *Discipline and Punish*, 16.

15. Foucault, *Discipline and Punish*, 48.

16. Foucault, *Discipline and Punish*, 138.

are not their own, they must serve the ends of those in power.” Those without power are shoved into cubicles, have their autonomy removed, and are made into cogs of a machine. The sustained function of this discipline machine takes great effort, making those who are subjugated all the more docile. It could be argued that the teaching discipline utilized in PBIS follows this model of “strict subjection” through discipline.

On Discipline and PBIS

However, the story is far more complex than that. It goes without saying that most teachers (hopefully) do not seek to turn their students into mere cogs. There is a level of routine and order that must be maintained in a classroom setting. When students are very young, teachers must inform their students as to *why* their subjugation is expected and necessary in each given moment. The teacher accomplishes this by setting clear expectations before any activity is carried out. This is crucial to the maintenance of mutual respect between student and teacher and therefore it is crucial to the maintenance of power. If people know why their subjugation is necessary, and if they feel respected in their subjugation, then they are less likely to resist necessary power dynamics. In addition, teachers should be attempting to help guide and form their students into well-educated citizens. Docility is required, but it is informed docility, or rather a compromise between the teacher and student towards a greater end (the student’s education). Despite all of this, Foucault is relentless in his critique of discipline and there are added layers of nuance that must be attended to.

On Examination

Relating his critique directly to schooling, Foucault explores the issues with examination. Academic rank, the grading system, and standardized tests are some examples of the perpetuation of his issues with examination; these are ways that academic progress is measured and therefore the worth of a student’s labor. He states, “The examination, surrounded by all its documentary techniques, makes each individual a ‘case’: a case which at one and the same time constitutes an object for a branch of knowledge and a hold for a branch of power.”¹⁷ To create a “case” is to have documentation that ranks, labels, or categorizes a certain person. It creates a branch of knowledge in that this information holds power over an individual by ascribing them a number, or a value. This number can be used against the student if it is low, or it can be used to uplift the student if it is high. Both are problematic in that they do not really provide any kind of constructive criticism. For what can be built with a number? Essentially, if each student’s “case” is used against another to set a standard or norm, then it becomes harmful. It can be argued that PBIS creates a “case” for students’ behavior.

17. Foucault, *Discipline and Punish*, 191.

On Examination and PBIS

It is necessary to collect information on a student in order to understand why they are behaving a certain way. To address behavior, teachers must understand what motivates a child to act in a certain way. Understanding motivation requires a kind of psychological “case” for the child. While it can be said that the development of such a “case” is for the purpose of gaining power over the student, there is more to it. To serve individuals, those with power must know *who* they are serving, in order to best address the needs of those over whom they have power. Information collection is not inherently harmful when it is done by those in power. Although there is a problematic side to the development of a “case”; when teachers compare cases, when they use student information for class rank and when numbers determine the opportunities that students can access, then what Foucault is addressing holds water. Continuing with this work, Foucault connects his ideas about the modernization of disciplinary techniques to the panopticon, an architectural metaphor for power.

On Panopticism

The panoptic prison, or the “panopticon” is a theoretical architectural plan for a prison in which the inmates are never certain if they are being watched. In this way, it is a model for power in its most efficient form, because less people are required to survey those who are subjugated; less people have to enforce power. As Foucault states, “The major effect of the Panopticon: to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power ... the inmates should be caught up in a power situation of which they themselves are the bearers.”¹⁸ In Foucault’s view, this building makes it so no one knows if they will face consequences for any rebellious action, or if they are being watched at all. The idea within these two ambiguities that those who are subjugated will feel as though they should conform to the “norm.” They will act in concert with their fellow subjugates, re-enacting the status quo, as they feel the weight of power subconsciously. In this way, their souls have become disciplined in that power structures have been ingrained into their every action. Those who are subjugated cannot confront those in power, or work to change power relations if they do not see the face of power- and in this way they are kept powerless. Power is maintained by the panopticon through the use of ambiguity, which begets conformity motivated by uncertainty. Conformity limits spontaneity and turns once fluid power relations into power structures that become inflexible. The panopticon functions as a model for our modern experience of power and discipline. This modern notion of power and discipline holds true

18. Foucault, *Discipline and Punish*, 201.

in our institutions, such as, hospitals, prisons, schools, and our government. PBIS complicates Foucault's ideas into a more humanistic notion of modern discipline.

On Panopticism and PBIS

In a classroom setting, children should be aware that they are being monitored, but they should have the capability to determine how they act. This means they should still have choice over their actions, they should know what they are expected to do, but they should feel comfortable collaborating with others. People of any age need meaningful connections with others, play, and the ability to try something new. This would be a kind of intelligent education, if those in power respectfully guided human behavior, if everyone took the time to be a teacher, then a new form of discipline could be developed. PBIS serves as the foundation for the development of this new mode of discipline. The methods used in PBIS leave room for human spontaneity, while still maintaining order. John Dewey explains how the methods in PBIS function, and based on that function he begins to develop a practical understanding of how this new mode of discipline would work.

VI. Dewey

On Impulses

John Dewey's understanding of impulses in the young is relevant to reforming educational methodology. In *Human Nature and Conduct*, he critiques how adults in the past have mistreated the docility of the young by trying to foster a sense of conformity before anything else. According to Dewey, "In the case of the young it is patent that impulses are highly flexible starting points for activities which are diversified according to the ways in which they are used."¹⁹ For Dewey, impulses in the young are the first step in activity, and they are highly flexible because they have the capacity to be redirected. This connects to PBIS because this understanding of the flexibility of impulses in the young is part of the reason that PBIS works. These impulses are the underlying reason for a certain pattern of behavior. PBIS works to redirect these impulses in an intelligent way that guides children to better action. Through positive reinforcement, children's impulses are directed towards safer or more manageable actions. Dewey's conception of impulses in the young connects to operant behavior because both are describing the underlying reason motivating a given action, and PBIS seeks to redirect this impulse. Through this process of redirection of impulses, better habits are formed.

On Habits

Better habits are those actions that both serve the needs of the actor and are appropriate for

19. John Dewey, *Human Nature and Conduct: An Introduction to Social Psychology*, ed. Jo Ann Boydston, (Carbondale: Southern Illinois University Press, 1988), 69.

the environment. Habits are patterns of behavior that are unconsciously set by the influences in an individual's environment, and they create the perspective through which a subject understands the world. While habits are greatly influenced by the environment in which a subject exists, they are primarily a response to unmet needs. Habits are significant because "the moral problem in child and adult alike as regards impulse and instinct is to utilize them for the formation of new habits ... or the modification of an old habit so that it may adequately be serviceable under novel conditions."²⁰ So, for Dewey, our habits form us as subjects, and they determine how adaptable we are in new situations. Our impulses direct this adaptability by driving habits into conflict with other habits, impulses, or factors in the environment. This connects to PBIS, because in trying to redirect impulses, PBIS is trying to create new habits. Impulses are redirected through positive reinforcement of good behavior and redirection of non-preferred behaviors.

For example, say a child has an impulse to get attention from adults through acting out. The teacher knows this child's impulse, so when the child is throwing sand the teacher can address the impulse of attention seeking through negative means by offering the child one on one time with an adult in a non-punitive way. In addition, the teacher can tell the child that next time they can get attention by simply asking for it. This process is repeated until (ideally) a new habit is formed based on the teacher's response to the child's action. Next time, instead of acting out to get attention, the child will have hopefully developed the habit of asking for attention through verbal communication instead of acting out. Dewey's conceptions of impulses and habits connects to operant behavior, and therefore PBIS uses Dewey's ideas by redirecting impulses to create habits.

On Customs

The process of habit-creation is embedded into the social world when enough people become habituated in a certain way, then customs are created. This has implications for children, because customs set a standard of "good" behavior to which they are expected to conform, even though they may not know or understand these adult customs yet. According to Dewey, "The weight of adult customs has been upon retaining and strengthening tendencies towards conformity, and against those which make for variation and independence."²¹ Dewey explains later that if adults "strengthen tendencies towards conformity" in children, this will lead to the stagnation of customs over time. This stagnation of customs is a problem because, if we don't teach children how to be independent thinkers, then nothing will improve. This relates to PBIS because the goal of PBIS is to teach children how to direct their impulses towards better actions (thereby developing intelligent

20. Dewey, *Human Nature and Conduct*, 75.

21. Dewey, *Human Nature and Conduct*, 70.

habits). Through the development of intelligent habits by a large group, better customs can be created. The creation of intelligent habits and eventually the creation of intelligent customs connects to the goal of PBIS, which is long-term change in behavior in a subject's life. Customs are the habits of a social group, so if the impulses of children are redirected into better habits, then over time the social group will form better customs. Therefore, PBIS can be seen as the practical application of Dewey's ideas about impulses, habits, and customs.

PBIS and Dewey's ideas serve to create better customs through the intelligent education of young children, but what are better customs for? Better customs, just like better habits, are modes of behavior that move with the environment. In Dewey's words, "When customs are flexible and youth is educated as youth and not as premature adulthood, no nation grows old."²² If grownups treat children as if they were tiny adults; expecting them not to do anything that is contrary to customs, develop habits, and express impulses towards only proper acts, everyone will ultimately be disappointed. PBIS and Dewey both recognize that children's needs are valid and, thus, need to be validated. Children's needs must be directed by adults only because they have not had the life experience to manage them. Being authoritative and punishing children is ineffective because punishment does not address the underlying impulse that pushes a child to act. If we teach children intelligently, understanding them as complex humans that need to have their impulses redirected towards preferred action; our customs will eventually adapt. Put differently, customs will adapt through the formation of intelligent habits originated from the proper re-direction of impulses in the young. Through Dewey's work, PBIS can be understood as a tool to redirect impulses, create better habits, and eventually form better customs.

Impulses, Habits, Customs, and PBIS

PBIS seeks to direct impulses and form better habits, but what can be done about existing social norms and customs that challenge preferred behaviors? For Dewey, customs are socially adopted habits or norms that dictate what is acceptable or repugnant. Essentially, they are the unseen rules of social behavior. Customs are significant in education because adults unthinkingly pass on these customs to children that don't quite understand how to follow them yet. Dewey explains this relation: "Our usual measure for the 'goodness' of children is the amount of trouble they make for grownups, which means of course the amount they deviate from adult habits and expectations."²³ Here, adult habits and expectations can be extended to mean customs as well. While PBIS still tries to promote "goodness" in children, there is no fixed "good" child in PBIS. PBIS

22. Dewey, *Human Nature and Conduct*, 73.

23. Dewey, *Human Nature and Conduct*, 73.

strives to attain an understanding of a given child's impulses and habits in order to best address their needs. For example, two children could be throwing blocks, a caregiver using PBIS methods would know that one child is throwing blocks to gain attention from a caregiver and the other is doing it out of social frustration. To address the attention seeking behavior, the caregiver would give the child attention and explain how the child could get their needs met by asking. To address the child experiencing social frustration, the caregiver would try to redirect the child into a "calm down area" in which the child can settle down before returning to their peers. So, both Dewey and PBIS recognize that we cannot frame children in a way that makes them have to strive towards a kind of "good" shaped by custom. Children are people and people are far more complex than that. PBIS and Dewey both seek to avoid the mindless passing of customs from generation to generation.

The Goal of PBIS and Dewey; an Intelligent Education

When Dewey explains how to create intelligent customs, the connection between his ideas and PBIS is made even stronger. Dewey and PBIS have a similar goal for children through the redirection of impulses and the formation habits- to create subjects that are better prepared for the indeterminate nature of life. Dewey states, "A truly humane education consists in an intelligent direction of native activities in the light of the possibilities and necessities of the social situation. But for the most part, adults give training rather than education."²⁴ PBIS strives to "[intelligently direct] native activities in the light of the possibilities of the social situation" by trying to understand each child's needs and address them accordingly. In addressing a child's needs (or impulses), the caregiver is attempting to direct the child towards a preferred behavior, thereby creating a better habit. The goal of PBIS is to redirect children's impulses through positive affirmation, which is supposed to curb non-preferred behaviors. These non-preferred behaviors arise for a reason; the child's impulse to behave a certain way. By addressing this impulse to behave in a non-preferred manner, the child should no longer feel the need to behave that way. In addition, the positive reinforcement provides another reason for the child to act in a preferred manner. This description of PBIS as a behavior management system serves to explain how the ideas behind the system are an outgrowth of Dewey's notions of human behavior. PBIS does not just train children by authoritatively punishing them if they do not conform to adult customs. In the "intelligent direction of native impulses" caregivers that use PBIS create better habits and ultimately create better customs in and through the education of children. Thus, In educating children, PBIS and Dewey share the same goal.

A counter argument for the connection between PBIS and Dewey could be that if caregivers

24. Dewey, *Human Nature and Conduct*, 70.

are not aware of the prevailing customs, then they will still pass them down to children. If a caregiver is unaware that they are perpetuating a social norm by directing a child towards their personal preferred action, then old customs may prevail. For example, a well-meaning caregiver could encourage a little boy to stop playing with a doll and play with cars instead. While this seems innocent enough, this is subtly reinforcing gender norms, because dolls are stereotypically seen as a toy for girls and cars for boys. The caregiver is technically using PBIS and re-directing the little boy's impulse to play with a toy and presenting him with a viable alternative to that behavior. Using PBIS this way, the caregiver would be upholding a social norm that runs counter to the direction towards which society is moving, encouraging conformity and contradicting Dewey's ideas about customs.

For PBIS to work, caregivers must use a child-centered notion of PBIS, meaning the child is only redirected when necessary. It is necessary to redirect a child when their well-being, the safety of others, or the movement of the classroom is going to be compromised if the child's action goes unimpeded. So, there is still a strong connection between PBIS and Dewey's ideas about impulses, habits, and customs. This connection is just dependent on the good sense of caregivers to know when to use PBIS and why. PBIS is a practical application of Dewey's ideas about the education of children through the redirection of their impulses, the formation of their habits, and the eventual creation of better customs.

The common ideas that are central to PBIS and Dewey's work are: impulses must be recognized in order to form habits, and there are intelligent ways to direct impulses to form better habits. In Dewey's work, the connection between methodologies employed by PBIS is taken a step further in the prediction of better customs as a result of the formation of intelligent habits. Both frameworks call for education over punishment, and they seek to alter the course of behavior long-term. Being informed by Dewey's ideas helps create a renewed sense of purpose in the social function of PBIS. The purpose of this linkage is to emphasize that we teach children by guiding them because we want them to eventually guide others. We treat them with respect because we want them to be respectful, and we maintain and hold power only when necessary. Power is maintained through redirection of impulses, clear communication of options, and effective, calm reasoning. This power is intended to move towards a kinder form of discipline that allows for the spontaneous and informed movement of will, agency and autonomy.

VII. Conclusion

Leaving this room for spontaneity allows for subjects to take responsibility for their action that I would argue resembles morality. Morality in this context would mean an action that is guided by a set of principles aiming at a common good—the idea that we are all part of a larger human

project. Theoretically, discipline should look like constant supervision for the sake of a common good. People know that it is necessary for them to be subjugated in specific ways and are respected in their necessary subjugation. Subjects act within a set of clear guidelines because the face of power is right in front of them, respectfully guiding their action. Knowledge is shared and power dynamics are made transparent, empowering those who are subjugated to accrue power if they so choose.

Nietzsche's *On the Genealogy of Morality*, explains that the unequal power dynamics between creditor (teacher) and debtor (student) create space for abuses of power by inflicting justice onto the debtor; further discouraging the use of punishment in the justice system. Similarly, both argue that at the societal level punishment does not allow for a reformed subject to be produced; it simply forms an unproductive resentment. Building on these ideas, Foucault provides a historiography of the shift from old notions of corporeal punishment to a modern notion of power, discipline, and knowledge, which I connect to a new mode of discipline inspired by PBIS. Finally, in *Human Nature and Conduct*, Dewey established a connection between the formation of habits through impulses and eventually customs and the foundational ideas of operant behavior and redirection in PBIS. Both theoretical methodologies derive the conclusion that education is the best way to alter behavior *for the better* by validating the agency of those who are subjugated, and both acknowledge that punishment is not the way to achieve this goal.

Moving forward, theories of discipline and punishment at the societal level should resemble the practices laid out by PBIS, Dewey, Nietzsche, and Foucault. Speaking to human inclination, I believe that these works have accurate contributions to the theoretical or philosophical values in any institution that deals with serving populations. These ideas can be implemented in schools, prisons, nursing homes, the justice system at large and many other forms of micro-societies. Theory can only do so much, but it is my hope that these ideas will act as the first step in initiating a philosophical shift in the way that people are managed. This discussion of this first step serves to inspire a new kind of discipline, to be researched in the near future.