

# *Issues in Ethics*

1<sup>st</sup> EDITION

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*Lidija Rangelovska*  
*A Narcissus Publications Imprint, Skopje 2002-5*

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# CONTENTS

- I. [Morality as a Mental State](#)
- II. [Affiliation and Morality](#)
- III. [Nature, Aesthetics, Pleasure, and Ethics](#)
- IV. [On Being Human](#)
- V. [The Encroachment of the Public](#)
- VI. [And Then There Were Too Many](#)
- VII. [Eugenics and the Future of the Human Species](#)
- VIII. [The Myth of the Right to Life](#)
- IX. [The Argument for Torture](#)
- X. [The Aborted Contract](#)
- XI. [In Our Own Image – The Debate about Cloning](#)
- XII. [Ethical Relativism and Absolute Taboos](#)
- XIII. [The Merits of Stereotypes](#)
- XIV. [The Happiness of Others](#)
- XV. [The Egotistic Friend](#)
- XVI. [The Distributive Justice of the Market](#)
- XVII. [The Agent-Principal Conundrum](#)
- XVIII. [Legalizing Crime](#)
- XIX. [The Insanity of the Defense](#)
- XX. [The Impeachment of the President](#)
- XXI. [The Rights of Animals](#)
- XXII. [Just War or a Just War?](#)
- XXIII. [Cannibalism and Human Sacrifice](#)
- XXIV. [Euthanasia and the Right to Die](#)
- XXV. [The Author](#)
- XXVI. [About "After the Rain"](#)

# *Morality as a Mental State*

By: [Dr. Sam Vaknin](#)

## ***INTRODUCTION***

Moral values, rules, principles, and judgements are often thought of as beliefs or as true beliefs. Those who hold them to be true beliefs also annex to them a warrant or a justification (from the "real world"). Yet, it is far more reasonable to conceive of morality (ethics) as a state of mind, a mental state. It entails belief, but not necessarily true belief, or justification. As a mental state, morality cannot admit the "world" (right and wrong, evidence, goals, or results) into its logical formal definition. The world is never part of the definition of a mental state.

Another way of looking at it, though, is that morality cannot be defined in terms of goals and results - because these goals and results ARE morality itself. Such a definition would be tautological.

There is no guarantee that we know when we are in a certain mental state. Morality is no exception.

An analysis based on the schemata and arguments proposed by Timothy Williamson follows.

### *Moral Mental State - A Synopsis*

Morality is the mental state that comprises a series of attitudes to propositions. There are four classes of moral propositions: "It is wrong to...", "It is right to...", "(You should) do this...", "(You should) not do this...". The most common moral state of mind is: one adheres to p.

Adhering to p has a non-trivial analysis in the more basic terms of (a component of) believing and (a component of) knowing, to be conceptually and metaphysically analysed later. Its conceptual status is questionable because we need to decompose it to obtain the necessary and sufficient conditions for its possession (Peacocke, 1992). It may be a complex (secondary) concept.

Adhering to proposition p is not merely believing that p and knowing that p but also that something should be so, if and only if p (moral law).

Morality is not a factive attitude. One believes p to be true - but knows p to be contingently true (dependent on epoch, place, and culture). Since knowing is a factive attitude, the truth it relates to is the contingently true nature of moral propositions.

Morality relates objects to moral propositions and it is a mental state (for every p, having a moral mental relation to p is a mental state).

Adhering to p entails believing p (involves the mental state of belief). In other words, one cannot adhere without believing. Being in a moral mental state is both necessary and sufficient for adhering to p. Since no "truth" is involved - there is no non-mental component of adhering to p.

Adhering to p is a conjunction with each of the conjuncts (believing p and knowing p) a necessary condition - and the conjunction is necessary and sufficient for adhering to p.

One doesn't always know if one adheres to p. Many moral rules are generated "on the fly", as a reaction to circumstances and moral dilemmas. It is possible to adhere to p falsely (and behave differently when faced with the harsh test of reality). A sceptic would say that for any moral proposition p - one is in the position to know that one doesn't believe p. Admittedly, it is possible for a moral agent to adhere to p without being in the position to know that one adheres to p, as we illustrated above. One can also fail to adhere to p without knowing that one fails to adhere to p. As Williamson says "transparency (to be in the position to know one's mental state) is false". Naturally, one knows one's mental state better than one knows other people's. There is an observational asymmetry involved. We have non-observational (privileged) access to our mental state and observational access to other people's mental states. Thus, we can say that we know our morality non-observationally (directly) - while we are only able to observe other people's morality.

One believes moral propositions and knows moral propositions. Whether the belief itself is rational or not, is debatable. But the moral mental state strongly imitates rational belief (which relies on reasoning). In other words, the moral mental state masquerades as a factive attitude, though it is not. The confusion arises from the normative nature of knowing and being rational.

Normative elements exist in belief attributions, too, but, for some reason, are considered "outside the realm of belief". Belief, for instance, entails the grasping of mental content, its rational processing and manipulation, defeasible reaction to new information.

We will not go here into the distinction offered by Williamson between "believing truly" (not a mental state, according to him) and "believing". Suffice it to say that adhering to p is a mental state, metaphysically speaking - and that "adheres to p" is a (complex or secondary) mental concept. The structure of adheres to p is such that the non-mental concepts are the content clause of the attitude ascription and, thus do not render the concept thus expressed non-mental: adheres to (right and wrong, evidence, goals, or results).

Williamson's Mental State Operator calculus is applied.

Origin is essential when we strive to fully understand the relations between adhering that p and other moral concepts (right, wrong, justified, etc.). To be in the moral state requires the adoption of specific paths, causes, and behaviour modes. Moral justification and moral judgement are such paths.

### ***Knowing, Believing and their Conjunction***

We said above that:

"Adhering to p is a conjunction with each of the conjuncts (believing p and knowing p) a necessary condition - and the conjunction is necessary and sufficient for adhering to p."

Williamson suggests that one believes  $p$  if and only if one has an attitude to proposition  $p$  indiscriminable from knowing  $p$ . Another idea is that to believe  $p$  is to treat  $p$  as if one knew  $p$ . Thus, knowing is central to believing though by no means does it account for the entire spectrum of belief (example: someone who chooses to believe in God even though he doesn't know if God exists). Knowledge does determine what is and is not appropriate to believe, though ("standard of appropriateness"). Evidence helps justify belief.

But knowing as a mental state is possible without having a concept of knowing. One can treat propositions in the same way one treats propositions that one knows - even if one lacks concept of knowing. It is possible (and practical) to rely on a proposition as a premise if one has a factive propositional attitude to it. In other words, to treat the proposition as though it is known and then to believe in it.

As Williamson says, "believing is a kind of a botched knowing". Knowledge is the aim of belief, its goal.



## *Affiliation and Morality*

By: [Dr. Sam Vaknin](#)

*Also Read:*

[\*Morality as a Mental State\*](#)

[\*Nature, Aesthetics, Pleasure, and Ethics\*](#)

What should prevail: the imperative to spare the lives of innocent civilians - or the need to safeguard the lives of fighter pilots? Precision bombing puts such pilots at great risk. Avoiding this risk usually results in civilian casualties ("collateral damage").

This moral dilemma is often "solved" by applying - explicitly or implicitly - the principle of "over-riding affiliation". We find the two facets of this principle in Jewish sacred texts: "One is close to oneself" and "Your city's poor denizens come first (with regards to charity)".

One's affiliation (to a community, or a fraternity) is determined by one's position and, more so, perhaps, by one's oppositions.

One's sole organic position is the positive statement "I am a human being". All other positions are actually synthetic. They are subsets of the single organic positive statement "I am a human being". They are made of couples of positive and negative statements. The negative members of each couple can be fully derived from (and are entirely dependent on) - and thus fully implied by - the positive members. Not so the positive members.

Consider the couple "I am an Israeli" and "I am not an Indian".

The positive statement "I am an Israeli" implies about 220 CERTAIN (true) negative statements of the type "I am not ... (a citizen of country X, which is not Israel)", including the statement "I am not an Indian". But it cannot be fully derived from any single true negative statement, or be entirely dependent upon it.

The relationship, though, is asymmetrical.

The negative statement "I am not an Indian" implies about 220 POSSIBLE positive statements of the type "I am ... (a citizen of country X, which is not India)", including the statement "I am an Israeli". And it can be fully derived from any single (true) positive statement or be entirely dependent upon it (the positive statement "I am an Indian" being, of course, false).

Thus, a positive statement about one's affiliation ("I am an Israeli") immediately generates 220 true and certain negative statements (one of which is "I am not an Indian").

One's positive self-definition automatically yields multiple definitions (by negation) of multiple others. Their positive self-definitions, in turn, negate one's positive self-definition.

It is possible for more than one person to have the same positive self-definition. A positive self-definition shared by more than one person is what we know as community, fraternity, nation, state, religion - or, in short, affiliation.

One's moral obligations towards others who share with him his positive self-definition (i.e., with whom one is affiliated) overrides and supersedes one's moral obligations towards others who don't. As an Israeli, my moral obligation to safeguard the lives of Israeli fighter pilots overrides and supersedes (subordinates) my moral obligation to save the lives of innocent civilians, however numerous, if they are not Israelis.

The more numerous the positive self-definitions I share with someone (i.e., the more affiliations), the larger and more overriding is my moral obligation to him. My moral obligation towards other humans is superseded by my moral obligation towards other Israelis, which, in turn, is superseded by my moral obligation towards the members of my family.

But this raises some difficulties.

It would appear that the strength of one's moral obligations towards other people is determined by the number of positive self-definitions he shares with them (i.e., by the number of his affiliations). Moral obligations are, therefore, not transcendent - but contingent and relative. They are the outcomes of interactions with others - but not in the immediate sense, as the personalist philosopher Emmanuel Levinas postulated.

Rather, they are the solutions yielded by a moral calculus of shared affiliations. The solutions are best presented as matrices with specific moral values and obligations attached to the numerical strengths of one's affiliations.

Some moral obligations are universal and are related to one's organic position as a human being (the "basic affiliation"). These are the "transcendent moral values". Other moral values and obligations arise as the number of shared affiliations increases. These are the "derivative moral values".

Yet, moral values and obligations do not accumulate. There is a hierarchy of moral values and obligations. The universal ones - the ones related to one's organic position as a human being - are the WEAKEST. They are overruled by derivative moral values and obligations related to one's affiliations - and are subordinated to them. The imperative "thou shall not kill (another human being)" is easily over-ruled by the moral obligation to kill for one's country. The imperative "thou shall not steal" is superseded by one's moral obligation to spy for one's nation.

This leads to another startling conclusion:

There is no such thing as a self-consistent moral system. The derivative moral values and obligations often contradict each other and almost always conflict with the universal moral values and obligations.

In the examples above, killing (for one's country) and stealing (for one's nation) are moral obligations, the outcomes of the application of derivative moral values. Yet, they contradict the universal moral value of the sanctity of life and the universal moral obligation not to kill.

## *Nature, Aesthetics, Pleasure, and Ethics*

By: [Dr. Sam Vaknin](#)

The distinction often made between emotions and judgements gives rise to a host of conflicting accounts of morality. Yet, in the same way that the distinction "observer-observed" is false, so is the distinction between emotions and judgements. Emotions contain judgements and judgements are formed by both emotions and the ratio. Emotions are responses to *sensa* (see "[The Manifold of Sense](#)") and inevitably incorporate judgements (and beliefs) about those *sensa*. Some of these judgements are inherent (the outcome of biological evolution), others cultural, some unconscious, others conscious, and the result of personal experience. Judgements, on the other hand, are not compartmentalized. They vigorously interact with our emotions as they form.

The source of this artificial distinction is the confusion between moral and natural laws.

We differentiate among four kinds of "right" and "good".

## **THE NATURAL GOOD**

There is "right" in the mathematical, physical, or pragmatic sense. It is "right" to do something in a certain way. In other words, it is viable, practical, functional, it coheres with the world. Similarly, we say that it is "good" to do the "right" thing and that we "ought to" do it. It is the kind of "right" and "good" that compel us to act because we "ought to". If we adopt a different course, if we neglect, omit, or refuse to act in the "right" and "good" way, as we "ought to" - we are punished. Nature herself penalizes such violations. The immutable laws of nature are the source of the "rightness" and "goodness" of these courses of action. We are compelled to adopt them - because we have no other CHOICE. If we construct a bridge in the "right" and "good" way, as we "ought to" - it will survive. Otherwise, the laws of nature will make it collapse and, thus, punish us. We have no choice in the matter. The laws of nature constrain our moral principles as well.

## **THE MORAL GOOD**

This lack of choice stands in stark contrast to the "good" and "right" of morality. The laws of morality cannot be compared to the laws of nature - nor are they variants or derivatives thereof. The laws of nature leave us no choice. The laws of morality rely on our choice.

Yet, the identical vocabulary and syntax we successfully employ in both cases (the pragmatic and the moral) - "right action", "good", and "ought to" - surely signify a deep and hidden connection between our dictated reactions to the laws of nature and our chosen reactions to the laws of morality (i.e., our reactions to the laws of Man or God)? Perhaps the principles and rules of morality ARE laws of nature - but with choice added? Modern physics incorporates deterministic theories (Newton's, Einstein's) - and theories involving probability and choice (Quantum Mechanics and its interpretations, especially the Copenhagen interpretation). Why can't we conceive of moral laws as private cases (involving choice, judgements, beliefs, and emotions) of natural laws?

### **THE HEDONISTIC GOOD**

If so, how can we account for the third, hedonistic, variant of "good", "right", and "ought to"? To live the "good" life may mean to maximize one's utility (i.e., happiness, or pleasure) - but not necessarily to maximize overall utility. In other words, living the good life is not always a moral pursuit (if we apply to it Utilitarian or Consequentialist yardsticks). Yet, here, too, we use the same syntax and vocabulary. We say that we want to live the "good" life and to do so, there is a "right action", which we "ought to" pursue. Is hedonism a private case of the Laws of Nature as well? This would be going too far. Is it a private case of the rules or principles of Morality? It could be - but need not be. Still, the principle of utility has place in every cogent description of morality.



## **THE AESTHETIC GOOD**

A fourth kind of "good" is of the aesthetic brand. The language of aesthetic judgement is identical to the languages of physics, morality, and hedonism. Aesthetic values sound strikingly like moral ones and both resemble, structurally, the laws of nature. We say that beauty is "right" (symmetric, etc.), that we "ought to" maximize beauty - and this leads to the right action. Replace "beauty" with "good" in any aesthetic statement - and one gets a moral statement. Moral, natural, aesthetic, and hedonistic statements are all mutually convertible. Moreover, an aesthetic experience often leads to moral action.

## **AN INTERACTIVE FRAMEWORK**

It is safe to say that, when we wish to discuss the nature of "good" and "right", the Laws of Nature serve as the privileged frame of reference. They delimit and constrain the set of possible states - pragmatic and moral. No moral, aesthetic, or hedonistic principle or rule can defy, negate, suspend, or ignore the Laws of Nature. They are the source of everything that is "good" and "right". Thus, the language we use to describe all instances of "good" and "right" is "natural". Human choice, of course, does not exist as far as the Laws of Nature go.

Nature is beautiful - symmetric, elegant, and parsimonious. Aesthetic values and aesthetic judgements of "good" (i.e., beautiful) and "right" rely heavily on the attributes of Nature. Inevitably, they employ the same vocabulary and syntax. Aesthetics is the bridge between the functional or correct "good" and "right" - and the hedonistic "good" and "right".

Aesthetics is the first order of the interaction between the WORLD and the MIND. Here, choice is very limited. It is not possible to "choose" something to be beautiful. It is either beautiful or it is not (regardless of the objective or subjective source of the aesthetic judgement).

The hedonist is primarily concerned with the maximization of his happiness and pleasure. But such outcomes can be secured only by adhering to aesthetic values, by rendering aesthetic judgements, and by maintaining aesthetic standards. The hedonist craves beauty, pursues perfection, avoids the ugly - in short, the hedonist is an aesthete. Hedonism is the application of aesthetic rules, principles, values, and judgements in a social and cultural setting. Hedonism is aesthetics in context - the context of being human in a society of humans. The hedonist has a limited, binary, choice - between being a hedonist and not being one.

From here it is one step to morality. The principle of individual utility which underlies hedonism can be easily generalized to encompass Humanity as a whole. The social and cultural context is indispensable - there cannot be meaningful morality outside society. A Robinson Crusoe - at least until he spotted Friday - is an a-moral creature. Thus, morality is generalized hedonism with the added (and crucial) feature of free will and (for all practical purposes) unrestricted choice. It is what makes us really human.

## *On Being Human*

By: [Dr. Sam Vaknin](#)

*Also Read:*

[\*The Aborted Contract\*](#)

[\*In Our Own Image - Cloning\*](#)

[\*Turing Machines and Universes\*](#)

[\*Death and the Question of Identity\*](#)

[\*The Shattered Identity\*](#)

Are we human because of unique traits and attributes not shared with either animal or machine? The definition of "human" is circular: we are human by virtue of the properties that make us human (i.e., distinct from animal and machine). It is a definition by negation: that which separates us from animal and machine is our "human-ness".

We are human because we are not animal, nor machine. But such thinking has been rendered progressively less tenable by the advent of evolutionary and neo-evolutionary theories which postulate a continuum in nature between animals and Man.

Our uniqueness is partly quantitative and partly qualitative. Many animals are capable of cognitively manipulating symbols and using tools. Few are as adept at it as we are. These are easily quantifiable differences - two of many.

Qualitative differences are a lot more difficult to substantiate. In the absence of privileged access to the animal mind, we cannot and don't know if animals feel guilt, for instance. Do animals love? Do they have a concept of sin? What about object permanence, meaning, reasoning, self-awareness, critical thinking? Individuality? Emotions? [Empathy](#)? Is artificial intelligence (AI) an oxymoron? A machine that passes the [Turing Test](#) may well be described as "human". But is it really? And if it is not - why isn't it?

Literature is full of stories of monsters - Frankenstein, the Golem - and androids or anthropoids. Their behavior is more "humane" than the humans around them. This, perhaps, is what really sets humans apart: their behavioral unpredictability. It is yielded by the interaction between Mankind's underlying immutable genetically-determined nature - and Man's kaleidoscopically changing environments.

The Constructivists even claim that Human Nature is a mere cultural artefact. Sociobiologists, on the other hand, are determinists. They believe that human nature - being the inevitable and inexorable outcome of our bestial ancestry - cannot be the subject of moral judgment.

An improved Turing Test would look for baffling and erratic patterns of misbehavior to identify humans. Pico della Mirandola wrote in "Oration on the Dignity of Man" that Man was born without a form and can mould and transform - actually, create - himself at will. Existence precedes essence, said the Existentialists centuries later.

The one defining human characteristic may be our awareness of our mortality. The automatically triggered, "fight or flight", battle for survival is common to all living things (and to appropriately programmed machines). Not so the catalytic effects of [imminent death](#). These are uniquely human. The appreciation of the fleeting translates into aesthetics, the uniqueness of our ephemeral life breeds morality, and the scarcity of time gives rise to ambition and creativity.

In an infinite life, everything materializes at one time or another, so the concept of choice is spurious. The realization of our finiteness forces us to choose among alternatives. This act of selection is predicated upon the existence of "free will". Animals and machines are thought to be devoid of choice, slaves to their genetic or human programming.

Yet, all these answers to the question: "What does it mean to be human" - are lacking.

The set of attributes we designate as human is subject to profound alteration. Drugs, neuroscience, introspection, and experience all cause irreversible changes in these traits and characteristics. The accumulation of these changes can lead, in principle, to the emergence of new properties, or to the abolition of old ones.

Animals and machines are not supposed to possess free will or exercise it. What, then, about fusions of machines and humans (bionics)? At which point does a human turn into a machine? And why should we assume that free will ceases to exist at that - rather arbitrary - point?

Introspection - the ability to construct self-referential and recursive models of the world - is supposed to be a uniquely human quality. What about introspective machines? Surely, say the critics, such machines are PROGRAMMED to introspect, as opposed to humans. To qualify as introspection, it must be WILLED, they continue. Yet, if introspection is willed - WHO wills it? Self-willed introspection leads to infinite regression and formal logical paradoxes.

Moreover, the notion - if not the formal concept - of "human" rests on many hidden assumptions and conventions.

Political correctness notwithstanding - why presume that men and women (or different races) are identically human? Aristotle thought they were not. A lot separates males from females - genetically (both genotype and phenotype) and environmentally (culturally). What is common to these two sub-species that makes them both "human"?

Can we conceive of a human without body (i.e., a Platonian Form, or soul)? Aristotle and Thomas Aquinas think not. A soul has no existence separate from the body. A machine-supported energy field with mental states similar to ours today - would it be considered human? What about someone in a state of coma - is he or she (or it) fully human?

Is a new born baby human - or, at least, fully human - and, if so, in which sense? What about a future human race - whose features would be unrecognizable to us? Machine-based intelligence - would it be thought of as human? If yes, when would it be considered human?

In all these deliberations, we may be confusing "human" with "person". The former is a private case of the latter. Locke's person is a moral agent, a being responsible for its actions. It is constituted by the continuity of its mental states accessible to introspection.

Locke's is a functional definition. It readily accommodates non-human persons (machines, energy matrices) if the functional conditions are satisfied. Thus, an android which meets the prescribed requirements is more human than a brain dead person.

Descartes' objection that one cannot specify conditions of singularity and identity over time for disembodied souls is right only if we assume that such "souls" possess no energy. A bodiless intelligent energy matrix which maintains its form and identity over time is conceivable. Certain AI and genetic software programs already do it.

Strawson is Cartesian and Kantian in his definition of a "person" as a "primitive". Both the corporeal predicates and those pertaining to mental states apply equally, simultaneously, and inseparably to all the individuals of that type of entity. Human beings are one such entity. Some, like Wiggins, limit the list of possible persons to animals - but this is far from rigorously necessary and is unduly restrictive.

The truth is probably in a synthesis:

A person is any type of fundamental and irreducible entity whose typical physical individuals (i.e., members) are capable of continuously experiencing a range of states of consciousness and permanently having a list of psychological attributes.

This definition allows for non-animal persons and recognizes the personhood of a brain damaged human ("capable of experiencing"). It also incorporates Locke's view of humans as possessing an ontological status similar to "clubs" or "nations" - their personal identity consists of a variety of interconnected psychological continuities.



## *The Encroachment of the Public*

By: [Dr. Sam Vaknin](#)

*Also Read*

[\*The Law of Technology and the Technology of Law -  
An Epistolary Dialogue\*](#)

[\*The Ghost in the Net - An Epistolary Dialogue\*](#)

As Aristotle and John Stuart Mill observed, the private sphere sets limits, both normative and empirical, to the rights, powers, and obligations of others. The myriad forms of undue invasion of the private sphere - such as rape, burglary, or eavesdropping - are all crimes. Even the state - this monopolist of legal violence - respects these boundaries. When it fails to honor the distinction between public and private - when it is authoritarian or totalitarian - it loses its legitimacy.

Alas, this vital separation of realms is eroding fast.

In theory, private life is insulated and shielded from social pressures, the ambit of norms and laws, and even the strictures of public morality. Reality, though, is different. The encroachment of the public is inexorable and, probably, irreversible. The individual is forced to share, consent to, or merely obey a panoply of laws, norms, and regulations not only in his or her relationships with others - but also when solitary.

Failure to comply - and to be seen to be conforming - leads to dire consequences. In a morbid twist, public morality is now synonymous with social orthodoxy, political authority, and the exercise of police powers. The quiddity, remit, and attendant rights of the private sphere are now determined publicly, by the state.

In the modern world, privacy - the freedom to withhold or divulge information - and autonomy - the liberty to act in certain ways when not in public - are illusory in that their scope and essence are ever-shifting, reversible, and culture-dependent. They both are perceived as public concessions - not as the inalienable (though, perhaps, as Judith Jarvis Thomson observes, derivative) rights that they are.

The trend from non-intrusiveness to wholesale invasiveness is clear:

Only two hundred years ago, the legal regulation of economic relations between consenting adults - a quintessentially private matter - would have been unthinkable and bitterly resisted. Only a century ago, no bureaucrat would have dared intervene in domestic affairs. A Man's home was, indeed, his castle.

Nowadays, the right - let alone dwindling technological ability - to maintain a private sphere is multiply contested and challenged. Feminists, such as Catharine MacKinnon, regard it as a patriarchal stratagem to perpetuate abusive male domination. Conservatives blame it for mounting crime and terrorism. Sociologists - and the Church - worry about social atomization and alienation.

Consequently, today, both one's business and one's family are open books to the authorities, the media, community groups, non-governmental organizations, and assorted busybodies.

Which leads us back to privacy, the topic of this essay. It is often confused with autonomy. The private sphere comprises both. Yet, the former has little to do with the latter. Even the acute minds of the Supreme Court of the United States keep getting it wrong.

In 1890, Justice Louise Brandeis (writing with Samuel Warren) correctly summed up privacy rights as "the right to be left alone" - that is, the right to control information about oneself.

But, nearly a century later, in 1973, in the celebrated case of Roe vs. Wade, the U.S. Supreme Court, mixing up privacy and autonomy, found some state regulation of abortion to be in violation of a woman's constitutional right of privacy, implicit in the liberty guarantee of the Due Process Clause of the Fourteenth Amendment.

But if unrelated to autonomy - what is privacy all about?

As Julie Inness and many others note, privacy - the exclusive access to information - is tightly linked to intimacy. The more intimate the act - excretion, ill-health, and sex come to mind - the more closely we safeguard its secrets. By keeping back such data, we show consideration for the sensitivities of other people and we enhance our own uniqueness and the special nature of our close relationships.

Privacy is also inextricably linked to personal safety. Withholding information makes us less vulnerable to abuse and exploitation. Our privileged access to some data guarantees our wellbeing, longevity, status, future, and the welfare of our family and community. Just consider the consequences of giving potentially unscrupulous others access to our bank accounts, credit card numbers, PIN codes, medical records, industrial and military secrets, or investment portfolios.

Last, but by no way least, the successful defense of one's privacy sustains one's self-esteem - or what Brandeis and Warren called "inviolable personality". The invasion of privacy provokes an upwelling of shame and indignation and feelings of indignity, violation, helplessness, a diminished sense of self-worth, and the triggering of a host of primitive defense mechanisms. Intrusion upon one's private sphere is, as Edward J. Bloustein observes, traumatic.

Incredibly, modern technology has conspired to do just that. Reality TV shows, caller ID, electronic monitoring, computer viruses (especially worms and Trojans), elaborate databases, marketing profiles, Global Positioning System (GPS)-enabled cell phones, wireless networks, smart cards - are all intrusive and counter-privacy.

Add social policies and trends to the mixture - police profiling, mandatory drug-testing, workplace keylogging, the nanny (welfare) state, traffic surveillance, biometric screening, electronic bracelets - and the long-heralded demise of privacy is no longer mere scaremongering.

As privacy fades - so do intimacy, personal safety, and self-esteem (mental health) and with them social cohesion. The ills of anomic modernity - alienation, violence, and crime, to mention but three - are, therefore, directly attributable to diminishing privacy. This is the irony: that privacy is increasingly breached in the name of added security (counter-terrorism or crime busting). We seem to be undermining our societies in order to make them safer.

## *And Then There Were Too Many*

By: [Dr. Sam Vaknin](#)

The latest census in Ukraine revealed an apocalyptic drop of 10% in its population - from 52.5 million a decade ago to a mere 47.5 million last year. Demographers predict a precipitous decline of one third in Russia's impoverished, inebriated, disillusioned, and ageing citizenry. Births in many countries in the rich, industrialized, West are below the replacement rate. These bastions of conspicuous affluence are shriveling.

Scholars and decision-makers - once terrified by the Malthusian dystopia of a "population bomb" - are more sanguine now. Advances in agricultural technology eradicated hunger even in teeming places like India and China. And then there is the old idea of progress: birth rates tend to decline with higher education levels and growing incomes. Family planning has had resounding successes in places as diverse as Thailand, China, and western Africa.

In the near past, fecundity used to compensate for infant mortality. As the latter declined - so did the former. Children are means of production in many destitute countries. Hence the inordinately large families of the past - a form of insurance against the economic outcomes of the inevitable demise of some of one's off-spring.

Yet, despite these trends, the world's populace is augmented by 80 million people annually. All of them are born to the younger inhabitants of the more penurious corners of the Earth. There were only 1 billion people alive in 1804. The number doubled a century later.

But our last billion - the sixth - required only 12 fertile years. The entire population of Germany is added every half a decade to both India and China. Clearly, Mankind's growth is out of control, as affirmed in the 1994 Cairo International Conference on Population and Development.

Dozens of millions of people regularly starve - many of them to death. In only one corner of the Earth - southern Africa - food aid is the sole subsistence of entire countries. More than 18 million people in Zambia, Malawi, and Angola survived on charitable donations in 1992. More than 10 million expect the same this year, among them the emaciated denizens of erstwhile food exporter, Zimbabwe.

According to Medecins Sans Frontiere, AIDS kills 3 million people a year, Tuberculosis another 2 million. Malaria decimates 2 people every minute. More than 14 million people fall prey to parasitic and infectious diseases every year - 90% of them in the developing countries.

Millions emigrate every year in search of a better life. These massive shifts are facilitated by modern modes of transportation. But, despite these tectonic relocations - and despite famine, disease, and war, the classic Malthusian regulatory mechanisms - the depletion of natural resources - from arable land to water - is undeniable and gargantuan.

Our pressing environmental issues - global warming, water stress, salinization, desertification, deforestation, pollution, loss of biological diversity - and our ominous social ills - crime at the forefront - are traceable to one, politically incorrect, truth:

There are too many of us. We are way too numerous. The population load is unsustainable. We, the survivors, would be better off if others were to perish. Should population growth continue unabated - we are all doomed.

Doomed to what?

Numerous Cassandras and countless Jeremiads have been falsified by history. With proper governance, scientific research, education, affordable medicines, effective family planning, and economic growth - this planet can support even 10-12 billion people. We are not at risk of physical extinction and never have been.

What is hazarded is not our life - but our quality of life. As any insurance actuary will attest, we are governed by statistical datasets.



Consider this single fact:

About 1% of the population suffer from the perniciously debilitating and all-pervasive mental health disorder, schizophrenia. At the beginning of the 20th century, there were 16.5 million schizophrenics - nowadays there are 64 million. Their impact on friends, family, and colleagues is exponential - and incalculable. This is not a merely quantitative leap. It is a qualitative phase transition.

Or this:

Large populations lead to the emergence of high density urban centers. It is inefficient to cultivate ever smaller plots of land. Surplus manpower moves to centers of industrial production. A second wave of internal migrants caters to their needs, thus spawning a service sector. Network effects generate excess capital and a virtuous cycle of investment, employment, and consumption ensues.

But over-crowding breeds violence (as has been demonstrated in experiments with mice). The sheer numbers involved serve to magnify and amplify social anomies, deviate behaviour, and antisocial traits. In the city, there are more criminals, more perverts, more victims, more immigrants, and more racists per square mile.

Moreover, only a planned and orderly urbanization is desirable. The blights that pass for cities in most third world countries are the outgrowth of neither premeditation nor method. These mega-cities are infested with non-disposed of waste and prone to natural catastrophes and epidemics.

No one can vouchsafe for a "critical mass" of humans, a threshold beyond which the species will implode and vanish.

Luckily, the ebb and flow of human numbers is subject to three regulatory demographic mechanisms, the combined action of which gives hope.

### **The Malthusian Mechanism**

Limited resources lead to wars, famine, and diseases and, thus, to a decrease in human numbers. Mankind has done well to check famine, fend off disease, and staunch war. But to have done so without a commensurate policy of population control was irresponsible.

### **The Assimilative Mechanism**

Mankind is not divorced from nature. Humanity is destined to be impacted by its choices and by the reverberations of its actions. Damage caused to the environment haunts - in a complex feedback loop - the perpetrators.

Examples:

Immoderate use of antibiotics leads to the eruption of drug-resistant strains of pathogens. A myriad types of cancer are caused by human pollution. Man is the victim of its own destructive excesses.

### **The Cognitive Mechanism**

Humans intentionally limit the propagation of their race through family planning, abortion, and contraceptives.

Genetic engineering will likely intermesh with these to produce "enhanced" or "designed" progeny to specifications.

We must stop procreating. Or, else, pray for a reduction in our numbers.

This could be achieved benignly, for instance by colonizing space, or the ocean depths - both remote and technologically unfeasible possibilities.

Yet, the alternative is cataclysmic. Unintended wars, rampant disease, and lethal famines will ultimately trim our numbers - no matter how noble our intentions and how diligent our efforts to curb them.

Is this a bad thing?

Not necessarily. To my mind, even a Malthusian resolution is preferable to the alternative of slow decay, uniform impecuniosity, and perdition in instalments - an alternative made inexorable by our collective irresponsibility and denial.

## *Racing Down*

### *Eugenics and the Future of the Human Species*

By: [Dr. Sam Vaknin](#)

"It is clear that modern medicine has created a serious dilemma ... In the past, there were many children who never survived - they succumbed to various diseases ... But in a sense modern medicine has put natural selection out of commission. Something that has helped one individual over a serious illness can in the long run contribute to weakening the resistance of the whole human race to certain diseases. If we pay absolutely no attention to what is called hereditary hygiene, we could find ourselves facing a degeneration of the human race. Mankind's hereditary potential for resisting serious disease will be weakened."

(Jostein Gaarder in "Sophie's World", a bestselling philosophy textbook for adolescents published in Oslo, Norway, in 1991 and, afterwards, throughout the world, having been translated to dozens of languages)

The Nazis regarded the murder of the feeble-minded and the mentally insane - intended to purify the race and maintain hereditary hygiene - as a form of euthanasia.

German doctors were enthusiastic proponents of an eugenics movements rooted in 19th century social Darwinism. Luke Gormally writes, in his essay "Walton, Davies, and Boyd" (published in "Euthanasia Examined - Ethical, Clinical, and Legal Perspectives", ed. John Keown, Cambridge University Press, 1995):

"When the jurist Karl Binding and the psychiatrist Alfred Hoche published their tract *The Permission to Destroy Life that is Not Worth Living* in 1920 ... their motive was to rid society of the 'human ballast and enormous economic burden' of care for the mentally ill, the handicapped, retarded and deformed children, and the incurably ill. But the reason they invoked to justify the killing of human beings who fell into these categories was that the lives of such human beings were 'not worth living', were 'devoid of value'"

It is this association with the hideous Nazi regime that gave eugenics - a term coined by a relative of Charles Darwin, Sir Francis Galton, in 1883 - its bad name. Richard Lynn, of the University of Ulster of North Ireland, thinks that this recoil resulted in "Dysgenics - the genetic deterioration of modern (human) population", as the title of his controversial tome puts it.

The crux of the argument for eugenics is that a host of technological, cultural, and social developments conspired to give rise to negative selection of the weakest, least intelligent, sickest, the habitually criminal, the sexually deviant, the mentally-ill, and the least adapted.

Contraception is more widely used by the affluent and the well-educated than by the destitute and dull. Birth control as practiced in places like China distorted both the sex distribution in the cities - and increased the weight of the rural population (rural couples in China are allowed to have two children rather than the urban one).

Modern medicine and the welfare state collaborate in sustaining alive individuals - mainly the mentally retarded, the mentally ill, the sick, and the genetically defective - who would otherwise have been culled by natural selection to the betterment of the entire species.

Eugenics may be based on a literal understanding of Darwin's metaphor.

The 2002 edition of the [Encyclopedia Britannica](#) has this to say:

"Darwin's description of the process of natural selection as the survival of the fittest in the struggle for life is a metaphor. "Struggle" does not necessarily mean contention, strife, or combat; "survival" does not mean that ravages of death are needed to make the selection effective; and "fittest" is virtually never a single optimal genotype but rather an array of genotypes that collectively enhance population survival rather than extinction. All these considerations are most apposite to consideration of natural selection in humans. Decreasing infant and childhood mortality rates do not necessarily mean that natural selection in the human species no longer operates. Theoretically, natural selection could be very effective if all the children born reached maturity.

Two conditions are needed to make this theoretical possibility realized: first, variation in the number of children per family and, second, variation correlated with the genetic properties of the parents. Neither of these conditions is farfetched."

The eugenics debate is only the visible extremity of the Man vs. Nature conundrum. Have we truly conquered nature and extracted ourselves from its determinism? Have we graduated from natural to cultural evolution, from natural to artificial selection, and from genes to memes?

Does the evolutionary process culminate in a being that transcends its genetic baggage, that programs and charts its future, and that allows its weakest and sickest to survive? Supplanting the imperative of the survival of the fittest with a culturally-sensitive principle may be the hallmark of a successful evolution, rather than the beginning of an inexorable decline.

The eugenics movement turns this argument on its head. They accept the premise that the contribution of natural selection to the makeup of future human generations is glacial and negligible. But they reject the conclusion that, having ridden ourselves of its tyranny, we can now let the weak and sick among us survive and multiply. Rather, they propose to replace natural selection with eugenics.

But who, by which authority, and according to what guidelines will administer this man-made culling and decide who is to live and who is to die, who is to breed and who may not? Why select by intelligence and not by courtesy or altruism or church-going - or all of them together? It is here that eugenics fails miserably.

Should the criterion be physical, like in ancient Sparta? Should it be mental? Should IQ determine one's fate - or social status or wealth? Different answers yield disparate eugenic programs and target dissimilar groups in the population.

Aren't eugenic criteria liable to be unduly influenced by fashion and cultural bias? Can we agree on a universal eugenic agenda in a world as ethnically and culturally diverse as ours? If we do get it wrong - and the chances are overwhelming - will we not damage our gene pool irreparably and, with it, the future of our species?

And even if many will avoid a slippery slope leading from eugenics to active extermination of "inferior" groups in the general population - can we guarantee that everyone will? How to prevent eugenics from being appropriated by an intrusive, authoritarian, or even murderous state?

Modern eugenicists distance themselves from the crude methods adopted at the beginning of the last century by 29 countries, including Germany, The United States, Canada, Switzerland, Austria, Venezuela, Estonia, Argentina, Norway, Denmark, Sweden (until 1976), Brazil, Italy, Greece, and Spain.

They talk about free contraceptives for low-IQ women, vasectomies or tubal ligations for criminals, sperm banks with contributions from high achievers, and incentives for college students to procreate. Modern genetic engineering and biotechnology are readily applicable to eugenic projects. Cloning can serve to preserve the genes of the fittest. Embryo selection and prenatal diagnosis of genetically diseased embryos can reduce the number of the unfit.



But even these innocuous variants of eugenics fly in the face of liberalism. Inequality, claim the proponents of hereditary amelioration, is genetic, not environmental. All men are created unequal and as much subject to the natural laws of heredity as are cows and bees. Inferior people give birth to inferior offspring and, thus, propagate their inferiority.

Even if this were true - which is at best debatable - the question is whether the inferior specimen of our species possess the inalienable right to reproduce? If society is to bear the costs of over-population - social welfare, medical care, daycare centers - then society has the right to regulate procreation. But does it have the right to act discriminately in doing so?

Another dilemma is whether we have the moral right - let alone the necessary knowledge - to interfere with natural as well as social and demographic trends. Eugenicists counter that contraception and indiscriminate medicine already do just that. Yet, studies show that the more affluent and educated a population becomes - the less fecund it is. Birth rates throughout the world have dropped dramatically already.

Instead of culling the great unwashed and the unworthy - wouldn't it be a better idea to educate them (or their offspring) and provide them with economic opportunities (euthenics rather than eugenics)? Human populations seem to self-regulate. A gentle and persistent nudge in the right direction - of increased affluence and better schooling - might achieve more than a hundred eugenic programs, voluntary or compulsory.

That eugenics presents itself not merely as a biological-social agenda, but as a panacea, ought to arouse suspicion. The typical eugenics text reads more like a catechism than a reasoned argument. Previous all-encompassing and omniscient plans tended to end traumatically - especially when they contrasted a human elite with a dispensable underclass of persons.

Above all, eugenics is about human hubris. To presume to know better than the lottery of life is haughty. Modern medicine largely obviates the need for eugenics in that it allows even genetically defective people to lead pretty normal lives. Of course, Man himself - being part of Nature - may be regarded as nothing more than an agent of natural selection. Still, many of the arguments advanced in favor of eugenics can be turned against it with embarrassing ease.

Consider sick children. True, they are a burden to society and a probable menace to the gene pool of the species. But they also inhibit further reproduction in their family by consuming the financial and mental resources of the parents. Their genes - however flawed - contribute to genetic diversity. Even a badly mutated phenotype sometimes yields precious scientific knowledge and an interesting genotype.

The implicit Weltbild of eugenics is static - but the real world is dynamic. There is no such thing as a "correct" genetic makeup towards which we must all strive. A combination of genes may be perfectly adaptable to one environment - but woefully inadequate in another. It is therefore prudent to encourage genetic diversity or polymorphism.

The more rapidly the world changes, the greater the value of mutations of all sorts. One never knows whether today's maladaptation will not prove to be tomorrow's winner. Ecosystems are invariably comprised of niches and different genes - even mutated ones - may fit different niches.

In the 18th century most peppered moths in Britain were silvery gray, indistinguishable from lichen-covered trunks of silver birches - their habitat. Darker moths were gobbled up by rapacious birds. Their mutated genes proved to be lethal. As soot from sprouting factories blackened these trunks - the very same genes, hitherto fatal, became an unmitigated blessing. The blacker specimen survived while their hitherto perfectly adapted fairer brethren perished ("industrial melanism"). This mode of natural selection is called directional.

Moreover, "bad" genes are often connected to "desirable genes" (pleiotropy). Sickle cell anemia protects certain African tribes against malaria. This is called "diversifying or disruptive natural selection". Artificial selection can thus fast deteriorate into adverse selection due to ignorance.

Modern eugenics relies on statistics. It is no longer concerned with causes - but with phenomena and the likely effects of intervention. If the adverse traits of offspring and parents are strongly correlated - then preventing parents with certain undesirable qualities from multiplying will surely reduce the incidence of said dispositions in the general population. Yet, correlation does not necessarily imply causation. The manipulation of one parameter of the correlation does not inevitably alter it - or the incidence of the outcome.

Eugenicists often hark back to wisdom garnered by generations of breeders and farmers. But the unequivocal lesson of thousands of years of artificial selection is that cross-breeding (hybridization) - even of two lines of inferior genetic stock - yields valuable genotypes. Inter-marriage between races, groups in the population, ethnic groups, and clans is thus bound to improve the species' chances of survival more than any eugenic scheme.

# *The Myth of the Right to Life*

By: [Dr. Sam Vaknin](#)

## **I. The Right to Life**

Generations of malleable Israeli children are brought up on the story of the misnamed Jewish settlement Tel-Hai ("Mount of Life"), Israel's Alamo. There, among the picturesque valleys of the Galilee, a one-armed hero named Joseph Trumpeldor is said to have died, eight decades ago, from an Arab stray bullet, mumbling: "It is good to die for our country." Judaism is dubbed "A Teaching of Life" - but it would seem that the sanctity of life can and does take a back seat to some overriding values.

The right to life - at least of human beings - is a rarely questioned fundamental moral principle. In Western cultures, it is assumed to be inalienable and indivisible (i.e., monolithic). Yet, it is neither. Even if we accept the axiomatic - and therefore arbitrary - source of this right, we are still faced with intractable dilemmas. All said, the right to life may be nothing more than a cultural construct, dependent on social mores, historical contexts, and exegetic systems.

Rights - whether moral or legal - impose obligations or duties on third parties towards the right-holder. One has a right AGAINST other people and thus can prescribe to them certain obligatory behaviors and proscribe certain acts or omissions. Rights and duties are two sides of the same Janus-like ethical coin.

This duality confuses people. They often erroneously identify rights with their attendant duties or obligations, with the morally decent, or even with the morally permissible. One's rights inform other people how they MUST behave towards one - not how they SHOULD or OUGHT to act morally. Moral behavior is not dependent on the existence of a right. Obligations are.

To complicate matters further, many apparently simple and straightforward rights are amalgams of more basic moral or legal principles. To treat such rights as unities is to mistreat them.

Take the right to life. It is a compendium of no less than eight distinct rights: the right to be brought to life, the right to be born, the right to have one's life maintained, the right not to be killed, the right to have one's life saved, the right to save one's life (wrongly reduced to the right to self-defense), the right to terminate one's life, and the right to have one's life terminated.

None of these rights is self-evident, or unambiguous, or universal, or immutable, or automatically applicable. It is safe to say, therefore, that these rights are not primary as hitherto believed - but derivative.

## **The Right to be Brought to Life**

In most moral systems - including all major religions and Western legal methodologies - it is life that gives rise to rights. The dead have rights only because of the existence of the living. Where there is no life - there are no rights. Stones have no rights (though many animists would find this statement abhorrent).

Hence the vitriolic debate about cloning which involves denuding an unfertilized egg of its nucleus. Is there life in an egg or a sperm cell?

That something exists, does not necessarily imply that it harbors life. Sand exists and it is inanimate. But what about things that exist and have the potential to develop life? No one disputes the existence of eggs and sperms - or their capacity to grow alive.

Is the potential to be alive a legitimate source of rights? Does the egg have any rights, or, at the very least, the right to be brought to life (the right to become or to be) and thus to acquire rights? The much trumpeted right to acquire life pertains to an entity which exists but is not alive - an egg. It is, therefore, an unprecedented kind of right. Had such a right existed, it would have implied an obligation or duty to give life to the unborn and the not yet conceived.

Clearly, life manifests, at the earliest, when an egg and a sperm unite at the moment of fertilization. Life is not a potential - it is a process triggered by an event. An unfertilized egg is neither a process - nor an event. It does not even possess the potential to become alive unless and until it is fertilized.

The potential to become alive is not the ontological equivalent of actually being alive. A potential life cannot give rise to rights and obligations. The transition from potential to being is not trivial, nor is it automatic, or inevitable, or independent of context. Atoms of various elements have the potential to become an egg (or, for that matter, a human being) - yet no one would claim that they ARE an egg (or a human being), or that they should be treated as such (i.e., with the same rights and obligations).

### **The Right to be Born**

While the right to be brought to life deals with potentials - the right to be born deals with actualities. When one or two adults voluntarily cause an egg to be fertilized by a sperm cell with the explicit intent and purpose of creating another life - the right to be born crystallizes. The voluntary and premeditated action of said adults amounts to a contract with the embryo - or rather, with society which stands in for the embryo.

Henceforth, the embryo acquires the entire panoply of human rights: the right to be born, to be fed, sheltered, to be emotionally nurtured, to get an education, and so on.

But what if the fertilization was either involuntary (rape) or unintentional ("accidental" pregnancy)?

Is the embryo's successful acquisition of rights dependent upon the nature of the conception? We deny criminals their loot as "fruits of the poisoned tree". Why not deny an embryo his life if it is the outcome of a crime?



The conventional response - that the embryo did not commit the crime or conspire in it - is inadequate. We would deny the poisoned fruits of crime to innocent bystanders as well. Would we allow a passerby to freely spend cash thrown out of an escape vehicle following a robbery?

Even if we agree that the embryo has a right to be kept alive - this right cannot be held against his violated mother. It cannot oblige her to harbor this patently unwanted embryo. If it could survive outside the womb, this would have solved the moral dilemma. But it is dubious - to say the least - that it has a right to go on using the mother's body, or resources, or to burden her in any way in order to sustain its own life.

### **The Right to Have One's Life Maintained**

This leads to a more general quandary. To what extent can one use other people's bodies, their property, their time, their resources and to deprive them of pleasure, comfort, material possessions, income, or any other thing - in order to maintain one's life?

Even if it were possible in reality, it is indefensible to maintain that I have a right to sustain, improve, or prolong my life at another's expense. I cannot demand - though I can morally expect - even a trivial and minimal sacrifice from another in order to prolong my life. I have no right to do so.

Of course, the existence of an implicit, let alone explicit, contract between myself and another party would change the picture. The right to demand sacrifices commensurate with the provisions of the contract would then crystallize and create corresponding duties and obligations.

No embryo has a right to sustain its life, maintain, or prolong it at its mother's expense. This is true regardless of how insignificant the sacrifice required of her is.

Yet, by knowingly and intentionally conceiving the embryo, the mother can be said to have signed a contract with it. The contract causes the right of the embryo to demand such sacrifices from his mother to crystallize. It also creates corresponding duties and obligations of the mother towards her embryo.

We often find ourselves in a situation where we do not have a given right against other individuals - but we do possess this very same right against society. Society owes us what no constituent-individual does.

Thus, we all have a right to sustain our lives, maintain, prolong, or even improve them at society's expense - no matter how major and significant the resources required. Public hospitals, state pension schemes, and police forces may be needed in order to fulfill society's obligations to prolong, maintain, and improve our lives - but fulfill them it must.

Still, each one of us can sign a contract with society - implicitly or explicitly - and abrogate this right. One can volunteer to join the army. Such an act constitutes a contract in which the individual assumes the duty or obligation to give up his or her life.

## **The Right not to be Killed**

It is commonly agreed that every person has the right not to be killed unjustly. Admittedly, what is just and what is unjust is determined by an ethical calculus or a social contract - both constantly in flux.

Still, even if we assume an Archimedean immutable point of moral reference - does A's right not to be killed mean that third parties are to refrain from enforcing the rights of other people against A? What if the only way to right wrongs committed by A against others - was to kill A? The moral obligation to right wrongs is about restoring the rights of the wronged.

If the continued existence of A is predicated on the repeated and continuous violation of the rights of others - and these other people object to it - then A must be killed if that is the only way to right the wrong and re-assert the rights of A's victims.

## **The Right to have One's Life Saved**

There is no such right because there is no moral obligation or duty to save a life. That people believe otherwise demonstrates the muddle between the morally commendable, desirable, and decent ("ought", "should") and the morally obligatory, the result of other people's rights ("must"). In some countries, the obligation to save a life is codified in the law of the land. But legal rights and obligations do not always correspond to moral rights and obligations, or give rise to them.

## **The Right to Save One's Own Life**

One has a right to save one's life by exercising self-defense or otherwise, by taking certain actions or by avoiding them. Judaism - as well as other religious, moral, and legal systems - accept that one has the right to kill a pursuer who knowingly and intentionally is bent on taking one's life. Hunting down Osama bin-Laden in the wilds of Afghanistan is, therefore, morally acceptable (though not morally mandatory).

But does one have the right to kill an innocent person who unknowingly and unintentionally threatens to take one's life? An embryo sometimes threatens the life of the mother. Does she have a right to take its life? What about an unwitting carrier of the Ebola virus - do we have a right to terminate her life? For that matter, do we have a right to terminate her life even if there is nothing she could have done about it had she known about her condition?

## **The Right to Terminate One's Life**

There are many ways to terminate one's life: self sacrifice, avoidable martyrdom, engaging in life risking activities, refusal to prolong one's life through medical treatment, euthanasia, overdosing and self inflicted death that is the result of coercion. Like suicide, in all these - bar the last - a foreknowledge of the risk of death is present coupled with its acceptance. Does one have a right to take one's life?

The answer is: it depends. Certain cultures and societies encourage suicide. Both Japanese kamikaze and Jewish martyrs were extolled for their suicidal actions. Certain professions are knowingly life-threatening - soldiers, firemen, policemen. Certain industries - like the manufacture of armaments, cigarettes, and alcohol - boost overall mortality rates.

In general, suicide is commended when it serves social ends, enhances the cohesion of the group, upholds its values, multiplies its wealth, or defends it from external and internal threats. Social structures and human collectives - empires, countries, firms, bands, institutions - often commit suicide. This is considered to be a healthy process.

Thus, suicide came to be perceived as a social act. The flip-side of this perception is that life is communal property. Society has appropriated the right to foster suicide or to prevent it. It condemns individual suicidal entrepreneurship. Suicide, according to Thomas Aquinas, is unnatural. It harms the community and violates God's property rights.

In Judeo-Christian tradition, God is the owner of all souls. The soul is on deposit with us. The very right to use it, for however short a period, is a divine gift. Suicide, therefore, amounts to an abuse of God's possession. Blackstone, the venerable codifier of British Law, concurred. The state, according to him, has a right to prevent and to punish suicide and attempted suicide. Suicide is self-murder, he wrote, and, therefore, a grave felony. In certain paternalistic countries, this still is the case.

## **The Right to Have One's Life Terminated**

The right to have one's life terminated at will (euthanasia), is subject to social, ethical, and legal strictures. In some countries - such as the Netherlands - it is legal (and socially acceptable) to have one's life terminated with the help of third parties given a sufficient deterioration in the quality of life and given the imminence of death. One has to be of sound mind and will one's death knowingly, intentionally, repeatedly, and forcefully.

## **II. Issues in the Calculus of Rights**

### **The Hierarchy of Rights**

The right to life supersedes - in Western moral and legal systems - all other rights. It overrules the right to one's body, to comfort, to the avoidance of pain, or to ownership of property. Given such lack of equivocation, the amount of dilemmas and controversies surrounding the right to life is, therefore, surprising.

When there is a clash between equally potent rights - for instance, the conflicting rights to life of two people - we can decide among them randomly (by flipping a coin, or casting dice). Alternatively, we can add and subtract rights in a somewhat macabre arithmetic.

Thus, if the continued life of an embryo or a fetus threatens the mother's life - that is, assuming, controversially, that both of them have an equal right to life - we can decide to kill the fetus. By adding to the mother's right to life her right to her own body we outweigh the fetus' right to life.

## **The Difference between Killing and Letting Die**

Counterintuitively, there is a moral gulf between killing (taking a life) and letting die (not saving a life). The right not to be killed is undisputed. There is no right to have one's own life saved. Where there is a right - and only where there is one - there is an obligation. Thus, while there is an obligation not to kill - there is no obligation to save a life.

### **Killing the Innocent**

The life of a Victim (V) is sometimes threatened by the continued existence of an innocent person (IP), a person who cannot be held guilty of V's ultimate death even though he caused it. IP is not guilty of dispatching V because he hasn't intended to kill V, nor was he aware that V will die due to his actions or continued existence.

Again, it boils down to ghastly arithmetic. We definitely should kill IP to prevent V's death if IP is going to die anyway - and shortly. The remaining life of V, if saved, should exceed the remaining life of IP, if not killed. If these conditions are not met, the rights of IP and V should be weighted and calculated to yield a decision (See "Abortion and the Sanctity of Human Life" by Baruch A. Brody).

Utilitarianism - a form of crass moral calculus - calls for the maximization of utility (life, happiness, pleasure). The lives, happiness, or pleasure of the many outweigh the life, happiness, or pleasure of the few. If by killing IP we save the lives of two or more people and there is no other way to save their lives - it is morally permissible.

But surely V has right to self defense, regardless of any moral calculus of rights? Not so. Taking another's life to save one's own is rarely justified, though such behavior cannot be condemned. Here we have the flip side of the confusion we opened with: understandable and perhaps inevitable behavior (self defense) is mistaken for a moral right.

If I were V, I would kill IP unhesitatingly. Moreover, I would have the understanding and sympathy of everyone. But this does not mean that I had a right to kill IP.

Which brings us to September 11.

### **Collateral Damage**

What should prevail: the imperative to spare the lives of innocent civilians - or the need to safeguard the lives of fighter pilots? Precision bombing puts such pilots at great risk. Avoiding this risk usually results in civilian casualties ("collateral damage").

This moral dilemma is often "solved" by applying - explicitly or implicitly - the principle of "over-riding affiliation". We find the two facets of this principle in Jewish sacred texts: "One is close to oneself" and "Your city's poor denizens come first (with regards to charity)".

Some moral obligations are universal - thou shalt not kill. They are related to one's position as a human being. Other moral values and obligations arise from one's affiliations. Yet, there is a hierarchy of moral values and obligations. The ones related to one's position as a human being are, actually, the weakest.



They are overruled by moral values and obligations related to one's affiliations. The imperative "thou shalt not kill (another human being)" is easily over-ruled by the moral obligation to kill for one's country. The imperative "thou shalt not steal" is superseded by one's moral obligation to spy for one's nation.

This leads to another startling conclusion:

There is no such thing as a self-consistent moral system. Moral values and obligations often contradict each other and almost always conflict with universal moral values and obligations.

In the examples above, killing (for one's country) and stealing (for one's nation) are moral obligations. Yet, they contradict the universal moral value of the sanctity of life and the universal moral obligation not to kill. Far from being a fundamental and immutable principle - the right to life, it would seem, is merely a convenient implement in the hands of society.

## *The Argument for Torture*

By: [Sam Vaknin](#)

*Also Read:*

[\*The Business of Torture\*](#)

### *I. Practical Considerations*

The problem of the "ticking bomb" - rediscovered after September 11 by Alan Dershowitz, a renowned criminal defense lawyer in the United States - is old hat. Should physical torture be applied - where psychological strain has failed - in order to discover the whereabouts of a ticking bomb and thus prevent a mass slaughter of the innocent? This apparent ethical dilemma has been confronted by ethicists and jurists from Great Britain to Israel.

Nor is Dershowitz's proposal to have the courts issue "torture warrants" (Los Angeles Times, November 8, 2001) unprecedented. In a controversial decision in 1996, the Supreme Court of Israel permitted its internal security forces to apply "moderate physical pressure" during the interrogation of suspects.

It has thus fully embraced the recommendation of the 1987 Landau Commission, presided over by a former Supreme Court judge. This blanket absolution was repealed in 1999 when widespread abuses against Palestinian detainees were unearthed by human rights organizations.

Indeed, this juridical reversal - in the face of growing suicidal terrorism - demonstrates how slippery the ethical slope can be. What started off as permission to apply mild torture in extreme cases avalanched into an all-pervasive and pernicious practice. This lesson - that torture is habit-forming and metastasizes uncontrollably throughout the system - is the most powerful - perhaps the only - argument against it.

As Harvey Silverglate argued in his rebuttal of Dershowitz's aforementioned op-ed piece:

"Institutionalizing torture will give it society's imprimatur, lending it a degree of respectability. It will then be virtually impossible to curb not only the increasing frequency with which warrants will be sought — and granted — but also the inevitable rise in *unauthorized* use of torture. Unauthorized torture will increase not only to extract life-saving information, but also to obtain confessions (many of which will then prove false). It will also be used to punish real or imagined infractions, or for no reason other than human sadism. This is a genie we should not let out of the bottle."

Alas, these are weak contentions.

That something has the potential to be widely abused - and has been and is being widely misused - should not inevitably lead to its utter, universal, and unconditional proscription. Guns, cars, knives, and books have always been put to vile ends. Nowhere did this lead to their complete interdiction.

Moreover, torture is erroneously perceived by liberals as a kind of punishment. Suspects - innocent until proven guilty - indeed should not be subject to penalty. But torture is merely an interrogation technique. Ethically, it is no different to any other pre-trial process: shackling, detention, questioning, or bad press. Inevitably, the very act of suspecting someone is traumatic and bound to inflict pain and suffering - psychological, pecuniary, and physical - on the suspect.

True, torture is bound to yield false confessions and wrong information, Seneca claimed that it "forces even the innocent to lie". St. Augustine expounded on the moral deplorability of torture thus: "If the accused be innocent, he will undergo for an uncertain crime a certain punishment, and that not for having committed a crime, but because it is unknown whether he committed it."

But the same can be said about other, less corporeal, methods of interrogation. Moreover, the flip side of ill-gotten admissions is specious denials of guilt. Criminals regularly disown their misdeeds and thus evade their penal consequences. The very threat of torture is bound to limit this miscarriage of justice. Judges and juries can always decide what confessions are involuntary and were extracted under duress.

Thus, if there was a way to ensure that non-lethal torture is narrowly defined, applied solely to extract time-critical information in accordance with a strict set of rules and specifications, determined openly and revised frequently by an accountable public body; that abusers are severely punished and instantly removed; that the tortured have recourse to the judicial system and to medical attention at any time - then the procedure would have been ethically justified in rare cases if carried out by the authorities.

This proviso - "if carried out by the authorities" - is crucial.

The sovereign has rights denied the individual, or any subset of society. It can judicially kill with impunity. Its organs - the police, the military - can exercise violence. It is allowed to conceal information, possess illicit or dangerous substances, deploy arms, invade one's bodily integrity, or confiscate property. To permit the sovereign to torture while forbidding individuals, or organizations from doing so would, therefore, not be without precedent, or inconsistent.

Alan Dershowitz expounds:

"(In the United States) any interrogation technique, including the use of truth serum or even torture, is not prohibited. All that is prohibited is the introduction into evidence of the fruits of such techniques in a criminal trial against the person on whom the techniques were used. But the evidence could be used against that suspect in a non-criminal case - such as a deportation hearing - or against someone else."

When the unspeakable horrors of the Nazi concentration camps were revealed, C.S. Lewis wrote, in quite desperation:

"What was the sense in saying the enemy were in the wrong unless Right is a real thing which the Nazis at bottom knew as well as we did and ought to have practiced? If they had no notion of what we mean by Right, then, though we might still have had to fight them, we could no more have blamed them for that than for the color of their hair." (C.S. Lewis, *Mere Christianity* (New York: Macmillan, paperback edition, 1952).

But legal torture should never be directed at innocent civilians based on arbitrary criteria such as their race or religion. If this principle is observed, torture would not reflect on the moral standing of the state. Identical acts are considered morally sound when carried out by the realm - and condemnable when discharged by individuals. Consider the denial of freedom. It is lawful incarceration at the hands of the republic - but kidnapping if effected by terrorists.

Nor is torture, as "The Economist" misguidedly claims, a taboo.

According to the 2002 edition of the "Encyclopedia Britannica", taboos are "the prohibition of an action or the use of an object based on ritualistic distinctions of them either as being sacred and consecrated or as being dangerous, unclean, and accursed." Evidently, none of this applies to torture. On the contrary, torture - as opposed, for instance, to incest - is a universal, state-sanctioned behavior.

Amnesty International - who should know better - professed to have been shocked by the results of their own surveys:

"In preparing for its third international campaign to stop torture, Amnesty International conducted a survey of its research files on 195 countries and territories. The survey covered the period from the beginning of 1997 to mid-2000. Information on torture is usually concealed, and reports of torture are often hard to document, so the figures almost certainly underestimate its extent. The statistics are shocking. There were reports of torture or ill-treatment by state officials in more than 150 countries. In more than 70, they were widespread or persistent. In more than 80 countries, people reportedly died as a result."

Countries and regimes abstain from torture - or, more often, claim to do so - because such overt abstention is expedient. It is a form of global political correctness, a policy choice intended to demonstrate common values and to extract concessions or benefits from others. Giving up this efficient weapon in the law enforcement arsenal even in Damoclean circumstances is often rewarded with foreign direct investment, military aid, and other forms of support.

But such ethical magnanimity is a luxury in times of war, or when faced with a threat to innocent life. Even the courts of the most liberal societies sanctioned atrocities in extraordinary circumstances. Here the law conforms both with common sense and with formal, utilitarian, ethics.

## *II. Ethical Considerations*

Rights - whether moral or legal - impose obligations or duties on third parties towards the right-holder. One has a right *AGAINST* other people and thus can prescribe to them certain obligatory behaviors and proscribe certain acts or omissions. Rights and duties are two sides of the same Janus-like ethical coin.

This duality confuses people. They often erroneously identify rights with their attendant duties or obligations, with the morally decent, or even with the morally permissible. One's rights inform other people how they *MUST* behave towards one - not how they *SHOULD*, or *OUGHT* to act morally. Moral behavior is not dependent on the existence of a right. Obligations are.

To complicate matters further, many apparently simple and straightforward rights are amalgams of more basic moral or legal principles. To treat such rights as unities is to mistreat them.

Take the right not to be tortured. It is a compendium of many distinct rights, among them: the right to bodily and mental integrity, the right to avoid self-incrimination, the right not to be pained, or killed, the right to save one's life (wrongly reduced merely to the right to self-defense), the right to prolong one's life (e.g., by receiving medical attention), and the right not to be forced to lie under duress.

None of these rights is self-evident, or unambiguous, or universal, or immutable, or automatically applicable. It is safe to say, therefore, that these rights are not primary - but derivative, nonessential, or mere "wants".



Moreover, the fact that the torturer also has rights whose violation may justify torture is often overlooked.

Consider these two, for instance:

### ***The Rights of Third Parties against the Tortured***

What is just and what is unjust is determined by an ethical calculus, or a social contract - both in constant flux. Still, it is commonly agreed that every person has the right not to be tortured, or killed unjustly.

Yet, even if we find an Archimedean immutable point of moral reference - does A's right not to be tortured, let alone killed, mean that third parties are to refrain from enforcing the rights of other people against A?

What if the only way to right wrongs committed, or about to be committed by A against others - was to torture, or kill A? There is a moral obligation to right wrongs by restoring, or safeguarding the rights of those wronged, or about to be wronged by A.

If the defiant silence - or even the mere existence - of A are predicated on the repeated and continuous violation of the rights of others (especially their right to live), and if these people object to such violation - then A must be tortured, or killed if that is the only way to right the wrong and re-assert the rights of A's victims.

This, ironically, is the argument used by liberals to justify abortion when the fetus (in the role of A) threatens his mother's rights to health and life.

### *The Right to Save One's Own Life*

One has a right to save one's life by exercising self-defense or otherwise, by taking certain actions, or by avoiding them. Judaism - as well as other religious, moral, and legal systems - accepts that one has the right to kill a pursuer who knowingly and intentionally is bent on taking one's life. Hunting down Osama bin-Laden in the wilds of Afghanistan is, therefore, morally acceptable (though not morally mandatory). So is torturing his minions.

When there is a clash between equally potent rights - for instance, the conflicting rights to life of two people - we can decide among them randomly (by flipping a coin, or casting dice). Alternatively, we can add and subtract rights in a somewhat macabre arithmetic. The right to life definitely prevails over the right to comfort, bodily integrity, absence of pain and so on. Where life is at stake, non-lethal torture is justified by any ethical calculus.

Utilitarianism - a form of crass moral calculus - calls for the maximization of utility (life, happiness, pleasure). The lives, happiness, or pleasure of the many outweigh the life, happiness, or pleasure of the few. If by killing or torturing the few we (a) save the lives of the many (b) the combined life expectancy of the many is longer than the combined life expectancy of the few and (c) there is no other way to save the lives of the many - it is morally permissible to kill, or torture the few.

### *III. The Social Treaty*

There is no way to enforce certain rights without infringing on others. The calculus of ethics relies on implicit and explicit quantitative and qualitative hierarchies. The rights of the many outweigh certain rights of the few. Higher-level rights - such as the right to life - override rights of a lower order.

The rights of individuals are not absolute but "prima facie". They are restricted both by the rights of others and by the common interest. They are inextricably connected to duties towards other individuals in particular and the community in general. In other words, though not dependent on idiosyncratic cultural and social contexts, they are an integral part of a social covenant.

It can be argued that a suspect has excluded himself from the social treaty by refusing to uphold the rights of others - for instance, by declining to collaborate with law enforcement agencies in forestalling an imminent disaster. Such inaction amounts to the abrogation of many of one's rights (for instance, the right to be free). Why not apply this abrogation to his or her right not to be tortured?

## *The Aborted Contract And the Right to Life*

By: [Dr. Sam Vaknin](#)

The issue of abortion is emotionally loaded and this often makes for poor, not thoroughly thought out arguments. The questions: "Is abortion immoral" and "Is abortion a murder" are often confused. The pregnancy (and the resulting fetus) are discussed in terms normally reserved to natural catastrophes (force majeure). At times, the embryo is compared to cancer, a thief, or an invader: after all, they are both growths, clusters of cells. The difference, of course, is that no one contracts cancer willingly (except, to some extent, smokers --but, then they gamble, not contract).

When a woman engages in voluntary sex, does not use contraceptives and gets pregnant – one can say that she signed a contract with her fetus. A contract entails the demonstrated existence of a reasonably (and reasonable) free will. If the fulfillment of the obligations in a contract between individuals could be life-threatening – it is fair and safe to assume that no rational free will was involved. No reasonable person would sign or enter such a contract with another person (though most people would sign such contracts with society).

Judith Jarvis Thomson argued convincingly ("A Defence of Abortion") that pregnancies that are the result of forced sex (rape being a special case) or which are life threatening should or could, morally, be terminated. Using the transactional language: the contract was not entered to willingly or reasonably and, therefore, is null and void. Any actions which are intended to terminate it and to annul its consequences should be legally and morally permissible.

The same goes for a contract which was entered into against the express will of one of the parties and despite all the reasonable measures that the unwilling party adopted to prevent it. If a mother uses contraceptives in a manner intended to prevent pregnancy, it is as good as saying: " I do not want to sign this contract, I am doing my reasonable best not to sign it, if it is signed – it is contrary to my express will". There is little legal (or moral) doubt that such a contract should be voided.

Much more serious problems arise when we study the other party to these implicit agreements: the embryo. To start with, it lacks consciousness (in the sense that is needed for signing an enforceable and valid contract). Can a contract be valid even if one of the "signatories" lacks this sine qua non trait? In the absence of consciousness, there is little point in talking about free will (or rights which depend on sentience). So, is the contract not a contract at all? Does it not reflect the intentions of the parties?

The answer is in the negative. The contract between a mother and her fetus is derived from the larger Social Contract. Society – through its apparatuses – stands for the embryo the same way that it represents minors, the mentally retarded, and the insane. Society steps in – and has the recognized right and moral obligation to do so – whenever the powers of the parties to a contract (implicit or explicit) are not balanced. It protects small citizens from big monopolies, the physically weak from the thug, the tiny opposition from the mighty administration, the barely surviving radio station from the claws of the devouring state mechanism. It also has the right and obligation to intervene, intercede and represent the unconscious: this is why euthanasia is absolutely forbidden without the consent of the dying person. There is not much difference between the embryo and the comatose.

A typical contract states the rights of the parties. It assumes the existence of parties which are "moral personhoods" or "morally significant persons" – in other words, persons who are holders of rights and can demand from us to respect these rights. Contracts explicitly elaborate some of these rights and leaves others unmentioned because of the presumed existence of the Social Contract. The typical contract assumes that there is a social contract which applies to the parties to the contract and which is universally known and, therefore, implicitly incorporated in every contract. Thus, an explicit contract can deal with the property rights of a certain person, while neglecting to mention that person's rights to life, to free speech, to the enjoyment the fruits of his lawful property and, in general to a happy life.

There is little debate that the Mother is a morally significant person and that she is a rights-holder. All born humans are and, more so, all adults above a certain age. But what about the unborn fetus?

One approach is that the embryo has no rights until certain conditions are met and only upon their fulfillment is he transformed into a morally significant person ("moral agent"). Opinions differ as to what are the conditions. Rationality, or a morally meaningful and valued life are some of the oft cited criteria. The fallaciousness of this argument is easy to demonstrate: children are irrational – is this a licence to commit infanticide?

A second approach says that a person has the right to life because it desires it.

But then what about chronic depressives who wish to die – do we have the right to terminate their miserable lives? The good part of life (and, therefore, the differential and meaningful test) is in the experience itself – not in the desire to experience.

Another variant says that a person has the right to life because once his life is terminated – his experiences cease. So, how should we judge the right to life of someone who constantly endures bad experiences (and, as a result, harbors a death wish)? Should he better be "terminated"?

Having reviewed the above arguments and counter-arguments, Don Marquis goes on (in "Why Abortion is Immoral", 1989) to offer a sharper and more comprehensive criterion: terminating a life is morally wrong because a person has a future filled with value and meaning, similar to ours.

But the whole debate is unnecessary. There is no conflict between the rights of the mother and those of her fetus because there is never a conflict between parties to an agreement. By signing an agreement, the mother gave up some of her rights and limited the others. This is normal practice in contracts: they represent compromises, the optimization (and not the maximization) of the parties' rights and wishes. The rights of the fetus are an inseparable part of the contract which the mother signed voluntarily and reasonably. They are derived from the mother's behaviour. Getting willingly pregnant (or assuming the risk of getting pregnant by not using contraceptives reasonably) – is the behaviour which validates and ratifies a contract between her and the fetus. Many contracts are by behaviour, rather than by a signed piece of paper. Numerous contracts are verbal or behavioural. These contracts, though implicit, are as binding as any of their written, more explicit, brethren. Legally (and morally) the situation is crystal clear: the mother signed some of her rights away in this contract. Even if she regrets it – she cannot claim her rights back by annulling the contract unilaterally. No contract can be annulled this way – the consent of both parties is required. Many times we realize that we have entered a bad contract, but there is nothing much that we can do about it. These are the rules of the game.



Thus the two remaining questions: (a) can this specific contract (pregnancy) be annulled and, if so (b) in which circumstances – can be easily settled using modern contract law. Yes, a contract can be annulled and voided if signed under duress, involuntarily, by incompetent persons (e.g., the insane), or if one of the parties made a reasonable and full scale attempt to prevent its signature, thus expressing its clear will not to sign the contract. It is also terminated or voided if it would be unreasonable to expect one of the parties to see it through. Rape, contraception failure, life threatening situations are all such cases.

This could be argued against by saying that, in the case of economic hardship, for instance, the damage to the mother's future is certain. True, her value-filled, meaningful future is granted – but so is the detrimental effect that the fetus will have on it, once born. This certainty cannot be balanced by the UNCERTAIN value-filled future life of the embryo. Always, preferring an uncertain good to a certain evil is morally wrong. But surely this is a quantitative matter – not a qualitative one. Certain, limited aspects of the rest of the mother's life will be adversely effected (and can be ameliorated by society's helping hand and intervention) if she does have the baby. The decision not to have it is both qualitatively and quantitatively different. It is to deprive the unborn of all the aspects of all his future life – in which he might well have experienced happiness, values, and meaning.

The questions whether the fetus is a Being or a growth of cells, conscious in any manner, or utterly unconscious, able to value his life and to want them – are all but irrelevant. He has the potential to lead a happy, meaningful, value-filled life, similar to ours, very much as a one minute old baby does. The contract between him and his mother is a service provision contract. She provides him with goods and services that he requires in order to materialize his potential. It sounds very much like many other human contracts. And this contract continues well after pregnancy has ended and birth given.

Consider education: children do not appreciate its importance or value its potential – still, it is enforced upon them because we, who are capable of those feats, want them to have the tools that they will need in order to develop their potential. In this and many other respects, the human pregnancy continues well into the fourth year of life (physiologically it continues in to the second year of life - see "[Born Alien](#)"). Should the location of the pregnancy (in uterus, in vivo) determine its future? If a mother has the right to abort at will, why should the mother be denied her right to terminate the " pregnancy" AFTER the fetus emerges and the pregnancy continues OUTSIDE her womb? Even after birth, the woman's body is the main source of food to the baby and, in any case, she has to endure physical hardship to raise the child. Why not extend the woman's ownership of her body and right to it further in time and space to the post-natal period?

Contracts to provide goods and services (always at a personal cost to the provider) are the commonest of contracts. We open a business. We sell a software application, we publish a book – we engage in helping others to materialize their potential. We should always do so willingly and reasonably – otherwise the contracts that we sign will be null and void. But to deny anyone his capacity to materialize his potential and the goods and services that he needs to do so – after a valid contract was entered into - is immoral. To refuse to provide a service or to condition it provision (Mother: " I will provide the goods and services that I agreed to provide to this fetus under this contract only if and when I benefit from such provision") is a violation of the contract and should be penalized. Admittedly, at times we have a right to choose to do the immoral (because it has not been codified as illegal) – but that does not turn it into moral.

Still, not every immoral act involving the termination of life can be classified as murder. Phenomenology is deceiving: the acts look the same (cessation of life functions, the prevention of a future). But murder is the intentional termination of the life of a human who possesses, at the moment of death, a consciousness (and, in most cases, a free will, especially the will not to die). Abortion is the intentional termination of a life which has the potential to develop into a person with consciousness and free will. Philosophically, no identity can be established between potential and actuality. The destruction of paints and cloth is not tantamount (not to say identical) to the destruction of a painting by Van Gogh, made up of these very elements. Paints and cloth are converted to a painting through the intermediacy and agency of the Painter. A cluster of cells a human makes only through the agency of Nature.

Surely, the destruction of the painting materials constitutes an offence against the Painter. In the same way, the destruction of the fetus constitutes an offence against Nature. But there is no denying that in both cases, no finished product was eliminated. Naturally, this becomes less and less so (the severity of the terminating act increases) as the process of creation advances.

Classifying an abortion as murder poses numerous and insurmountable philosophical problems.

No one disputes the now common view that the main crime committed in aborting a pregnancy – is a crime against potentialities. If so, what is the philosophical difference between aborting a fetus and destroying a sperm and an egg? These two contain all the information (=all the potential) and their destruction is philosophically no less grave than the destruction of a fetus. The destruction of an egg and a sperm is even more serious philosophically: the creation of a fetus limits the set of all potentials embedded in the genetic material to the one fetus created. The egg and sperm can be compared to the famous wave function (state vector) in quantum mechanics – they represent millions of potential final states (=millions of potential embryos and lives). The fetus is the collapse of the wave function: it represents a much more limited set of potentials. If killing an embryo is murder because of the elimination of potentials – how should we consider the intentional elimination of many more potentials through masturbation and contraception?

The argument that it is difficult to say which sperm cell will impregnate the egg is not serious. Biologically, it does not matter – they all carry the same genetic content. Moreover, would this counter-argument still hold if, in future, we were able to identify the chosen one and eliminate only it? In many religions (Catholicism) contraception is murder. In Judaism, masturbation is "the corruption of the seed" and such a serious offence that it is punishable by the strongest religious penalty: eternal ex-communication ("Karet").

If abortion is indeed murder how should we resolve the following moral dilemmas and questions (some of them patently absurd):

Is a natural abortion the equivalent of manslaughter (through negligence)?

Do habits like smoking, drug addiction, vegetarianism – infringe upon the right to life of the embryo? Do they constitute a violation of the contract?

Reductio ad absurdum: if, in the far future, research will unequivocally prove that listening to a certain kind of music or entertaining certain thoughts seriously hampers the embryonic development – should we apply censorship to the Mother?

Should force majeure clauses be introduced to the Mother-Embryo pregnancy contract? Will they give the mother the right to cancel the contract? Will the embryo have a right to terminate the contract? Should the asymmetry persist: the Mother will have no right to terminate – but the embryo will, or vice versa?

Being a rights holder, can the embryo (=the State) litigate against his Mother or Third Parties (the doctor that aborted him, someone who hit his mother and brought about a natural abortion) even after he died?

Should anyone who knows about an abortion be considered an accomplice to murder?

If abortion is murder – why punish it so mildly? Why is there a debate regarding this question? "Thou shalt not kill" is a natural law, it appears in virtually every legal system. It is easily and immediately identifiable. The fact that abortion does not "enjoy" the same legal and moral treatment says a lot.

*In Our Own Image*  
*The Debate about Cloning*

By: [Dr. Sam Vaknin](#)

There are two types of cloning. One involves harvesting stem cells from embryos ("therapeutic cloning"). These are the biological equivalent of a template. They can develop into any kind of mature functional cell and thus help cure many degenerative and auto-immune diseases.

The other kind of cloning is much derided in popular culture - and elsewhere - as the harbinger of a Brave, New World. A nucleus from any cell of a donor is embedded in an egg whose own nucleus has been removed. The egg is then implanted in a woman's womb and a cloned baby is born nine months later. Biologically, the cloned infant is a replica of the donor.

Cloning is often confused with other advances in bio-medicine and bio-engineering - such as genetic selection. It cannot - in itself - be used to produce "perfect humans" or select sex or other traits. Hence, some of the arguments against cloning are either specious or fuelled by ignorance.

It is true, though, that cloning, used in conjunction with other bio-technologies, raises serious bio-ethical questions.

Scare scenarios of humans cultivated in sinister labs as sources of spare body parts, "designer babies", "master races", or "genetic sex slaves" - formerly the preserve of B sci-fi movies - have invaded mainstream discourse.

Still, cloning touches upon Mankind's most basic fears and hopes. It invokes the most intractable ethical and moral dilemmas. As an inevitable result, the debate is often more passionate than informed.

### **Right to Life Arguments**

According to cloning's detractors, the nucleus removed from the egg could otherwise have developed into a human being. Thus, removing the nucleus amounts to murder.

It is a fundamental principle of most moral theories that all human beings have a right to life. The existence of a right implies obligations or duties of third parties towards the right-holder. One has a right AGAINST other people. The fact that one possesses a certain right - prescribes to others certain obligatory behaviours and proscribes certain acts or omissions. This Janus-like nature of rights and duties as two sides of the same ethical coin - creates great confusion. People often and easily confuse rights and their attendant duties or obligations with the morally decent, or even with the morally permissible. What one MUST do as a result of another's right - should never be confused with one SHOULD or OUGHT to do morally (in the absence of a right).



### **But is the egg - alive?**

This question is NOT equivalent to the ancient quandary of "when does life begin". Life crystallizes, at the earliest, when an egg and a sperm unite (i.e., at the moment of fertilization). Life is not a potential - it is a process triggered by an event. An unfertilized egg is neither a process - nor an event. It does not even possess the potential to become alive unless and until it merges with a sperm. Should such merger not occur - it will never develop life.

The potential to become X is not the ontological equivalent of actually being X, nor does it spawn moral and ethical rights and obligations pertaining to X. The transition from potential to being is not trivial, nor is it automatic, or inevitable, or independent of context. Atoms of various elements have the potential to become an egg (or, for that matter, a human being) - yet no one would claim that they ARE an egg (or a human being), or that they should be treated as one (i.e., with the same rights and obligations).

Moreover, it is the donor nucleus embedded in the egg that endows it with life - the life of the cloned baby. Yet, the nucleus is usually extracted from a muscle or the skin. Should we treat a muscle or a skin cell with the same reverence the critics of cloning wish to accord an unfertilized egg?

### **Is this the main concern?**

The main concern is that cloning - even the therapeutic kind - will produce piles of embryos. Many of them - close to 95% with current biotechnology - will die. Others can be surreptitiously and illegally implanted in the wombs of "surrogate mothers".

It is patently immoral, goes the precautionary argument, to kill so many embryos. Cloning is such a novel technique that its success rate is still unacceptably low. There are alternative ways to harvest stem cells - less costly in terms of human life. If we accept that life begins at the moment of fertilization, this argument is valid. But it also implies that - once cloning becomes safer and scientists more adept - cloning itself should be permitted.

This is anathema to those who fear a slippery slope. They abhor the very notion of "unnatural" conception. To them, cloning is a [narcissistic act](#) and an ignorant and dangerous interference in nature's sagacious ways. They would ban procreative cloning, regardless of how safe it is. Therapeutic cloning - with its mounds of discarded fetuses - will allow rogue scientists to cross the boundary between permissible (curative cloning) and illegal (baby cloning).

### **Why should Baby Cloning be Illegal?**

Cloning's opponents object to procreative cloning because it can be abused to design babies, skew natural selection, unbalance nature, produce masters and slaves and so on. The "argument from abuse" has been raised with every scientific advance - from in vitro fertilization to space travel.

Every technology can be potentially abused. Television can be either a wonderful educational tool - or an addictive and mind numbing pastime. Nuclear fission is a process that yields both nuclear weapons and atomic energy. To claim, as many do, that cloning touches upon the "heart" of our existence, the "kernel" of our being, the very "essence" of our nature - and thus threatens life itself - would be incorrect.

There is no "privileged" form of technological abuse and no hierarchy of potentially abusive technologies. Nuclear fission tackles natural processes as fundamental as life. Nuclear weapons threaten life no less than cloning. The potential for abuse is not a sufficient reason to arrest scientific research and progress - though it is a necessary condition.

Some fear that cloning will further the government's enmeshment in the healthcare system and in scientific research. Power corrupts and it is not inconceivable that governments will ultimately abuse and misuse cloning and other biotechnologies. Nazi Germany had a state-sponsored and state-mandated eugenics program in the 1930's.

Yet, this is another variant of the argument from abuse. That a technology can be abused by governments does not imply that it should be avoided or remain undeveloped. This is because all technologies - without a single exception - can and are abused routinely - by governments and others. This is human nature.

Fukuyama raised the possibility of a multi-tiered humanity in which "natural" and "genetically modified" people enjoy different rights and privileges. But why is this inevitable? Surely this can easily be tackled by proper, prophylactic, legislation?

All humans, regardless of their pre-natal history, should be treated equally. Are children currently conceived in vitro treated any differently to children conceived in utero? They are not. There is no reason that cloned or genetically-modified children should belong to distinct legal classes.

### **Unbalancing Nature**

It is very anthropocentric to argue that the proliferation of genetically enhanced or genetically selected children will somehow unbalance nature and destabilize the precarious equilibrium it maintains. After all, humans have been modifying, enhancing, and eliminating hundreds of thousands of species for well over 10,000 years now. Genetic modification and bio-engineering are as natural as agriculture. Human beings are a part of nature and its manifestation. By definition, everything they do is natural.

Why would the genetic alteration or enhancement of one more species - homo sapiens - be of any consequence? In what way are humans "more important" to nature, or "more crucial" to its proper functioning? In our short history on this planet, we have genetically modified and enhanced wheat and rice, dogs and cows, tulips and orchids, oranges and potatoes. Why would interfering with the genetic legacy of the human species be any different?

## Effects on Society

Cloning - like the Internet, the television, the car, electricity, the telegraph, and the wheel before it - is bound to have great social consequences. It may foster "embryo industries". It may lead to the exploitation of women - either willingly ("egg prostitution") or unwillingly ("womb slavery"). Charles Krauthammer, a columnist and psychiatrist, quoted in "The Economist", says:

"(Cloning) means the routinisation, the commercialisation, the commodification of the human embryo".

Exploiting anyone unwillingly is a crime, whether it involves cloning or white slavery. But why would egg donations and surrogate motherhood be considered problems? If we accept that life begins at the moment of fertilization and that a woman owns her body and everything within it - why should she not be allowed to sell her eggs or to host another's baby and how would these voluntary acts be morally repugnant? In any case, human eggs are already being bought and sold and the supply far exceeds the demand.

Moreover, full-fledged humans are routinely "routinised, commercialized, and commodified" by governments, corporations, religions, and other social institutions. Consider war, for instance - or commercial advertising. How is the "routinisation, commercialization, and commodification" of embryos more reprehensible than the "routinisation, commercialization, and commodification" of fully formed human beings?

## **Curing and Saving Life**

Cell therapy based on stem cells often leads to tissue rejection and necessitates costly and potentially dangerous immunosuppressive therapy. But when the stem cells are harvested from the patient himself and cloned, these problems are averted. Therapeutic cloning has vast untapped - though at this stage still remote - potential to improve the lives of hundreds of millions.

As far as "designer babies" go, pre-natal cloning and genetic engineering can be used to prevent disease or cure it, to suppress unwanted traits, and to enhance desired ones. It is the moral right of a parent to make sure that his progeny suffers less, enjoys life more, and attains the maximal level of welfare throughout his or her life.

That such technologies can be abused by over-zealous, or mentally unhealthy parents in collaboration with avaricious or unscrupulous doctors - should not prevent the vast majority of stable, caring, and sane parents from gaining access to them.

# *Ethical Relativism and Absolute Taboos*

By: [Dr. Sam Vaknin](#)

## [I. Taboos](#)

## [II. Incest](#)

## [III. Suicide](#)

## [IV. Race](#)

## [V. Moral Relativism](#)

### *I. Taboos*

Taboos regulate our sexual conduct, race relations, political institutions, and economic mechanisms - virtually every realm of our life. According to the 2002 edition of the "Encyclopedia Britannica", they are "the prohibition of an action or the use of an object based on ritualistic distinctions of them either as being sacred and consecrated or as being dangerous, unclean, and accursed."

Jews are instructed to ritually cleanse themselves after having been in contact with a Torah scroll - or a corpse. This association of the sacred with the accursed and the holy with the depraved is the key to the guilt and sense of danger which accompany the violation of a taboo.

In Polynesia, where the term originated, "taboos could include prohibitions on fishing or picking fruit at certain seasons; food taboos that restrict the diet of pregnant women; prohibitions on talking to or touching chiefs or members of other high social classes; taboos on walking or traveling in certain areas, such as forests; and various taboos that function during important life events such as birth, marriage, and death."

Political correctness is a particularly pernicious kind of taboo enforcement. It entails an all-pervasive self-censorship coupled with social sanctions. Consider the treatment of the [right to life](#), [incest](#), [suicide](#), and [race](#).

## ***II. Incest***

In contemporary thought, incest is invariably associated with child abuse and its horrific, long-lasting, and often irreversible consequences. But incest is far from being the clear-cut or monolithic issue that millennia of taboo imply. Incest with minors is a private - and particularly egregious - case of pedophilia or statutory rape. It should be dealt with forcefully. But incest covers much more besides these criminal acts.

Incest is the ethical and legal prohibition to have sex with a related person or to marry him or her - even if the people involved are consenting and fully informed adults. Contrary to popular mythology, banning incest has little to do with the fear of genetic diseases. Even genetically unrelated parties (a stepfather and a stepdaughter) can commit incest.



Incest is also forbidden between fictive kin or classificatory kin (that belong to the same matriline or patriline). In certain societies (certain Native American tribes, or the Chinese) it is sufficient to carry the same family name (i.e., to belong to the same clan) to render a relationship incestuous. Clearly, eugenic considerations have little to do with incest.

Moreover, the use of contraceptives means that incest does not need to result in pregnancy and the transmission of genetic material. Inbreeding (endogamous) or straightforward incest is the norm in many life forms, even among primates (e.g., chimpanzees). It was also quite common until recently in certain human societies - the Hindus, for instance, or many Native American tribes, and royal families everywhere.

Nor is the taboo universal. In some societies, incest is mandatory or prohibited, according to one's social class (Bali). In others, the Royal House started a tradition of incestuous marriages, later emulated by the lower classes (Ancient Egypt). The list is long and it serves to demonstrate the diversity of attitudes towards this most universal practice.

The more primitive and aggressive the society, the more strict and elaborate the set of incest prohibitions and the fiercer the penalties for their violation. The reason may be economic. Incest interferes with rigid algorithms of inheritance in conditions of extreme scarcity (for instance, of land and water) and consequently leads to survival-threatening internecine disputes.

Freud said that incest provokes horror because it touches upon our forbidden, ambivalent sexual cravings and aggression towards members of our close family. Westermarck held that "familiarity breeds repulsion" and that the incest taboo - rather than counter inbred instincts - simply reflects emotional reality. Both ignored the fact that the incest taboo is learned - not inherent.

We can easily imagine a society where incest is extolled, taught, and practiced - and out-breeding is regarded with horror and revulsion. The incestuous marriages among members of the royal households of Europe were intended to preserve the familial property and expand the clan's territory. They were normative, not aberrant. Marrying an outsider was considered abhorrent.

### ***III. Suicide***

Self-sacrifice, avoidable martyrdom, engaging in life risking activities, refusal to prolong one's life through medical treatment, euthanasia, overdosing, and self-destruction that is the result of coercion - are all closely related to suicide. They all involve a deliberately self-inflicted death.

But while suicide is chiefly intended to terminate a life – the other acts are aimed at perpetuating, strengthening, and defending values or other people. Many are appalled by the choice implied in suicide - of death over life. They feel that it demeans life - i.e., abnegates its meaning.

Life's meaning - the outcome of active selection by the individual - is either external (i.e., God's plan) or internal (i.e., the outcome of an arbitrary frame of reference).

Our life is rendered meaningful only by integrating into an eternal thing, process, design, or being. Suicide makes life trivial because the act is not natural - not part of the eternal framework, the undying process, the timeless cycle of birth and death. Suicide is a break with eternity.

Sidgwick said that only conscious (i.e., intelligent) beings can appreciate values and meanings. So, life is significant to conscious, intelligent, though finite, beings - because it is a part of some eternal goal, plan, process, thing, design, or being. Suicide flies in the face of Sidgwick's dictum. It is a statement by an intelligent and conscious being about the meaninglessness of life.

If suicide is a statement, than society, in this case, is against the freedom of expression. In the case of suicide, free speech dissonantly clashes with the sanctity of a meaningful life. To rid itself of the anxiety brought on by this conflict, society cast suicide as a depraved or even criminal act and its perpetrators are much castigated.

The suicide violates not only the social contract - but, many will add, covenants with God or nature. Thomas Aquinas said that - since organisms strive to survive - suicide is an unnatural act. Moreover, it adversely affects the community and violates the property rights of God, the imputed owner of one's spirit. Christianity regards the immortal soul as a gift and, in Jewish writings, it is a deposit. Suicide amounts to the abuse or misuse of God's possessions, temporarily lodged in a corporeal mansion.

This paternalism was propagated, centuries later, by Blackstone, the codifier of British Law. Suicide - being self-murder - is a grave felony, which the state has a right to prevent and to punish for.

In certain countries this still is the case. In Israel, for instance, a soldier is considered to be "military property" and an attempted suicide is severely punished as "a corruption of a army chattel".

Paternalism, a malignant mutation of benevolence, is about objectifying people and treating them as possessions. Even fully-informed and consenting adults are not granted full, unmitigated autonomy, freedom, and privacy. This tends to breed "victimless crimes". The "culprits" - gamblers, homosexuals, communists, suicides, drug addicts, alcoholics, prostitutes – are "protected from themselves" by an intrusive nanny state.

The possession of a right creates a corresponding obligation not to act to frustrate its exercise. Suicide is often the choice of a mentally and legally competent adult. Life is such a basic and deep set phenomenon that even the incompetents - the mentally retarded or mentally insane or minors - can fully gauge its significance and make "informed" decisions, in my view.

The paternalists claim counterfactually that no competent adult "in his right mind" will ever decide to commit suicide. They cite the cases of suicides who survived and felt very happy that they have - as a compelling reason to intervene. But we all make irreversible decisions for which, sometimes, we are sorry. It gives no one the right to interfere.

Paternalism is a slippery slope. Should the state be allowed to prevent the birth of a genetically defective child or forbid his parents to marry in the first place?

Should unhealthy adults be forced to abstain from smoking, or steer clear from alcohol? Should they be coerced to exercise?

Suicide is subject to a double moral standard. People are permitted - nay, encouraged - to sacrifice their life only in certain, socially sanctioned, ways. To die on the battlefield or in defense of one's religion is commendable. This hypocrisy reveals how power structures - the state, institutional religion, political parties, national movements - aim to monopolize the lives of citizens and adherents to do with as they see fit. Suicide threatens this monopoly. Hence the taboo.

#### ***IV. Race***

Social Darwinism, sociobiology, and, nowadays, evolutionary psychology are all derided and disparaged because they try to prove that nature - more specifically, our genes - determine our traits, our accomplishments, our behavior patterns, our social status, and, in many ways, our destiny. Our upbringing and our environment change little. They simply select from ingrained libraries embedded in our brain.

Moreover, the discussion of race and race relations is tainted by a history of recurrent ethnocide and genocide and thwarted by the dogma of egalitarianism. The (legitimate) question "are all races equal" thus becomes a private case of the (no less legitimate) "are all men equal". To ask "can races co-exist peacefully" is thus to embark on the slippery slope to slavery and Auschwitz. These historical echoes and the overweening imposition of political correctness prevent any meaningful - let alone scientific - discourse.

The irony is that "race" - or at least race as determined by skin color - is a distinctly unscientific concept, concerned more with appearances (i.e., the color of one's skin, the shape of one's head or hair), common history, and social politics - than with heredity. Most human classificatory traits are not concordant. Different taxonomic criteria conjure up different "races". IQ is a similarly contentious construct, although it is stable and does predict academic achievement effectively.

Thus, racist-sounding claims are as unfounded as claims about racial equality. Still, while the former are treated as an abomination - the latter are accorded academic respectability and scientific scrutiny.

Consider these two hypotheses:

I. That the IQ (or any other measurable trait) of a given race or ethnic group is hereditarily determined (i.e., that skin color and IQ - or another measurable trait - are concordant) and is strongly correlated with certain types of behavior, life accomplishments, and social status.

II. That the IQ (or any other quantifiable trait) of a given race or "ethnic group" is the outcome of social and economic circumstances and even if strongly correlated with behavior patterns, academic or other achievements, and social status - which is disputable - is amenable to "social engineering".

Both theories are falsifiable and both deserve serious, unbiased, study. That we choose to ignore the first and substantiate the second demonstrates the pernicious and corrupting effect of political correctness.

Claims of the type "trait A and trait B are concordant" should be investigated by scientists, regardless of how politically incorrect they are. Not so claims of the type "people with trait A are ..." or "people with trait A do ...". These should be decried as racist tripe.

Thus the statement "The traits of being an Ashkenazi Jew (A) and suffering from Tay-Sachs induced idiocy (B) are concordant" is true 1 of every 2500 times.

The statements "people who are Jews (i.e., with trait A) are (narcissists)", or "people who are Jews (i.e., with trait A) do this: they drink the blood of innocent Christian children during the Passover rites" - are vile racist and paranoid statements.

People are not created equal. Human diversity - a taboo topic - is a cause for celebration. It is important to study and ascertain what are the respective contributions of nature and nurture to the way people - individuals and groups - grow, develop, and mature. In the pursuit of this invaluable and essential knowledge, taboos are dangerously counter-productive.

#### ***V. Moral Relativism***

Protagoras, the Greek Sophist, was the first to notice that ethical codes are culture-dependent and vary in different societies, economies, and geographies. The pragmatist believe that what is right is merely what society thinks is right at any given moment. Good and evil are not immutable. No moral principle - and taboos are moral principles - is universally and eternally true and valid. Morality applies within cultures but not across them.

But ethical or cultural relativism and the various schools of pragmatism ignore the fact that certain ethical percepts - probably grounded in human nature - do appear to be universal and ancient, if not eternal. Fairness, veracity, keeping promises, moral hierarchy - permeate all the cultures we have come to know. Nor can certain moral tenets be explained away as mere expressions of emotions or behavioral prescriptions - devoid of cognitive content, logic, and a relatedness to certain facts.

Still, it is easy to prove that most taboos are, indeed, relative. Incest, suicide, feticide, infanticide, parricide, ethnocide, genocide, genital mutilation, social castes, and adultery are normative in certain cultures - and strictly proscribed in others. Taboos are pragmatic moral principles. They derive their validity from their efficacy. They are observed because they work, because they yield solutions and provide results. They disappear or are transformed when no longer useful.

Incest is likely to be tolerated in a world with limited possibilities for procreation. Suicide is bound to be encouraged in a society suffering from extreme scarcity of resources and over-population. Ethnocentrism, racism and xenophobia will inevitably rear their ugly heads again in anomic circumstances. None of these taboos is unassailable.

None of them reflects some objective truth, independent of culture and circumstances. They are convenient conventions, workable principles, and regulatory mechanisms - nothing more. That scholars are frantically trying to convince us otherwise - or to exclude such a discussion altogether - is a sign of the growing disintegration of our weakening society.



## *The Merits of Stereotypes*

By: [Dr. Sam Vaknin](#)

*Also Read:*

[\*The Science of Superstitions\*](#)

*The trouble with people is not that they don't know but that they know so much that ain't so.*

*-- Henry Wheeler Shaw*

Do stereotypes usefully represent real knowledge or merely reflect counter-productive prejudice?

Stereotypes invariably refer in a generalized manner to - often arbitrary - groups of people, usually minorities. Stereotypes need not necessarily be derogatory or cautionary, though most of them are. The "noble savage" and the "wild savage" are both stereotypes. Indians in movies, note Ralph and Natasha Friar in their work titled "The Only Good Indian - The Hollywood Gospel" (1972) are overwhelmingly drunken, treacherous, unreliable, and childlike. Still, some of them are as portrayed as unrealistically "good".

But alcoholism among Native Americans - especially those crammed into reservations - is, indeed, more prevalent than among the general population. The stereotype conveys true and useful information about inebriation among Indians. Could its other descriptors be equally accurate?

It is hard to unambiguously define, let alone quantify, traits. At which point does self-centeredness become egotism or the pursuit of self-interest - treachery? What precisely constitutes childlike behavior? Some types of research cannot even be attempted due to the stifling censorship of political correctness. Endeavoring to answer a simple question like: "Do blacks in America really possess lower IQ's and, if so, is this deficiency hereditary?" has landed many an American academic beyond the pale.

The two most castigated aspects of stereotypes are their generality and their prejudice. Implied in both criticisms is a lack of veracity and rigor of stereotypes. Yet, there is nothing wrong with generalizations per se. Science is constructed on such abstractions from private case to general rule. In historiography we discuss "the Romans" or "ancient Greeks" and characterize them as a group. "Nazi Germany", "Communist Russia", and "Revolutionary France" are all forms of groupspeak.

In an essay titled "Helping Students Understand Stereotyping" and published in the April 2001 issue of "Education Digest", Carlos Cortes suggest three differences between "group generalizations" and "stereotypes":

"Group generalizations are flexible and permeable to new, countervailing, knowledge - ideas, interpretations, and information that challenge or undermine current beliefs. Stereotypes are rigid and resistant to change even in the face of compelling new evidence.

Second, group generalizations incorporate intragroup heterogeneity while stereotypes foster intragroup homogeneity. Group generalizations embrace diversity - "there are many kinds of Jews, tall and short, mean and generous, clever and stupid, black and white, rich and poor". Stereotypes cast certain individuals as exceptions or deviants - "though you are Jewish, you don't behave as a Jew would, you are different".

Finally, while generalizations provide mere clues about group culture and behavior - stereotypes purport to proffer immutable rules applicable to all the members of the group. "Stereotypes develop easily, rigidify surreptitiously, and operate reflexively, providing simple, comfortable, convenient bases for making personal sense of the world. Because generalizations require greater attention, content flexibility, and nuance in application, they do not provide a stereotype's security blanket of permanent, inviolate, all-encompassing, perfectly reliable group knowledge."

It is commonly believed that stereotypes form the core of racism, sexism, homophobia, and other forms of xenophobia. Stereotypes, goes the refrain, determine the content and thrust of prejudices and propel their advocates to take action against minorities. There is a direct lineage, it is commonly held, between typecasting and lynching.

It is also claimed that pigeonholing reduces the quality of life, lowers the expectations, and curbs the accomplishments of its victims. The glass ceiling and the brass ceiling are pernicious phenomena engendered by stereotypes. The fate of many social policy issues - such as affirmative action, immigration quotas, police profiling, and gay service in the military - is determined by stereotypes rather than through informed opinion.

USA Today Magazine reported the findings of a survey of 1000 girls in grades three to twelve conducted by Harris Interactive for "Girls". Roughly half the respondents thought that boys and girls have the same abilities - compared to less than one third of boys. A small majority of the girls felt that "people think we are only interested in love and romance".

Somewhat less than two thirds of the girls were told not to brag about things they do well and were expected to spend the bulk of their time on housework and taking care of younger children. Stereotypical thinking had a practical effect: girls who believe that they are as able as boys and face the same opportunities are way more likely to plan to go to college.

But do boys and girls have the same abilities? Absolutely not. Boys are better at spatial orientation and math. Girls are better at emotions and relationships. And do girls face the same opportunities as boys? It would be perplexing if they did, taking into account physiological, cognitive, emotional, and reproductive disparities - not to mention historical and cultural handicaps. It boils down to this politically incorrect statement: girls are not boys and never will be.

Still, there is a long stretch from "girls are not boys" to "girls are inferior to boys" and thence to "girls should be discriminated against or confined". Much separates stereotypes and generalizations from discriminatory practice.

Discrimination prevails against races, genders, religions, people with alternative lifestyles or sexual preferences, ethnic groups, the poor, the rich, professionals, and any other conceivable minority. It has little to do with stereotypes and a lot to do with societal and economic power matrices. Granted, most racists typecast blacks and Indians, Jews and Latinos. But typecasting in itself does not amount to racism, nor does it inevitably lead to discriminatory conduct.

In a multi-annual study titled "Economic Insecurity, Prejudicial Stereotypes, and Public Opinion on Immigration Policy", published by the Political Science Quarterly, the authors Peter Burns and James Gimpel substantiated the hypothesis that "economic self-interest and symbolic prejudice have often been treated as rival explanations for attitudes on a wide variety of issues, but it is plausible that they are complementary on an issue such as immigration. This would be the case if prejudice were caused, at least partly, by economic insecurity."

A long list of scholarly papers demonstrate how racism - especially among the dispossessed, dislocated, and low-skilled - surges during times of economic hardship or social transition. Often there is a confluence of long-established racial and ethnic stereotypes with a growing sense of economic insecurity and social dislocation.

"Social Identity Theory" tells us that stereotypical prejudice is a form of [compensatory narcissism](#). The acts of berating, demeaning, denigrating, and debasing others serve to enhance the perpetrators' self-esteem and regulate their labile sense of self-worth. It is vicarious "pride by proxy" - belonging to an "elite" group bestows superiority on all its members. Not surprisingly, education has some positive influence on racist attitudes and political ideology.

Having been entangled - sometimes unjustly - with bigotry and intolerance, the merits of stereotypes have often been overlooked.

In an age of information overload, "nutshell" stereotypes encapsulate information compactly and efficiently and thus possess an undeniable survival value. Admittedly, many stereotypes are self-reinforcing, self-fulfilling prophecies. A young black man confronted by a white supremacist may well respond violently and an Hispanic, unable to find a job, may end up in a street gang.

But this recursiveness does not detract from the usefulness of stereotypes as "reality tests" and serviceable prognosticators. Blacks do commit crimes over and above their proportion in the general population. Though stereotypical in the extreme, it is a useful fact to know and act upon. Hence racial profiling.

Stereotypes - like fables - are often constructed around middle class morality and are prescriptive. They split the world into the irredeemably bad - the other, blacks, Jews,

Hispanics, women, gay - and the flawlessly good, we, the purveyors of the stereotype. While expressly unrealistic, the stereotype teaches "what not to be" and "how not to behave". A by-product of this primitive rendition is segregation.

A large body of scholarship shows that proximity and familiarity actually polarize rather than ameliorate inter-ethnic and inter-racial tensions. Stereotypes minimize friction and violence by keeping minorities and the majority apart. Venting and vaunting substitute for vandalizing and worse. In time, as erstwhile minorities are gradually assimilated and new ones emerge, conflict is averted.

Moreover, though they frequently reflect underlying deleterious emotions - such as rage or envy - not all stereotypes are negative. Blacks are supposed to have superior musical and athletic skills. Jews are thought to be brainier in science and shrewder in business. Hispanics uphold family values and ethnic cohesion. Gays are sensitive and compassionate. And negative stereotypes are attached even to positive social roles - athletes are dumb and violent, soldiers inflexible and programmed.

Stereotypes are selective filters. Supporting data is hoarded and information to the contrary is ignored. One way to shape stereotypes into effective coping strategies is to bombard their devotees with "exceptions", contexts, and alternative reasoning.

Blacks are good athletes because sports is one of the few egalitarian career paths open to them. Jews, historically excluded from all professions, crowded into science and business and specialized. If gays are indeed more sensitive or caring than the average perhaps it is because they have been repressed and persecuted for so long. Athletes are not prone to violence - violent athletes simply end up on TV more often. And soldiers have to act reflexively to survive in battle.

There is nothing wrong with stereotypes if they are embedded in reality and promote the understanding of social and historical processes. Western, multi-ethnic, pluralistic civilization celebrates diversity and the uniqueness and distinctiveness of its components. Stereotypes merely acknowledge this variety.

USA Today Magazine reported in January a survey of 800 adults, conducted last year by social psychology professors Amanda Diekman of Purdue University and Alice Eagly of Northwestern University. They found that far from being rigid and biased, stereotypes regarding the personality traits of men and women have changed dramatically to accurately reflect evolving gender roles.

Diekman noted that "women are perceived as having become much more assertive, independent, and competitive over the years ... Our respondents - whether they were old enough to have witnessed it or not - recognized the role change that occurred when women began working outside the home in large numbers and the necessity of adopting characteristics that equip them to be breadwinners."



## *The Happiness of Others*

By: [Dr. Sam Vaknin](#)

Is there any necessary connection between our actions and the happiness of others? Disregarding for a moment the murkiness of the definitions of "actions" in philosophical literature - two types of answers were hitherto provided.

Sentient Beings (referred to, in this essay, as "Humans" or "persons") seem either to limit each other - or to enhance each other's actions. Mutual limitation is, for instance, evident in game theory. It deals with decision outcomes when all the rational "players" are fully aware of both the outcomes of their actions and of what they prefer these outcomes to be. They are also fully informed about the other players: they know that they are rational, too, for instance. This, of course, is a very farfetched idealization. A state of unbounded information is nowhere and never to be found. Still, in most cases, the players settle down to one of the Nash equilibria solutions. Their actions are constrained by the existence of the others.

The "Hidden Hand" of Adam Smith (which, among other things, benignly and optimally regulates the market and the price mechanisms) - is also a "mutually limiting" model. Numerous single participants strive to maximize their (economic and financial) outcomes - and end up merely optimizing them.

The reason lies in the existence of others within the "market". Again, they are constrained by other people's motivations, priorities and, above all, actions.

All the consequentialist theories of ethics deal with mutual enhancement. This is especially true of the Utilitarian variety. Acts (whether judged individually or in conformity to a set of rules) are moral, if their outcome increases utility (also known as happiness or pleasure). They are morally obligatory if they maximize utility and no alternative course of action can do so. Other versions talk about an "increase" in utility rather than its maximization. Still, the principle is simple: for an act to be judged "moral, ethical, virtuous, or good" - it must influence others in a way which will "enhance" and increase their happiness.

The flaws in all the above answers are evident and have been explored at length in the literature. The assumptions are dubious (fully informed participants, rationality in decision making and in prioritizing the outcomes, etc.). All the answers are instrumental and quantitative: they strive to offer a moral measuring rod. An "increase" entails the measurement of two states: before and after the act. Moreover, it demands full knowledge of the world and a type of knowledge so intimate, so private - that it is not even sure that the players themselves have conscious access to it. Who goes around equipped with an exhaustive list of his priorities and another list of all the possible outcomes of all the acts that he may commit?

But there is another, basic flaw: these answers are descriptive, observational, phenomenological in the restrictive sense of these words. The motives, the drives, the urges, the whole psychological landscape behind the act are deemed irrelevant. The only thing relevant is the increase in utility/happiness. If the latter is achieved - the former might as well not have existed. A computer, which increases happiness is morally equivalent to a person who achieves a quantitatively similar effect. Even worse: two persons acting out of different motives (one malicious and one benevolent) will be judged to be morally equivalent if their acts were to increase happiness similarly.

But, in life, an increase in utility or happiness or pleasure is **CONDITIONED** upon, is the **RESULT** of the motives behind the acts that led to it. Put differently: the utility functions of two acts depend decisively on the motivation, drive, or urge behind them. The process, which leads to the act is an inseparable part of the act and of its outcomes, including the outcomes in terms of the subsequent increase in utility or happiness. We can safely distinguish the "utility contaminated" act from the "utility pure (or ideal)" act.

If a person does something which is supposed to increase the overall utility - but does so in order to increase his own utility more than the expected average utility increase - the resulting increase will be lower. The maximum utility increase is achieved overall when the actor forgoes all increase in his personal utility. It seems that there is a constant of utility increase and a conservation law pertaining to it.

So that a disproportionate increase in one's personal utility translates into a decrease in the overall average utility. It is not a zero sum game because of the infiniteness of the potential increase - but the rules of distribution of the utility added after the act, seem to dictate an averaging of the increase in order to maximize the result.

The same pitfalls await these observations as did the previous ones. The players must be in the possession of full information at least regarding the motivation of the other players. "Why is he doing this?" and "why did he do what he did?" are not questions confined to the criminal courts. We all want to understand the "why's" of actions long before we engage in utilitarian calculations of increased utility. This also seems to be the source of many an emotional reaction concerning human actions. We are envious because we think that the utility increase was unevenly divided (when adjusted for efforts invested and for the prevailing cultural mores). We suspect outcomes that are "too good to be true". Actually, this very sentence proves my point: that even if something produces an increase in overall happiness it will be considered morally dubious if the motivation behind it remains unclear or seems to be irrational or culturally deviant.

Two types of information are, therefore, always needed: one (discussed above) concerns the motives of the main protagonists, the act-ors. The second type relates to the world. Full knowledge about the world is also a necessity: the causal chains (actions lead to outcomes), what increases the overall utility or happiness and for whom, etc.

To assume that all the participants in an interaction possess this tremendous amount of information is an idealization (used also in modern theories of economy), should be regarded as such and not be confused with reality in which people approximate, estimate, extrapolate and evaluate based on a much more limited knowledge.

Two examples come to mind:

Aristotle described the "Great Soul". It is a virtuous agent (actor, player) that judges himself to be possessed of a great soul (in a self-referential evaluative disposition). He has the right measure of his worth and he courts the appreciation of his peers (but not of his inferiors) which he believes that he deserves by virtue of being virtuous. He has a dignity of demeanour, which is also very self-conscious. He is, in short, magnanimous (for instance, he forgives his enemies their offences). He seems to be the classical case of a happiness-increasing agent - but he is not. And the reason that he fails in qualifying as such is that his motives are suspect. Does he refrain from assaulting his enemies because of charity and generosity of spirit - or because it is likely to dent his pomposity? It is sufficient that a POSSIBLE different motive exist - to ruin the utilitarian outcome.

Adam Smith, on the other hand, adopted the spectator theory of his teacher Francis Hutcheson. The morally good is a euphemism. It is really the name provided to the pleasure, which a spectator derives from seeing a virtue in action. Smith added that the reason for this emotion is the similarity between the virtue observed in the agent and the virtue possessed by the observer.

It is of a moral nature because of the object involved: the agent tries to consciously conform to standards of behaviour which will not harm the innocent, while, simultaneously benefiting himself, his family and his friends. This, in turn, will benefit society as a whole. Such a person is likely to be grateful to his benefactors and sustain the chain of virtue by reciprocating. The chain of good will, thus, endlessly multiply.

Even here, we see that the question of motive and psychology is of utmost importance. WHY is the agent doing what he is doing? Does he really conform to society's standards INTERNALLY? Is he GRATEFUL to his benefactors? Does he WISH to benefit his friends? These are all questions answerable only in the realm of the mind. Really, they are not answerable at all.

## *The Egotistic Friend*

By: [Dr. Sam Vaknin](#)

What are friends for and how can a friendship be tested? By behaving altruistically, would be the most common answer and by sacrificing one's interests in favour of one's friends. Friendship implies the converse of egoism, both psychologically and ethically. But then we say that the dog is "man's best friend". After all, it is characterized by unconditional love, by unselfish behaviour, by sacrifice, when necessary. Isn't this the epitome of friendship? Apparently not. On the one hand, the dog's friendship seems to be unaffected by long term calculations of personal benefit. But that is not to say that it is not affected by calculations of a short-term nature. The owner, after all, looks after the dog and is the source of its subsistence and security. People – and dogs – have been known to have sacrificed their lives for less. The dog is selfish – it clings and protects what it regards to be its territory and its property (including – and especially so – the owner). Thus, the first condition, seemingly not satisfied by canine attachment is that it be reasonably unselfish.

There are, however, more important conditions:

- a. For a real friendship to exist – at least one of the friends must be a conscious and intelligent entity, possessed of mental states. It can be an individual, or a collective of individuals, but in both cases this requirement will similarly apply.

- b. There must be a minimal level of identical mental states between the terms of the equation of friendship. A human being cannot be friends with a tree (at least not in the fullest sense of the word).
- c. The behaviour must not be deterministic, lest it be interpreted as instinct driven. A conscious choice must be involved. This is a very surprising conclusion: the more "reliable", the more "predictable" – the less appreciated. Someone who reacts identically to similar situations, without dedicating a first, let alone a second thought to it – his acts would be depreciated as "automatic responses".

For a pattern of behaviour to be described as "friendship", these four conditions must be met: diminished egoism, conscious and intelligent agents, identical mental states (allowing for the communication of the friendship) and non-deterministic behaviour, the result of constant decision making.

A friendship can be – and often is – tested in view of these criteria. There is a paradox underlying the very notion of testing a friendship. A real friend would never test his friend's commitment and allegiance. Anyone who puts his friend to a test (deliberately) would hardly qualify as a friend himself. But circumstances can put ALL the members of a friendship, all the individuals (two or more) in the "collective" to a test of friendship. Financial hardship encountered by someone would surely oblige his friends to assist him – even if he himself did not take the initiative and explicitly asked them to do so. It is life that tests the resilience and strength and depth of true friendships – not the friends themselves.



In all the discussions of egoism versus altruism – confusion between self-interest and self-welfare prevails. A person may be urged on to act by his self-interest, which might be detrimental to his (long-term) self-welfare. Some behaviours and actions can satisfy short-term desires, urges, wishes (in short: self-interest) – and yet be self-destructive or otherwise adversely effect the individual's future welfare. (Psychological) Egoism should, therefore, be re-defined as the active pursuit of self-welfare, not of self-interest. Only when the person caters, in a balanced manner, to both his present (self-interest) and his future (self-welfare) interests – can we call him an egoist. Otherwise, if he caters only to his immediate self-interest, seeks to fulfil his desires and disregards the future costs of his behaviour – he is an animal, not an egoist.

Joseph Butler separated the main (motivating) desire from the desire that is self-interest. The latter cannot exist without the former. A person is hungry and this is his desire. His self-interest is, therefore, to eat. But the hunger is directed at eating – not at fulfilling self-interests. Thus, hunger generates self-interest (to eat) but its object is eating. Self-interest is a second order desire that aims to satisfy first order desires (which can also motivate us directly).

This subtle distinction can be applied to disinterested behaviours, acts, which seem to lack a clear self-interest or even a first order desire. Consider why do people contribute to humanitarian causes? There is no self-interest here, even if we account for the global picture (with every possible future event in the life of the contributor).

No rich American is likely to find himself starving in Somalia, the target of one such humanitarian aid mission.

But even here the Butler model can be validated. The first order desire of the donator is to avoid anxiety feelings generated by a cognitive dissonance. In the process of socialization we are all exposed to altruistic messages. They are internalized by us (some even to the extent of forming part of the almighty superego, the conscience). In parallel, we assimilate the punishment inflicted upon members of society who are not "social" enough, unwilling to contribute beyond that which is required to satisfy their self interest, selfish or egoistic, non-conformist, "too" individualistic, "too" idiosyncratic or eccentric, etc. Completely not being altruistic is "bad" and as such calls for "punishment". This no longer is an outside judgement, on a case by case basis, with the penalty inflicted by an external moral authority. This comes from the inside: the opprobrium and reproach, the guilt, the punishment (read Kafka). Such impending punishment generates anxiety whenever the person judges himself not to have been altruistically "sufficient". It is to avoid this anxiety or to quell it that a person engages in altruistic acts, the result of his social conditioning. To use the Butler scheme: the first-degree desire is to avoid the agonies of cognitive dissonance and the resulting anxiety. This can be achieved by committing acts of altruism. The second-degree desire is the self-interest to commit altruistic acts in order to satisfy the first-degree desire. No one engages in contributing to the poor because he wants them to be less poor or in famine relief because he does not want others to starve. People do these apparently selfless activities because they do not want to experience that tormenting inner voice and to suffer the acute anxiety, which accompanies it.

Altruism is the name that we give to successful indoctrination. The stronger the process of socialization, the stricter the education, the more severely brought up the individual, the grimmer and more constraining his superego – the more of an altruist he is likely to be. Independent people who really feel comfortable with their selves are less likely to exhibit these behaviours.

This is the self-interest of society: altruism enhances the overall level of welfare. It redistributes resources more equitably, it tackles market failures more or less efficiently (progressive tax systems are altruistic), it reduces social pressures and stabilizes both individuals and society. Clearly, the self-interest of society is to make its members limit the pursuit of their own self-interest? There are many opinions and theories. They can be grouped into:

- a. Those who see an inverse relation between the two: the more satisfied the self interests of the individuals comprising a society – the worse off that society will end up. What is meant by "better off" is a different issue but at least the commonsense, intuitive, meaning is clear and begs no explanation. Many religions and strands of moral absolutism espouse this view.
- b. Those who believe that the more satisfied the self-interests of the individuals comprising a society – the better off this society will end up. These are the "hidden hand" theories. Individuals, which strive merely to maximize their utility, their happiness, their returns (profits) – find themselves inadvertently engaged in a colossal endeavour to better their society.

This is mostly achieved through the dual mechanisms of market and price. Adam Smith is an example (and other schools of the dismal science).

- c. Those who believe that a delicate balance must exist between the two types of self-interest: the private and the public. While most individuals will be unable to obtain the full satisfaction of their self-interest – it is still conceivable that they will attain most of it. On the other hand, society must not fully tread on individuals' rights to self-fulfilment, wealth accumulation and the pursuit of happiness. So, it must accept less than maximum satisfaction of its self-interest. The optimal mix exists and is, probably, of the minimax type. This is not a zero sum game and society and the individuals comprising it can maximize their worst outcomes.

The French have a saying: "Good bookkeeping – makes for a good friendship". Self-interest, altruism and the interest of society at large are not necessarily incompatible.

## *The Distributive Justice of the Market*

By: [Dr. Sam Vaknin](#)

Also published by [United Press International \(UPI\)](#)

*Also Read*

[\*The Principal-Agent Conundrum\*](#)

[\*The Green-Eyed Capitalist\*](#)

[\*The Misconception of Scarcity\*](#)

The public outcry against executive pay and compensation followed disclosures of insider trading, double dealing, and outright fraud. But even honest and productive entrepreneurs often earn more money in one year than Albert Einstein did in his entire life. This strikes many - especially academics - as unfair. Surely Einstein's contributions to human knowledge and welfare far exceed anything ever accomplished by sundry businessmen? Fortunately, this discrepancy is cause for constructive jealousy, emulation, and imitation. It can, however, lead to an orgy of destructive and self-ruinous [envy](#).

Entrepreneurs recombine natural and human resources in novel ways. They do so to respond to forecasts of future needs, or to observations of failures and shortcomings of current products or services. Entrepreneurs are professional - though usually intuitive - futurologists. This is a valuable service and it is financed by systematic risk takers, such as venture capitalists. Surely they all deserve compensation for their efforts and the hazards they assume?

Exclusive ownership is the most ancient type of such remuneration. First movers, entrepreneurs, risk takers, owners of the wealth they generated, exploiters of resources - are allowed to exclude others from owning or exploiting the same things. Mineral concessions, patents, copyright, trademarks - are all forms of monopoly ownership. What moral right to exclude others is gained from being the first?

Nozick advanced Locke's Proviso. An exclusive ownership of property is just only if "enough and as good is left in common for others". If it does not worsen other people's lot, exclusivity is morally permissible. It can be argued, though, that all modes of exclusive ownership aggravate other people's situation. As far as everyone, bar the entrepreneur, are concerned, exclusivity also prevents a more advantageous distribution of income and wealth.

Exclusive ownership reflects real-life irreversibility. A first mover has the advantage of excess information and of irreversibly invested work, time, and effort. Economic enterprise is subject to information asymmetry: we know nothing about the future and everything about the past. This asymmetry is known as "investment risk". Society compensates the entrepreneur with one type of asymmetry - exclusive ownership - for assuming another, the investment risk.

One way of looking at it is that all others are worse off by the amount of profits and rents accruing to owner-entrepreneurs. Profits and rents reflect an intrinsic inefficiency. Another is to recall that ownership is the result of adding value to the world. It is only reasonable to expect it to yield to the entrepreneur at least this value added now and in the future.

In a "Theory of Justice" (published 1971, p. 302), John Rawls described an ideal society thus:

"(1) Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all. (2) Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity. "

It all harks back to [scarcity](#) of resources - land, money, raw materials, manpower, creative brains. Those who can afford to do so, hoard resources to offset anxiety regarding future uncertainty. Others wallow in paucity.

The distribution of means is thus skewed. "Distributive justice" deals with the just allocation of scarce resources.

Yet, even the basic terminology is somewhat fuzzy. What constitutes a resource? what is meant by allocation? Who should allocate resources - Adam Smith's "invisible hand", the government, the consumer, or business? Should it reflect differences in power, in intelligence, in knowledge, or in heredity? Should resource allocation be subject to a principle of entitlement? Is it reasonable to demand that it be just - or merely efficient? Are justice and efficiency antonyms?

Justice is concerned with equal access to opportunities. Equal access does not guarantee equal outcomes, invariably determined by idiosyncrasies and differences between people. Access leveraged by the application of natural or acquired capacities - translates into accrued wealth. Disparities in these capacities lead to discrepancies in accrued wealth.

The doctrine of equal access is founded on the equivalence of Men. That all men are created equal and deserve the same respect and, therefore, equal treatment is not self evident. European aristocracy well into this century would have probably found this notion abhorrent. Jose Ortega Y Gasset, writing in the 1930's, preached that access to educational and economic opportunities should be premised on one's lineage, upbringing, wealth, and social responsibilities.



A succession of societies and cultures discriminated against the ignorant, criminals, atheists, females, homosexuals, members of ethnic, religious, or racial groups, the old, the immigrant, and the poor. Communism - ostensibly a strict egalitarian idea - foundered because it failed to reconcile strict equality with economic and psychological realities within an impatient timetable.

Philosophers tried to specify a "bundle" or "package" of goods, services, and intangibles (like information, or skills, or knowledge). Justice - though not necessarily happiness - is when everyone possesses an identical bundle. Happiness - though not necessarily justice - is when each one of us possesses a "bundle" which reflects his or her preferences, priorities, and predilections. None of us will be too happy with a standardized bundle, selected by a committee of philosophers - or bureaucrats, as was the case under communism.

The market allows for the exchange of goods and services between holders of identical bundles. If I seek books, but detest oranges - I can swap them with someone in return for his books. That way both of us are rendered better off than under the strict egalitarian version.

Still, there is no guarantee that I will find my exact match - a person who is interested in swapping his books for my oranges. Illiquid, small, or imperfect markets thus inhibit the scope of these exchanges. Additionally, exchange participants have to agree on an index: how many books for how many oranges? This is the price of oranges in terms of books.

Money - the obvious "index" - does not solve this problem, merely simplifies it and facilitates exchanges. It does not eliminate the necessity to negotiate an "exchange rate". It does not prevent market failures. In other words: money is not an index. It is merely a medium of exchange and a store of value. The index - as expressed in terms of money - is the underlying agreement regarding the values of resources in terms of other resources (i.e., their relative values).

The market - and the price mechanism - increase happiness and welfare by allowing people to alter the composition of their bundles. The invisible hand is just and benevolent. But money is imperfect. The aforementioned Rawles demonstrated (1971), that we need to combine money with other measures in order to place a value on intangibles.

The prevailing market theories postulate that everyone has the same resources at some initial point (the "starting gate"). It is up to them to deploy these endowments and, thus, to ravage or increase their wealth. While the initial distribution is equal - the end distribution depends on how wisely - or imprudently - the initial distribution was used.

Egalitarian thinkers proposed to equate everyone's income in each time frame (e.g., annually). But identical incomes do not automatically yield the same accrued wealth. The latter depends on how the income is used - saved, invested, or squandered. Relative disparities of wealth are bound to emerge, regardless of the nature of income distribution.

Some say that excess wealth should be confiscated and redistributed. Progressive taxation and the welfare state aim to secure this outcome. Redistributive mechanisms reset the "wealth clock" periodically (at the end of every month, or fiscal year). In many countries, the law dictates which portion of one's income must be saved and, by implication, how much can be consumed. This conflicts with basic rights like the freedom to make economic choices.

The legalized expropriation of income (i.e., taxes) is morally dubious. Anti-tax movements have sprung all over the world and their philosophy permeates the ideology of political parties in many countries, not least the USA. Taxes are punitive: they penalize enterprise, success, entrepreneurship, foresight, and risk assumption. Welfare, on the other hand, rewards dependence and parasitism.

According to Rawles' Difference Principle, all tenets of justice are either redistributive or retributive. This ignores non-economic activities and human inherent variance. Moreover, conflict and inequality are the engines of growth and innovation - which mostly benefit the least advantaged in the long run. Experience shows that unmitigated equality results in atrophy, corruption and stagnation. Thermodynamics teaches us that life and motion are engendered by an irregular distribution of energy. Entropy - an even distribution of energy - equals death and stasis.

What about the disadvantaged and challenged - the mentally retarded, the mentally insane, the paralyzed, the chronically ill? For that matter, what about the less talented, less skilled, less daring? Dworkin (1981) proposed a compensation scheme. He suggested a model of fair distribution in which every person is given the same purchasing power and uses it to bid, in a fair auction, for resources that best fit that person's life plan, goals and preferences.

Having thus acquired these resources, we are then permitted to use them as we see fit. Obviously, we end up with disparate economic results. But we cannot complain - we were given the same purchasing power and the freedom to bid for a bundle of our choice.

Dworkin assumes that prior to the hypothetical auction, people are unaware of their own natural endowments but are willing and able to insure against being naturally disadvantaged. Their payments create an insurance pool to compensate the less fortunate for their misfortune.

This, of course, is highly unrealistic. We are usually very much aware of natural endowments and liabilities - both ours and others'. Therefore, the demand for such insurance is not universal, nor uniform. Some of us badly need and want it - others not at all. It is morally acceptable to let willing buyers and sellers to trade in such coverage (e.g., by offering charity or alms) - but may be immoral to make it compulsory.

Most of the modern welfare programs are involuntary Dworkin schemes. Worse yet, they often measure differences in natural endowments arbitrarily, compensate for lack of acquired skills, and discriminate between types of endowments in accordance with cultural biases and fads.

Libertarians limit themselves to ensuring a level playing field of just exchanges, where just actions always result in just outcomes. Justice is not dependent on a particular distribution pattern, whether as a starting point, or as an outcome. Robert Nozick "Entitlement Theory" proposed in 1974 is based on this approach.

That the market is wiser than any of its participants is a pillar of the philosophy of capitalism. In its pure form, the theory claims that markets yield patterns of merited distribution - i.e., reward and punish justly. Capitalism generate just deserts. Market failures - for instance, in the provision of public goods - should be tackled by governments. But a just distribution of income and wealth does not constitute a market failure and, therefore, should not be tampered with.

## *The Agent-Principal Conundrum*

By: [Dr. Sam Vaknin](#)

Also published by [United Press International \(UPI\)](#)

In the catechism of capitalism, shares represent the part-ownership of an economic enterprise, usually a firm. The value of shares is determined by the replacement value of the assets of the firm, including intangibles such as goodwill. The price of the share is determined by transactions among arm's length buyers and sellers in an efficient and liquid market. The price reflects expectations regarding the future value of the firm and the stock's future stream of income - i.e., dividends.

Alas, none of these oft-recited dogmas bears any resemblance to reality. Shares rarely represent ownership. The float - the number of shares available to the public - is frequently marginal. Shareholders meet once a year to vent and disperse. Boards of directors are appointed by management - as are auditors. Shareholders are not represented in any decision making process - small or big.

The dismal truth is that shares reify the expectation to find future buyers at a higher price and thus incur capital gains. In the Ponzi scheme known as the stock exchange, this expectation is proportional to liquidity - new suckers - and volatility. Thus, the price of any given stock reflects merely the consensus as to how easy it would be to offload one's holdings and at what price.

Another myth has to do with the role of managers. They are supposed to generate higher returns to shareholders by increasing the value of the firm's assets and, therefore, of the firm. If they fail to do so, goes the moral tale, they are booted out mercilessly. This is one manifestation of the "Principal-Agent Problem". It is defined thus by the Oxford Dictionary of Economics:

"The problem of how a person A can motivate person B to act for A's benefit rather than following (his) self-interest."

The obvious answer is that A can never motivate B not to follow B's self-interest - never mind what the incentives are. That economists pretend otherwise - in "optimal contracting theory" - just serves to demonstrate how divorced economics is from human psychology and, thus, from reality.

Managers will always rob blind the companies they run. They will always manipulate boards to collude in their shenanigans. They will always bribe auditors to bend the rules. In other words, they will always act in their self-interest. In their defense, they can say that the damage from such actions to each shareholder is minuscule while the benefits to the manager are enormous. In other words, this is the rational, self-interested, thing to do.

But why do shareholders cooperate with such corporate brigandage? In an important Chicago Law Review article whose preprint was posted to the Web a few weeks ago - titled "Managerial Power and Rent Extraction in the Design of Executive Compensation" - the authors demonstrate how the typical stock option granted to managers as part of their remuneration rewards mediocrity rather than encourages excellence.

But everything falls into place if we realize that shareholders and managers are allied against the firm - not pitted against each other. The paramount interest of both shareholders and managers is to increase the value of the stock - regardless of the true value of the firm. Both are concerned with the performance of the share - rather than the performance of the firm. Both are preoccupied with boosting the share's price - rather than the company's business.

Hence the inflationary executive pay packets. Shareholders hire stock manipulators - euphemistically known as "managers" - to generate expectations regarding the future prices of their shares. These snake oil salesmen and snake charmers - the corporate executives - are allowed by shareholders to loot the company providing they generate consistent capital gains to their masters by provoking persistent interest and excitement around the business. Shareholders, in other words, do not behave as owners of the firm - they behave as free-riders.

The Principal-Agent Problem arises in other social interactions and is equally misunderstood there. Consider taxpayers and their government. Contrary to conservative lore, the former want the government to tax them providing they share in the spoils.



They tolerate corruption in high places, cronyism, nepotism, ineptitude and worse - on condition that the government and the legislature redistribute the wealth they confiscate. Such redistribution often comes in the form of pork barrel projects and benefits to the middle-class.

This is why the tax burden and the government's share of GDP have been soaring inexorably with the consent of the citizenry. People adore government spending precisely because it is inefficient and distorts the proper allocation of economic resources. The vast majority of people are rent-seekers. Witness the mass demonstrations that erupt whenever governments try to slash expenditures, privatize, and eliminate their gaping deficits. This is one reason the IMF with its austerity measures is universally unpopular.

Employers and employees, producers and consumers - these are all instances of the Principal-Agent Problem. Economists would do well to discard their models and go back to basics. They could start by asking:

Why do shareholders acquiesce with executive malfeasance as long as share prices are rising?

Why do citizens protest against a smaller government - even though it means lower taxes?

Could it mean that the interests of shareholders and managers are identical? Does it imply that people prefer tax-and-spend governments and pork barrel politics to the Thatcherite alternative?

Nothing happens by accident or by coercion. Shareholders aided and abetted the current crop of corporate executives enthusiastically. They knew well what was happening. They may not have been aware of the exact nature and extent of the rot - but they witnessed approvingly the public relations antics, insider trading, stock option resetting , unwinding, and unloading, share price manipulation, opaque transactions, and outlandish pay packages. Investors remained mum throughout the corruption of corporate America. It is time for the hangover.

## *Legalizing Crime*

By: [Dr. Sam Vaknin](#)

*Also Read:*

[\*Narcissists, Ethnic or Religious Affiliation, and Terrorists\*](#)

The state has a monopoly on behavior usually deemed criminal. It murders, kidnaps, and locks up people. Sovereignty has come to be identified with the unbridled - and exclusive - exercise of violence. The emergence of modern international law has narrowed the field of permissible conduct. A sovereign can no longer commit genocide or ethnic cleansing with impunity, for instance.

Many acts - such as the waging of aggressive war, the mistreatment of minorities, the suppression of the freedom of association - hitherto sovereign privilege, have thankfully been criminalized. Many politicians, hitherto immune to international prosecution, are no longer so. Consider Yugoslavia's Milosevic and Chile's Pinochet.

But, the irony is that a similar trend of criminalization - within national legal systems - allows governments to oppress their citizenry to an extent previously unknown. Hitherto civil torts, permissible acts, and common behavior patterns are routinely criminalized by legislators and regulators. Precious few are decriminalized.

Consider, for instance, the criminalization in the Economic Espionage Act (1996) of the misappropriation of trade secrets and the criminalization of the violation of copyrights in the Digital Millennium Copyright Act (2000) – both in the USA. These used to be civil torts. They still are in many countries. Drug use, common behavior in England only 50 years ago – is now criminal. The list goes on.

Criminal laws pertaining to property have malignantly proliferated and pervaded every economic and private interaction. The result is a bewildering multitude of laws, regulations statutes, and acts.

The average Babylonian could have memorized and assimilated the Hammurabic code 37 centuries ago - it was short, simple, and intuitively just.

English criminal law - partly applicable in many of its former colonies, such as India, Pakistan, Canada, and Australia - is a mishmash of overlapping and contradictory statutes - some of these hundreds of years old - and court decisions, collectively known as "case law".

Despite the publishing of a Model Penal Code in 1962 by the American Law Institute, the criminal provisions of various states within the USA often conflict. The typical American can't hope to get acquainted with even a negligible fraction of his country's fiendishly complex and hopelessly brobdignagian criminal code. Such inevitable ignorance breeds criminal behavior - sometimes inadvertently - and transforms many upright citizens into delinquents.

In the land of the free - the USA - close to 2 million adults are behind bars and another 4.5 million are on probation, most of them on drug charges. The costs of criminalization - both financial and social - are mind boggling. According to "The Economist", America's prison system cost it \$54 billion a year - disregarding the price tag of law enforcement, the judiciary, lost product, and rehabilitation.

What constitutes a crime? A clear and consistent definition has yet to transpire.

There are five types of criminal behavior: crimes against oneself, or "victimless crimes" (such as suicide, abortion, and the consumption of drugs), crimes against others (such as murder or mugging), crimes among consenting adults (such as incest, and in certain countries, homosexuality and euthanasia), crimes against collectives (such as treason, genocide, or ethnic cleansing), and crimes against the international community and world order (such as executing prisoners of war). The last two categories often overlap.

The Encyclopedia Britannica provides this definition of a crime:

***"The intentional commission of an act usually deemed socially harmful or dangerous and specifically defined, prohibited, and punishable under the criminal law."***

But who decides what is socially harmful? What about acts committed unintentionally (known as "strict liability offenses" in the parlance)? How can we establish intention - "mens rea", or the "guilty mind" - beyond a reasonable doubt?

A much tighter definition would be: "***The commission of an act punishable under the criminal law.***" A crime is what the law - state law, kinship law, religious law, or any other widely accepted law - says is a crime. Legal systems and texts often conflict.

Murderous blood feuds are legitimate according to the 15th century "Qanoon", still applicable in large parts of Albania. Killing one's infant daughters and old relatives is socially condoned - though illegal - in India, China, Alaska, and parts of Africa. Genocide may have been legally sanctioned in Germany and Rwanda - but is strictly forbidden under international law.

Laws being the outcomes of compromises and power plays, there is only a tenuous connection between justice and morality. Some "crimes" are categorical imperatives. Helping the Jews in Nazi Germany was a criminal act - yet a highly moral one.

The ethical nature of some crimes depends on circumstances, timing, and cultural context. Murder is a vile deed - but assassinating Saddam Hussein may be morally commendable. Killing an embryo is a crime in some countries - but not so killing a fetus. A "status offense" is not a criminal act if committed by an adult. Mutilating the body of a live baby is heinous - but this is the essence of Jewish circumcision. In some societies, criminal guilt is collective. All Americans are held blameworthy by the Arab street for the choices and actions of their leaders. All Jews are accomplices in the "crimes" of the "Zionists".

In all societies, crime is a growth industry. Millions of professionals - judges, police officers, criminologists, psychologists, journalists, publishers, prosecutors, lawyers, social workers, probation officers, wardens, sociologists, non-governmental-organizations, weapons manufacturers, laboratory technicians, graphologists, and private detectives - derive their livelihood, parasitically, from crime. They often perpetuate models of punishment and retribution that lead to recidivism rather than to the reintegration of criminals in society and their rehabilitation.

Organized in vocal interest groups and lobbies, they harp on the insecurities and phobias of the alienated urbanites. They consume ever growing budgets and rejoice with every new behavior criminalized by exasperated lawmakers. In the majority of countries, the justice system is a dismal failure and law enforcement agencies are part of the problem, not its solution.

The sad truth is that many types of crime are considered by people to be normative and common behaviors and, thus, go unreported. Victim surveys and self-report studies conducted by criminologists reveal that most crimes go unreported. The protracted fad of criminalization has rendered criminal many perfectly acceptable and recurring behaviors and acts. Homosexuality, abortion, gambling, prostitution, pornography, and suicide have all been criminal offenses at one time or another.

But the quintessential example of over-criminalization is drug abuse.

There is scant medical evidence that soft drugs such as cannabis or MDMA ("Ecstasy") - and even cocaine - have an irreversible effect on brain chemistry or functioning. Last month an almighty row erupted in Britain when Jon Cole, an addiction researcher at Liverpool University, claimed, to quote "The Economist" quoting the "Psychologist", that:

"Experimental evidence suggesting a link between Ecstasy use and problems such as nerve damage and brain impairment is flawed ... using this ill-substantiated cause-and-effect to tell the 'chemical generation' that they are brain damaged when they are not creates public health problems of its own."

Moreover, it is commonly accepted that alcohol abuse and nicotine abuse can be at least as harmful as the abuse of marijuana, for instance. Yet, though somewhat curbed, alcohol consumption and cigarette smoking are legal. In contrast, users of cocaine - only a century ago recommended by doctors as tranquilizer - face life in jail in many countries, death in others. Almost everywhere pot smokers are confronted with prison terms.

The "war on drugs" - one of the most expensive and protracted in history - has failed abysmally. Drugs are more abundant and cheaper than ever. The social costs have been staggering: the emergence of violent crime where none existed before, the destabilization of drug-producing countries, the collusion of drug traffickers with terrorists, and the death of millions - law enforcement agents, criminals, and users.



Few doubt that legalizing most drugs would have a beneficial effect. Crime empires would crumble overnight, users would be assured of the quality of the products they consume, and the addicted few would not be incarcerated or stigmatized - but rather treated and rehabilitated.

That soft, largely harmless, drugs continue to be illicit is the outcome of compounded political and economic pressures by lobby and interest groups of manufacturers of legal drugs, law enforcement agencies, the judicial system, and the aforementioned long list of those who benefit from the status quo.

Only a popular movement can lead to the decriminalization of the more innocuous drugs. But such a crusade should be part of a larger campaign to reverse the overall tide of criminalization. Many "crimes" should revert to their erstwhile status as civil torts. Others should be wiped off the statute books altogether. Hundreds of thousands should be pardoned and allowed to reintegrate in society, unencumbered by a past of transgressions against an inane and inflationary penal code.

This, admittedly, will reduce the leverage the state has today against its citizens and its ability to intrude on their lives, preferences, privacy, and leisure. Bureaucrats and politicians may find this abhorrent. Freedom loving people should rejoice.

## *The Insanity of the Defense*

By: [Dr. Sam Vaknin](#)

*Also Read*

[On Disease](#)

[Althusser, Competing Interpellations and the Third Text](#)

[The Use and Abuse of Differential Diagnoses](#)

[The Myth of Mental Illness](#)

*"You can know the name of a bird in all the languages of the world, but when you're finished, you'll know absolutely nothing whatever about the bird... So let's look at the bird and see what it's doing – that's what counts. I learned very early the difference between knowing the name of something and knowing something."*

Richard Feynman, Physicist and 1965 Nobel Prize laureate (1918-1988)

*"You have all I dare say heard of the animal spirits and how they are transfused from father to son etcetera etcetera – well you may take my word that nine parts in ten of a man's sense or his nonsense, his successes and miscarriages in this world depend on their motions and activities, and the different tracks and trains you put them into, so that when they are once set a-going, whether right or wrong, away they go cluttering like hey-go-mad."*

Lawrence Sterne (1713-1758), "The Life and Opinions of Tristram Shandy, Gentleman" (1759)

*I. The Insanity Defense*

*II. The Concept of Mental Disease - An Overview*

*III. Personality Disorders*

*IV. The Biochemistry and Genetics of Mental Health*

*V. The Variance of Mental Disease*

*VI. Mental Disorders and the Social Order*

*VII. Mental Ailment as a Useful Metaphor*

*I. The Insanity Defense*

*"It is an ill thing to knock against a deaf-mute, an imbecile, or a minor. He that wounds them is culpable, but if they wound him they are not culpable." (Mishna, Babylonian Talmud)*

If mental illness is culture-dependent and mostly serves as an organizing social principle - what should we make of the insanity defense (NGRI- Not Guilty by Reason of Insanity)?

A person is held not responsible for his criminal actions if s/he cannot tell right from wrong ("lacks substantial capacity either to appreciate the criminality (wrongfulness) of his conduct" - diminished capacity), did not intend to act the way he did (absent "mens rea") and/or could not control his behavior ("irresistible impulse"). These handicaps are often associated with "mental disease or defect" or "mental retardation".

Mental health professionals prefer to talk about an impairment of a "[person's perception or understanding of reality](#)". They hold a "guilty but mentally ill" verdict to be contradiction in terms. All "mentally-ill" people operate within a (usually coherent) worldview, with consistent internal logic, and rules of right and wrong (ethics). Yet, these rarely conform to the way most people perceive the world. The mentally-ill, therefore, cannot be guilty because s/he has a tenuous grasp on reality.

Yet, experience teaches us that a criminal maybe mentally ill even as s/he maintains a perfect reality test and thus is held criminally responsible (Jeffrey Dahmer comes to mind). The "perception and understanding of reality", in other words, can and does co-exist even with the severest forms of mental illness.

This makes it even more difficult to comprehend what is meant by "mental disease". If some mentally ill maintain a grasp on reality, know right from wrong, can anticipate the outcomes of their actions, are not subject to irresistible impulses (the official position of the American Psychiatric Association) - in what way do they differ from us, "normal" folks?

This is why the insanity defense often sits ill with mental health pathologies deemed socially "acceptable" and "normal" - such as religion or [love](#).

Consider the following case:

A mother bashes the skulls of her three sons. Two of them die. She claims to have acted on instructions she had received from God. She is found not guilty by reason of insanity. The jury determined that she ["did not know right from wrong during the killings."](#)

But why exactly was she judged insane?

***Her belief in the existence of God - a being with inordinate and inhuman attributes - may be irrational.***

But it does not constitute insanity in the strictest sense because it conforms to social and cultural creeds and codes of conduct in her milieu. Billions of people faithfully subscribe to the same ideas, adhere to the same transcendental rules, observe the same mystical rituals, and claim to go through the same experiences. This shared psychosis is so widespread that it can no longer be deemed pathological, statistically speaking.

***She claimed that God has spoken to her.***

As do numerous other people. Behavior that is considered psychotic (paranoid-schizophrenic) in other contexts is lauded and admired in religious circles. Hearing voices and seeing visions - auditory and visual delusions - are considered rank manifestations of righteousness and sanctity.

Perhaps it was the content of her hallucinations that proved her insane?

***She claimed that God had instructed her to kill her boys. Surely, God would not ordain such evil?***

Alas, the Old and New Testaments both contain examples of God's appetite for human sacrifice. Abraham was ordered by God to sacrifice Isaac, his beloved son (though this savage command was rescinded at the last moment). Jesus, the son of God himself, was crucified to atone for the sins of humanity.

A divine injunction to slay one's offspring would sit well with the Holy Scriptures and the Apocrypha as well as with millennia-old Judeo-Christian traditions of martyrdom and sacrifice.

***Her actions were wrong and incommensurate with both human and divine (or natural) laws.***

Yes, but they were perfectly in accord with a literal interpretation of certain divinely-inspired texts, millennial scriptures, apocalyptic thought systems, and fundamentalist religious ideologies (such as the ones espousing the imminence of "rapture"). Unless one declares these doctrines and writings insane, her actions are not.

We are forced to the conclusion that the murderous mother is perfectly sane. Her frame of reference is different to ours. Hence, her definitions of right and wrong are idiosyncratic. To her, killing her babies was the right thing to do and in conformity with valued teachings and her own epiphany. Her grasp of reality - the immediate and later consequences of her actions - was never impaired.

It would seem that sanity and insanity are relative terms, dependent on frames of cultural and social reference, and statistically defined. There isn't - and, in principle, can never emerge - an "objective", medical, scientific test to determine mental health or disease unequivocally.

## **II. The Concept of Mental Disease - An Overview**

Someone is considered mentally "ill" if:

1. His conduct rigidly and consistently deviates from the typical, average behaviour of all other people in his culture and society that fit his profile (whether this conventional behaviour is moral or rational is immaterial), or
2. His judgment and grasp of objective, physical reality is impaired, and
3. His conduct is not a matter of choice but is innate and irresistible, and
4. His behavior causes him or others discomfort, and is
5. Dysfunctional, self-defeating, and self-destructive even by his own yardsticks.

Descriptive criteria aside, what is the *essence* of mental disorders? Are they merely physiological disorders of the brain, or, more precisely of its chemistry? If so, can they be cured by restoring the balance of substances and secretions in that mysterious organ? And, once equilibrium is reinstated – is the illness "gone" or is it still lurking there, "under wraps", waiting to erupt? Are psychiatric problems inherited, rooted in faulty genes (though amplified by environmental factors) – or brought on by abusive or wrong nurturance?

These questions are the domain of the "medical" school of mental health.

Others cling to the spiritual view of the human psyche. They believe that mental ailments amount to the metaphysical discomposure of an unknown medium – the soul. Theirs is a holistic approach, taking in the patient in his or her entirety, as well as his milieu.

The members of the functional school regard mental health disorders as perturbations in the proper, statistically "normal", behaviours and manifestations of "healthy" individuals, or as dysfunctions. The "sick" individual – ill at ease with himself (ego-dystonic) or making others unhappy (deviant) – is "mended" when rendered functional again by the prevailing standards of his social and cultural frame of reference.

In a way, the three schools are akin to the trio of blind men who render disparate descriptions of the very same elephant. Still, they share not only their subject matter – but, to a counter intuitively large degree, a faulty methodology.



As the renowned anti-psychiatrist, Thomas Szasz, of the State University of New York, notes in his article "*The Lying Truths of Psychiatry*", mental health scholars, regardless of academic predilection, infer the etiology of mental disorders from the success or failure of treatment modalities.

This form of "reverse engineering" of scientific models is not unknown in other fields of science, nor is it unacceptable if the experiments meet the criteria of the scientific method. The theory must be all-inclusive (anamnetic), consistent, falsifiable, logically compatible, monovalent, and parsimonious. Psychological "theories" – even the "medical" ones (the role of serotonin and dopamine in mood disorders, for instance) – are usually none of these things.

The outcome is a bewildering array of ever-shifting mental health "diagnoses" expressly centred around Western civilisation and its standards (example: the ethical objection to suicide). Neurosis, a historically fundamental "condition" vanished after 1980. Homosexuality, according to the American Psychiatric Association, was a pathology prior to 1973. Seven years later, narcissism was declared a "personality disorder", almost seven decades after it was first described by Freud.

### ***III. Personality Disorders***

Indeed, personality disorders are an excellent example of the kaleidoscopic landscape of "objective" psychiatry.

The classification of Axis II personality disorders – deeply ingrained, maladaptive, lifelong behavior patterns – in the Diagnostic and Statistical Manual, fourth edition, text revision [American Psychiatric Association. DSM-IV-TR, Washington, 2000] – or the DSM-IV-TR for short – has come under sustained and serious criticism from its inception in 1952, in the first edition of the DSM.

The DSM IV-TR adopts a categorical approach, postulating that personality disorders are "*qualitatively distinct clinical syndromes*" (p. 689). This is widely doubted. Even the distinction made between "normal" and "disordered" personalities is increasingly being rejected. The "diagnostic thresholds" between normal and abnormal are either absent or weakly supported.

The polythetic form of the DSM's Diagnostic Criteria – only a subset of the criteria is adequate grounds for a diagnosis – generates unacceptable diagnostic heterogeneity. In other words, people diagnosed with the same personality disorder may share only one criterion or none.

The DSM fails to clarify the exact relationship between Axis II and Axis I disorders and the way chronic childhood and developmental problems interact with personality disorders.

The differential diagnoses are vague and the personality disorders are insufficiently demarcated. The result is excessive co-morbidity (multiple Axis II diagnoses). The DSM contains little discussion of what distinguishes normal character (personality), personality traits, or personality style (Millon) – from personality disorders.

A dearth of documented clinical experience regarding both the disorders themselves and the utility of various treatment modalities.

Numerous personality disorders are "not otherwise specified" – a catchall, basket "category".

Cultural bias is evident in certain disorders (such as the Antisocial and the Schizotypal).

The emergence of dimensional alternatives to the categorical approach is acknowledged in the DSM-IV-TR itself:

***“An alternative to the categorical approach is the dimensional perspective that Personality Disorders represent maladaptive variants of personality traits that merge imperceptibly into normality and into one another”*** (p.689)

The following issues – long neglected in the DSM – are likely to be tackled in future editions as well as in current research. But their omission from official discourse hitherto is both startling and telling:

- The longitudinal course of the disorder(s) and their temporal stability from early childhood onwards;
- The genetic and biological underpinnings of personality disorder(s);
- The development of personality psychopathology during childhood and its emergence in adolescence;

- The interactions between physical health and disease and personality disorders;
- The effectiveness of various treatments – talk therapies as well as psychopharmacology.

#### ***IV. The Biochemistry and Genetics of Mental Health***

Certain mental health afflictions are either correlated with a statistically abnormal biochemical activity in the brain – or are ameliorated with medication. Yet the two *facts* are not ineludibly facets of *the same* underlying phenomenon. In other words, that a given medicine reduces or abolishes certain symptoms does not necessarily mean they were *caused* by the processes or substances affected by the drug administered. Causation is only one of many possible connections and chains of events.

To designate a pattern of behaviour as a mental health disorder is a value judgment, or at best a statistical observation. Such designation is effected regardless of the facts of brain science. Moreover, correlation is not causation. Deviant brain or body biochemistry (once called "polluted animal spirits") do exist – but are they truly the roots of mental perversion? Nor is it clear which triggers what: do the aberrant neurochemistry or biochemistry cause mental illness – or the other way around?

That psychoactive medication alters behaviour and mood is indisputable. So do illicit and legal drugs, certain foods, and all interpersonal interactions. That the changes brought about by prescription are desirable – is debatable and involves tautological thinking. If a certain pattern of behaviour is described as (socially) "dysfunctional" or (psychologically) "sick" – clearly, every change would be welcomed as "healing" and every agent of transformation would be called a "cure".

The same applies to the alleged heredity of mental illness. Single genes or gene complexes are frequently "associated" with mental health diagnoses, personality traits, or behaviour patterns. But too little is known to establish irrefutable sequences of causes-and-effects. Even less is proven about the interaction of nature and nurture, genotype and phenotype, the plasticity of the brain and the psychological impact of trauma, abuse, upbringing, role models, peers, and other environmental elements.

Nor is the distinction between psychotropic substances and talk therapy that clear-cut. Words and the interaction with the therapist also affect the brain, its processes and chemistry - albeit more slowly and, perhaps, more profoundly and irreversibly. Medicines – as David Kaiser reminds us in "*Against Biologic Psychiatry*" (Psychiatric Times, Volume XIII, Issue 12, December 1996) – treat symptoms, not the underlying processes that yield them.

## ***V. The Variance of Mental Disease***

If mental illnesses are bodily and empirical, they should be invariant both temporally and spatially, across cultures and societies. This, to some degree, is, indeed, the case. Psychological diseases are not context dependent – but the pathologizing of certain behaviours is. Suicide, substance abuse, narcissism, eating disorders, antisocial ways, schizotypal symptoms, depression, even psychosis are considered sick by some cultures – and utterly normative or advantageous in others.

This was to be expected. The human mind and its dysfunctions are alike around the world. But values differ from time to time and from one place to another. Hence, disagreements about the propriety and desirability of human actions and inaction are bound to arise in a symptom-based diagnostic system.

As long as the *pseudo-medical* definitions of mental health disorders continue to rely exclusively on signs and symptoms – i.e., mostly on observed or reported behaviours – they remain vulnerable to such discord and devoid of much-sought universality and rigor.

## ***VI. Mental Disorders and the Social Order***

The mentally sick receive the same treatment as carriers of AIDS or SARS or the Ebola virus or smallpox. They are sometimes quarantined against their will and coerced into involuntary treatment by medication, psychosurgery, or electroconvulsive therapy. This is done in the name of the greater good, largely as a preventive policy.

Conspiracy theories notwithstanding, it is impossible to ignore the enormous interests vested in psychiatry and psychopharmacology. The multibillion dollar industries involving drug companies, hospitals, managed healthcare, private clinics, academic departments, and law enforcement agencies rely, for their continued and exponential growth, on the propagation of the concept of "mental illness" and its corollaries: treatment and research.

### *VII. Mental Ailment as a Useful Metaphor*

Abstract concepts form the core of all branches of human knowledge. No one has ever seen a quark, or untangled a chemical bond, or surfed an electromagnetic wave, or visited the unconscious. These are useful metaphors, theoretical entities with explanatory or descriptive power.

"Mental health disorders" are no different. They are shorthand for capturing the unsettling quiddity of "the Other". Useful as taxonomies, they are also tools of social coercion and conformity, as Michel Foucault and [Louis Althusser](#) observed. Relegating both the dangerous and the idiosyncratic to the collective fringes is a vital technique of social engineering.

The aim is progress through social cohesion and the regulation of innovation and creative destruction. Psychiatry, therefore, is reifies society's preference of evolution to revolution, or, worse still, to mayhem. As is often the case with human endeavour, it is a noble cause, unscrupulously and dogmatically pursued.

*AC/DC – a Deliberation Regarding the Impeachment  
of the President of the United States of America*

By: [Dr. Sam Vaknin](#)

[Review the Responses of US Senators](#)

In the hallways of the Smithsonian, two moralists are debating the impeachment of the President of the United States of America, Mr. William Jefferson Clinton. One is clearly Anti-Clinton (AC) the other, a Democrat (DC), is not so much for him as he is for the rational and pragmatic application of moral principles.

**AC** (expectedly): "The President should be impeached".

**DC** (no less expectedly): "But, surely, even you are not trying to imply that he has committed *high crimes and misdemeanours*, as the Constitution demands as grounds for the impeachment of a sitting President!"

**AC**: "But I do. *Perjury* is such a high crime because it undermines the very fabric of trust between fellow citizens and between the citizen and the system of justice, the courts."



**DC:** "A person is innocent until proven guilty. No sound proof of perjurious conduct on behalf of the President has been provided as yet. Perjurious statements have to be deliberate and material. Even if the President deliberately *lied under oath* – his lies were not material to a case, which was later dismissed on the grounds of a *lack of legal merit*. *Legal hairsplitting and jousting* are an integral part of the defence in most court cases, civil and criminal. It is a legitimate – and legal – component of any legal battle, especially one involving interpretations, ambiguous terminology and the substantiation of intentions. The President should not be denied the *procedural and substantive rights* available to all the other citizens of his country. Nor should he be subjected to a pre-judgment of his *presumed guilt*."

**AC:** "This, precisely, is why an impeachment trial by the Senate is called for. It is only there that the President can credibly and rigorously establish his innocence. All I am saying is that IF the President is found by the Senate to have committed perjury – he should be impeached. Wherever legal hairsplitting and jousting is permissible as a legal tactic – it should and will be made available to the President. As to the pre-judgment by the Press – I agree with you, there is no place for it but, then, in this the President has been treated no differently than others. The pertinent fact is that perjury is a high misdemeanour, in the least, that is, an *impeachable offence*."

**DC:** "It was clearly not the intention of the Fathers of our Constitution to include perjury in the list of impeachable offences. Treason is more like it. Moreover, to say that the President will receive a *fair trial* from the hands of his peers in the Senate – is to lie. The Senate and its committees is a political body, heavily tilted, currently, against the President. No justice can be had where politics rears its ugly head. Bias and prejudice will rule this mock trial."

**AC:** "Man is a *political animal*, said the Greek philosophers of antiquity. Where can you find an assembly of people free of politics? What is this discourse that we are having if not a political one? Is not the Supreme Court of the land a politically appointed entity? The Senate is no better and no worse, it is but a mirror, a reflection of the combined will of the people. Moreover, in pursuing the procedures of impeachment – the Senate will have proved its non-political mettle in this case. The nation, in all opinion polls, wants this matter dropped. If it is not – it is a proof of foresight and civil courage, of leadership and refusal to succumb to passing fads."

**DC:** "And what about my first argument – that perjury, even once proven, was not considered by the authors of the Constitution to have been an impeachable offence?"

**AC:** "The rules of the land – even the Constitution – are nothing but an agreement between those who subscribe to it and for as long as they do. It is a *social contract*, a pact. Men – even the authors of the Constitution - being mortal, relegated the right to amend it and to interpret it to future generations. The Constitution is a vessel, each generation fills it as it sees fit. It is up to us to say what *current meaning* this document harbours. We are not to be constrained by the original intentions of the authors. These intentions are meaningless as circumstances change. It is what we read into the Constitution that forms its specific contents. With changing mores and values and with the passage of events – each generation generates its own version of this otherwise immortal set of principles."

**DC:** "I find it hard to accept that there is no limit to this *creative deconstruction*. Surely it is limited by common sense, confined to logic, subordinate to universal human principles. One can stretch the meanings of words only thus far. It takes a lot of legal hairsplitting to bring perjury – not proven yet – under one roof with treason."

**AC:** "Let us ignore the legal issues and leave them to their professionals. Let us talk about what really bothers us all, including you, I hope and trust. This President has *lied*. He may have lied under oath, but he definitely lied on television and in the spacious rooms of the White House. He lied to his family, to his aides, to the nation, to Congress..."

**DC:** "For what purpose do you enumerate them?"

**AC:** "Because it is one thing to lie to your family and another thing to lie to Congress. A lie told to the nation, is of a different magnitude altogether. To lie to your closest aides and soi disant confidantes – again is a separate matter..."

**DC:** "So you agree that there are lies and there are lies? *That lying is not a monolithic offence?* That some lies are worse than others, some are permissible, some even ethically mandatory?"

**AC:** "No, I do not. To lie is to do a *morally objectionable* thing, no matter what the circumstances. It is better to shut up. Why didn't the President invoke the *Fifth Amendment*, the right not to incriminate himself by his own lips?"

**DC:** "Because as much information is contained in abstaining to do something as in doing it and because if he did so, he would have provoked riotous *rumours*. Rumours are always worse than the truth. Rumours are always worse than the most defiled lie. It is better to lie than to provoke rumours."

**AC:** "Unless your lies are so clearly lies that you provoke rumours regarding what is true, thus inflicting a double blow upon the *public peace* that you were mandated to and undertook to preserve..."

**DC:** "Again, you make distinctions between types of lies – this time, by their efficacy. I am not sure this is progress. Let me give you examples of *the three cases*: where one would do morally well to tell the truth, where one would achieve morally commendable outcomes only by lying and the case where lying is as morally permissible as telling the truth. Imagine a young sick adult. Her life is at peril but can be saved if she were to agree to consume a certain medicine. This medicament, however, will render her sterile. Surely, she must be told the truth. It should be entirely her decision how to continue his life: in person or through her progeny. Now, imagine that this young woman, having suffered greatly already, informed her doctor that should she learn that her condition is terminal and that she needs to consume medicines with grave side effects in order to prolong it or even to save it altogether – she is determined to take her life and has already procured the means to do so. Surely, it is mandatory to lie to this young woman in order to save her life. Imagine now the third situation: that she also made a statement that having a child is her only, predominant, all pervasive, wish in life. Faced with two conflicting statements, some may choose to reveal the truth to her – others, to withhold it, and with the same amount of *moral justification*."

**AC:** "And what are we to learn from this?"

**DC:** "That the moral life is a chain of *dilemmas*, almost none of which is solvable. The President may have lied in order to preserve his family, to protect his only child, to shield his aides from embarrassing legal scrutiny, even to protect his nation from what he perceived to have been the destructive zeal of the *special prosecutor*. Some of his lies should be considered at least common, if not morally permissible."

**AC:** "This is a *slippery slope*. There is no end to this moral relativism. It is a tautology. You say that in some cases there are morally permissible reasons to lie. When I ask you how come - you say to me that people lie only when they have good reasons to lie. But this the crux of your mistake: good reasons are not always sufficient, morally permissible, or even necessary reasons. Put more plainly: no one lies without a reason. Does the fact that a liar has a reason to lie – absolve him?"

**DC:** "Depends what is the *reason*. This is what I tried to establish in my little sad example above. To lie about a sexual liaison – even under oath – may be morally permissible if the intention is to shield other meaningful individuals from harm, or in order to buttress the conditions, which will allow one to fulfil one's side of a contract. *The President has a contract with the American people*, sealed in two elections. He has to perform. It is his duty no less than he has a duty to tell the truth. Conflict arises only when two equally powerful principles clash. The very fact that there is a controversy in the public demonstrates the moral ambiguity of this situation.

The dysfunction of the American presidency has already cost trillions of dollars in a collapsing global economy. Who knows how many people died and will die in the pursuit of the high *principle of vincit omnia veritas* (the truth always prevails)? If I could prove to you that one person – just one person - committed suicide as a result of the financial turmoil engendered by the Clinton affair, would you still stick to your lofty ideals?"

**AC:** "You inadvertently, I am sure, broached the heart of this matter. The President is in *breach of his contracts*. Not one contract – but many. As all of us do – he has a contract with other fellow beings, he is a signatory to a *Social Treaty*. One of the articles of this treaty calls to *respect the Law* by not lying under oath. Another calls for striving to maintain a generally truthful conduct towards the other signatories. The President has a *contract with his wife*, which he clearly violated, by committing *adultery*. Professing to be a believing man, he is also in breach of his *contract with his God* as set forth in the Holy Scriptures. But the President has another, very powerful and highly specific *contract with the American people*. It is this contract that has been violated savagely and expressly by the President."

**DC:** "The American people does not seem to think so, but, prey, continue..."

**AC:** "Before I do, allow me just to repeat. To me, there is no moral difference between one lie and another. *All lies are loathsome* and lead, in the long run, to hell whatever the good intentions, which paved the way there. As far as I am concerned, President Clinton is a condemned man on these grounds only. But the lies one chooses and the victims he chooses to expose to his misbehaviour - reflect *his personality, his inner world*, what type of human being he is. It is the only allowance I make. All lies are prohibited as all murders are. But there are murders most foul and there are lies most abominable and obnoxious. What are we to learn about the President from his choice of arms and adversaries? That he is a paranoid, a narcissist, lacks empathy, immature, unable to postpone his satisfactions, to plan ahead, to foresee the outcomes of his actions. He has a sense of special, unwarranted entitlement, he judges his environment and the world, at large, erroneously. In short: he is dangerously wrong for the job that he has acquired through deception."

**DC:** "Through elections..."

**AC:** "Nay, through *deception brought about by elections*. He lied to the American people about who he is and what he stands for. He did not frankly expose or discuss his weaknesses and limitations. He sold his voters on an invented, imaginary image, the product of spin-doctors and opinion polls, which had no common denominator with reality. This is gross deception."

**DC:** "But now that the American people know everything – they still prefer him over others, *approve of his performance* and applaud his professional achievements..."



**AC:** "This is the *power of incumbency*. It was the same with Nixon until one month before his resignation. Or, do you sanction his actions as well?"

**DC:** "Frankly, I will compare President *Clinton* to President *Andrew Johnson* rather than to President *Nixon*. The shattering discovery about Nixon was that he was an uncommon criminal. The shattering discovery about Clinton is that he is human. Congress chastises him not for having done what he did – in this he has many illustrious precedents. No, he is accused of being indiscreet, of failing to hide the truth, to evade the facts. He is *reproached for his lack of efficiency* at concealment. He is criticized, therefore, both for being evasive and for not being sufficiently protective of his secrets. It is hard to win such a case, I tell you. It is also hypocritical in the extreme."

**AC:** "Do you agree that the President of the United States is party to a *contract* with the American People?"

**DC:** "Absolutely."

**AC:** "Would you say that he is enjoined by this contract to uphold the *dignity of his office*?"

**DC:** "I think that most people would agree to this."

**AC:** "And do you agree with me that *fornicating* in the White House would tend to diminish rather than uphold this dignity – and, therefore, constitute a violation of this contract? That it shows utter disregard and disrespect to the institutions of this country and to their standing?"

**DC:** "I assume that you mean to say fornication in general, not only in the White House. To answer you, I must analyse this complex issue into its components. First, I assume that you agree with me that sex between *consenting adults* is almost always legally allowed and, depending on the circumstances and the culture, it is, usually, morally acceptable. The President's relationship with Miss Lewinsky did not involve sexual harassment or coercion and, therefore, was sex between consenting adults. Legally, there could be nothing against it. The problem, therefore, is cast in moral terms. Would you care to define it?"

**AC:** "*The President has engaged in sexual acts – some highly unusual -with a woman much younger than he, in a building belonging to the American public and put at his disposal solely for the performance of his duties. Moreover, his acts constituted adultery, which is a morally reprehensible act. He acted secretly and tried to conceal the facts using expressly illegal and immoral means – namely by lying.*"

**DC:** "I took the pains of noting down everything you said. You said that the President has engaged in *sexual acts* and there can be no dispute between us that this does not constitute a problem. You said that some of them were highly unusual. This is a value judgement, so dependent on period and culture, that it is rendered meaningless by its derivative nature. What to one is repulsive is to the other a delightful stimulus. Of course, this applies only to consenting adults and when life itself is not jeopardized. Then you mentioned the *age disparity* between the President and his liaison. This is sheer bigotry. I am inclined to think that this statement is motivated more by envy than by moral judgement..."

**AC:** "I beg to differ! His advantages in both position and age do raise the spectre of *exploitation*, even of *abuse*! He took advantage of her, capitalized on her lack of experience and innocence, used her as a sex slave, an object, there just to fulfil his desires and realize his fantasies."

**DC:** "Then there is no meaning to the word *consent*, nor to the legal *age of consent*. The line must be drawn somewhere. The President did not make explicit promises and then did not own up to them. Expectations and anticipation can develop in total vacuum, in a manner unsubstantiated, not supported by any observable behaviour. It is an open question who was using who in this lurid tale – at least, who was hoping to use who. The President, naturally, had much more to offer to Miss Lewinsky than she could conceivably have offered to him. Qui bono is a useful guide in reality as well as in mystery books."

**AC:** "This is again the same Presidential pattern of *deceit, half truths and plain lies*. The President may not have promised anything explicitly – but he sure did implicitly, otherwise why would Miss Lewinsky have availed herself sexually? Even if we adopt your more benevolent version of events and assume that Miss Lewinsky approached this avowed and professional *womanizer* with the intention of taking advantage of him – clearly, a deal must have been struck. "

**DC:** "Yes, but we don't know its nature and its parameters. It is therefore useless to talk about this empty, hypothetical entity. You also said that he committed these acts of lust in a *building* belonging to the American public and put at his disposal solely for the performance of his duties. This is half-true, of course. This is also the home of the President, his castle. He has to endure a lot in order to occupy this mansion and the separation between private and public life is only on paper. Presidents have no private lives but only public ones. Why should we reproach them for *mixing the public with the private*? This is a double standard: when it suits our predatory instincts, our hypocrisy and our search for a scapegoat – we disallow the private life of a President. When these same low drives can be satisfied by making this distinction – we trumpet it. We must make up our minds: either Presidents are not allowed to have private lives and then they should be perfectly allowed to engage in all manner of normally private behaviour in public and on public property (and even at the public's expense). Or the distinction is relevant – in which case we should adopt the "European model" and not pry into the lives of our Presidents, not expose them, and not demand their public flagellation for very private sins."

**AC:** "This is a gross misrepresentation of the *process* that led to the current sorry state of affairs. The President got himself embroiled in numerous other legal difficulties long before the Monika Lewinsky story erupted. The special prosecutor was appointed to investigate Whitewater and other matters long before the President's sexual shenanigans hit the courts. The President lied under oath in connection with a private, civil lawsuit brought against him by Paula Jones. It is all the President's doing.

Decapitating the messenger – the special prosecutor – is an old and defunct Roman habit."

**DC:** "Then you proceeded to accuse the President of *adultery*. Technically, there can be no disagreement. The President's actions – however sexual acts are defined – constitute unequivocal adultery. But the legal and operational definitions of adultery are divorced from the emotional and moral discourse of the same phenomenon. We must not forget that you stated that the adulterous acts committed by the President have adversely affected the dignity of his office and this is what seems to have bothered you..."

**AC:** "Absolutely misrepresented. I do have a problem with adultery in general and I wholeheartedly disagree with it..."

**DC:** "I apologize. So, let us accord these two rather different questions – the separate treatment that they deserve. First, surely you agree with me that there can be no dignity where there is no truth, for you said so yourself. A *marital relationship* that fails abysmally to provide the parties with sexual or emotional gratification and is maintained in the teeth of such failure – is a lie. It is a lie because it gives observers false information regarding the state of things. What is better – to continue a marriage of appearances and mutual hell – or to find emotional and sexual fulfilment elsewhere? When the pursuit of happiness is coupled with the refusal to pretend, to pose, in other words, to lie, isn't this commendable? President Clinton admitted to marital problems and there seems to be an incompatibility, which reaches to the roots of this bond between himself and his wife.

Sometimes marriages start as one thing – passion, perhaps or self delusion – and end up as another: mutual acceptance, a warm habit, companionship. Many marriages withstand marital infidelity precisely because they are not conventional, or ideal marriages. By forgoing sex, a partnership is sometimes strengthened and a true, disinterested friendship is formed. I say that by insisting on being true to himself, by refusing to accept social norms of hypocrisy, conventions of make-belief and camouflage, by exposing the lacunas in his marriage, by, thus, redefining it and by pursuing his own sexual and emotional happiness – the President has acted honestly. He did not compromise the dignity of his office."

**AC:** "*Dysfunctional partnerships should be dissolved.*

The President should have divorced prior to indulging his sexual appetite. Sexual exclusivity is an integral – possibly the most important – section of the marriage contract. The President ignored his vows, dishonoured his word, breached his contract with the First Lady."

**DC:** "People stay together only if they feel that the foundation upon which they based their relationship is still sound. Mr. Clinton and Mrs. Clinton redefined their marriage to exclude *sexual exclusivity*, an impossibility under the circumstances. But they did not exclude companionship and friendship. It is here that the President may have sinned, in lying to his best friend, his wife. Adultery is committed only when a party strays out of the confines of the marital contract. I postulate that the President was well within his agreement with Mrs. Clinton when he sought sexual gratification elsewhere."

**AC:** "Adultery is a sin not only against the partner. The marriage contract is signed by three parties: the man, the woman and God between them. The President *sinned against God*. This cannot be ameliorated by any human approval or permission. Whether his wife accepted him as he is and disregarded his actions – is irrelevant. And if you are agnostic or an atheist, still you can replace the word 'God' by the words '*Social Order*'. President Clinton's behaviour undermines the foundations of our social order. The family is the basic functional unit and its proper functioning is guaranteed by the security of sexual and emotional exclusivity. To be adulterous is to rebel against civilization. It is an act of high social and moral treason."

**DC:** "While I may share your nostalgia – I am compelled to inform you that even nostalgia is not what it used to be. There is no such thing as 'The Family'. There are a few competing models, some of them involving only a single person and his or her offspring. There is nothing to undermine. The *social order* is in such a flux that it is impossible to follow, let alone define or capture. Adultery is common. This could be a sign of the times – or the victory of honesty and openness over pretension and hypocrisy. No one can cast a stone at President Clinton in this day and age."

**AC:** "But that's precisely it! The President is not a mirror, a reflection of the popular will. Our President is a *leader* with awesome powers. These powers were given to him to enable him to set example, to bear a standard – to be a standard. I do demand of my President to be morally superior to me – and this is no hypocrisy. This is a job description. To lead, a leader needs to inspire shame and guilt through his model. People must look up to him, wish they were like him, hope, dream, aspire and conspire to be like him. A true leader provokes inner tumult, psychological conflicts, strong emotions – because he demands the impossible through the instance of his personality. A true leader moves people to sacrifice because he is worthy of their sacrifice, because he deserves it. He definitely does not set an example of moral disintegration, recklessness, short-sightedness and immaturity. The President is given unique power, status and privileges – only because he has been recognized as a unique and powerful and privileged individual. Whether such recognition has been warranted or not is what determines the quality of the presidency."

**DC:** "Not being a leader, or having been misjudged by the voters to be one – do not constitute impeachable offences. I reject your view of the presidency. It is too fascist for me, it echoes with the despicable Führerprinzip. A leader is no different from the people that elected him. A leader has strong convictions shared by the majority of his compatriots. A leader also has the energy to implement the solutions that he proposes and the willingness to sacrifice certain aspects of his life (like his privacy) to do so. If a leader is a symbol of his people – then he must, in many ways, be like them."



He cannot be as alien as you make him out to be. But then, if he is alien by virtue of being superior or by virtue of being possessed of superhuman qualities – how can we, mere mortals, judge him? This is the logical fallacy in your argument: if the President is a symbol, then he must be very much similar to us and we should not subject him to a judgement more severe than the one meted to ourselves. If the President is omnipotent, omniscient, omnipresent, or otherwise, superhuman – then he is above our ability to judge. And if the President is a standard against whom we should calibrate our lives and actions – then he must reflect the mores of his times, the kaleidoscopic nature of the society that bred him, the flux of norms, conventions, paradigms and doctrines which formed the society which chose him. A standard too remote, too alien, too detached – will not do. People will ignore it and revert to other behavioural benchmarks and normative yardsticks. The President should, therefore, be allowed to be "normal", he should be forgiven. After all forgiveness is as prominent a value as being truthful.

**AC:** "This allowance, alas, cannot be made. Even if I were to accept your thesis about 'The President as a regular Human Being' – still *his circumstances are not regular*. The decisions that he faces – and very frequently - affect the lives of billions. The conflicting pressures that he is under, the gigantic amounts of information that he must digest, the enormity of the tasks facing him and the strains and stresses that are surely the results of these – all call for a special human alloy. If cracks are found in this alloy in room temperature – it raises doubts regarding its ability to withstand harsher conditions. If the President lies concerning a personal matter, no matter how significant – who will guarantee veracity rather than prevarication in matters more significant to us?

If he is afraid of a court of law – how is he likely to command our armies in a time of war? If he is evasive in his answers to the Grand Jury – how can we rely on his resolve and determination when confronting world leaders and when faced with extreme situations? If he loses his temper over petty matters – who will guarantee his coolheadedness when it is really required? If criminal in small, household matters – why not in the international arena?"

**DC:** "Because this continuum is false. There is little correlation between reactive patterns in the personal realms – and their far relatives in the public domain. Implication by generalization is a logical fallacy. The most adulterous, querulous, and otherwise despicable people have been superb, far sighted statesmen. The most generous, benevolent, easygoing ones have become veritable political catastrophes. *The public realm is not the personal realm writ large.* It is true that the leader's personality interacts with his circumstances to yield policy choices. But the relevance of his sexual predilections in this context is dubious indeed. It is true that his morals and general conformity to a certain value system will influence his actions and inactions – influence, but not determine them. It is true that his beliefs, experience, personality, character and temperament will colour the way he does things – but rarely what he does and rarely more than colour. Paradoxically, in times of crisis, there is a tendency to overlook the moral vices of a leader (or, for that matter, his moral virtues). If a proof was needed that moral and personal conduct are less relevant to proper leadership – this is it. When it really matters, we ignore these luxuries of righteousness and get on with the business of selecting a leader.

Not a symbol, not a standard bearer, not a superman.  
Simply a human being – with all the flaws and  
weaknesses of one – who can chart the water and navigate  
to safety flying in the face of adverse circumstances."

**AC:** "Like everything else in life, electing a leader is a  
process of compromise, a negotiation between *the ideal*  
*and the real*. I just happen to believe that a good leader is  
the one who is closer to the ideal. You believe that one  
has to be realistic, not to dream, not to expect. To me, this  
is mental death. My criticism is a cry of the pain of  
disillusionment. But if I have to choose between deluding  
myself again and standing firmly on a corrupt and  
degenerate ground – I prefer, and always will, *the levity of*  
*dreams*."

## *The Rights of Animals*

By: [Dr. Sam Vaknin](#)

“Animal rights” is a catchphrase akin to “human rights”. It involves, however, a few pitfalls. First, animals exist only as a concept. Otherwise, they are cuddly cats, curly dogs, cute monkeys. A rat and a puppy are both animals but our emotional reaction to them is so different that we cannot really lump them together. Moreover: what rights are we talking about? The right to life? The right to be free of pain? The right to food? Except the right to free speech – all other rights could be applied to animals.

Law professor Steven Wise, argues in his book, "Drawing the Line: Science and the Case for Animal Rights", for the extension to animals of legal rights accorded to infants. Many animal species exhibit awareness, cognizance and communication skills typical of human toddlers and of humans with arrested development. Yet, the latter enjoy rights denied the former.

According to Wise, there are four categories of practical autonomy - a legal standard for granting "personhood" and the rights it entails. Practical autonomy involves the ability to be desirous, to intend to fulfill and pursue one's desires, a sense of self-awareness, and self-sufficiency. Most animals, says Wise, qualify. This may be going too far. It is easier to justify the moral rights of animals than their legal rights.

But when we say "animals", what we really mean is non-human organisms. This is such a wide definition that it easily pertains to extraterrestrial aliens. Will we witness an Alien Rights movement soon? Unlikely. Thus, we are forced to narrow our field of enquiry to non-human organisms reminiscent of humans, the ones that provoke in us empathy.

Even this is way too fuzzy. Many people love snakes, for instance, and deeply empathize with them. Could we accept the assertion (avidly propounded by these people) that snakes ought to have rights – or should we consider only organisms with extremities and the ability to feel pain?

Historically, philosophers like Kant (and Descartes, Malebranche, and Aquinas) rejected the idea of animal rights. They regarded animals as the organic equivalents of machines, driven by coarse instincts, unable to experience pain (though their behavior sometimes deceives us into erroneously believing that they do).

Thus, any ethical obligation that we have towards animals is a derivative of our primary obligation towards our fellow humans (the only ones possessed of moral significance). These are called the theories of indirect moral obligations. Thus, it is wrong to torture animals only because it desensitizes us to human suffering and makes us more prone to using violence on humans. Malebranche augmented this line of thinking by "proving" that animals cannot suffer pain because they are not descended from Adam. Pain and suffering, as we all know, are the exclusive outcomes of Adam's sins.

Kant and Malebranche may have been wrong. Animals may be able to suffer and agonize. But how can we tell whether another Being is truly suffering pain or not? Through empathy. We postulate that - since that Being resembles us - it must have the same experiences and, therefore, it deserves our pity.

Yet, the principle of resemblance has many drawbacks.

One, it leads to moral relativism.

Consider this maxim from the Jewish Talmud: "Do not do unto thy friend that which you hate". An analysis of this sentence renders it less altruistic than it appears. We are encouraged to refrain from doing only those things that **WE** find hateful. This is the quiddity of moral relativism.

The saying implies that it is the individual who is the source of moral authority. Each and every one of us is allowed to spin his own moral system, independent of others. The Talmudic dictum establishes a privileged moral club (very similar to later day social contractarianism) comprised of oneself and one's friend(s). One is encouraged not to visit evil upon one's friends, all others seemingly excluded. Even the broadest interpretation of the word "friend" could only read: "someone like you" and substantially excludes strangers.

Two, similarity is a structural, not an essential, trait.

Empathy as a differentiating principle is structural: if X looks like me and behaves like me – then he is privileged. Moreover, similarity is not necessarily identity. Monkeys, dogs and dolphins are very much like us, both structurally and behaviorally. Even according to Wise, it is quantity (the degree of observed resemblance), not quality (identity, essence), that is used in determining whether an animal is worthy of holding rights, whether it is a morally significant person. The degree of figurative and functional likenesses decide whether one deserves to live, pain-free and happy.

The quantitative test includes the ability to communicate (manipulate vocal-verbal-written symbols within structured symbol systems). Yet, we ignore the fact that using the same symbols does not guarantee that we attach to them the same cognitive interpretations and the same emotional resonance ("private languages"). The same words, or symbols, often have different meanings.

Meaning is dependent upon historical, cultural, and personal contexts. There is no telling whether two people mean the same things when they say "red", or "sad", or "I", or "love". That another organism looks like us, behaves like us and communicates like us is no guarantee that it is - in its essence - like us. This is the subject of the famous [Turing Test](#): there is no effective way to distinguish a machine from a human when we rely exclusively on symbol manipulation.

Consider pain once more.

To say that something does not experience pain cannot be rigorously defended. Pain is a subjective experience. There is no way to prove or to disprove that someone is or is not in pain. Here, we can rely only on the subject's reports. Moreover, even if we were to have an analgometer (pain gauge), there would have been no way to show that the phenomenon that activates the meter is one and the same *for all subjects, SUBJECTIVELY*, i.e., that it is experienced in the same way by all the subjects examined.

Even more basic questions regarding pain are impossible to answer: What is the connection between the piercing needle and the pain **REPORTED** and between these two and electrochemical patterns of activity in the brain? A correlation between these three phenomena can be established – but not their identity or the existence of a causative process. We cannot prove that the waves in the subject's brain when he reports pain – **ARE** that pain. Nor can we show that they **CAUSED** the pain, or that the pain caused them.

It is also not clear whether our moral percepts are conditioned on the objective existence of pain, on the reported existence of pain, on the purported existence of pain (whether experienced or not, whether reported or not), or on some independent laws.



If it were painless, would it be moral to torture someone? Is the very act of sticking needles into someone immoral – or is it immoral because of the pain it causes, or supposed to inflict? Are all three components (needle sticking, a sensation of pain, brain activity) morally equivalent? If so, is it as immoral to merely generate the same patterns of brain activity, without inducing any sensation of pain and without sticking needles in the subject?

If these three phenomena are not morally equivalent – why aren't they? They are, after all, different facets of the very same pain – shouldn't we condemn all of them equally? Or should one aspect of pain (the subject's report of pain) be accorded a privileged treatment and status?

Yet, the subject's report is the weakest proof of pain! It cannot be verified. And if we cling to this descriptive-behavioral-phenomenological definition of pain than animals qualify as well. They also exhibit all the behaviors normally ascribed to humans in pain and they report feeling pain (though they do tend to use a more limited and non-verbal vocabulary).

Pain is, therefore, a value judgment and the reaction to it is culturally dependent. In some cases, pain is perceived as positive and is sought. In the Aztec cultures, being chosen to be sacrificed to the Gods was a high honor. How would we judge animal rights in such historical and cultural contexts? Are there any "universal" values or does it all really depend on interpretation?

If we, humans, cannot separate the objective from the subjective and the cultural – what gives us the right or ability to decide for other organisms? We have no way of knowing whether pigs suffer pain.

We cannot decide right and wrong, good and evil for those with whom we can communicate, let alone for organisms with which we fail to do even this.

Is it **GENERALLY** immoral to kill, to torture, to pain? The answer seems obvious and it automatically applies to animals. Is it generally immoral to destroy? Yes, it is and this answer applies to the inanimate as well. There are exceptions: it is [permissible to kill](#) and to inflict pain in order to prevent a (quantitatively or qualitatively) greater evil, to protect life, and when no reasonable and feasible alternative is available.

The chain of food in nature is morally neutral and so are death and disease. Any act which is intended to sustain life of a higher order (and a higher order in life) – is morally positive or, at least neutral. Nature decreed so. Animals do it to other animals – though, admittedly, they optimize their consumption and avoid waste and unnecessary pain. Waste and pain are morally wrong. This is not a question of hierarchy of more or less important Beings (an outcome of the fallacy of anthropomorphesizing Nature).

The distinction between what is (essentially) **US** – and what just looks and behaves like us (but is **NOT** us) is false, superfluous and superficial. Sociobiology is already blurring these lines. Quantum Mechanics has taught us that we can say nothing about what the world really **IS**. If things look the same and behave the same, we better assume that they are the same.

The attempt to claim that moral responsibility is reserved to the human species is self defeating. If it is so, then we definitely have a moral obligation towards the weaker and meeker. If it isn't, what right do we have to decide who shall live and who shall die (in pain)?

The increasingly shaky "fact" that species do not interbreed "proves" that species are distinct, say some. But who can deny that we share most of our genetic material with the fly and the mouse? We are not as dissimilar as we wish we were. And ever-escalating cruelty towards other species will not establish our genetic supremacy - merely our moral inferiority.

## *Just War or a Just War?*

By: [Dr. Sam Vaknin](#)

In an age of terrorism, guerilla and total warfare the medieval doctrine of Just War needs to be re-defined. Moreover, issues of legitimacy, efficacy and morality should not be confused. Legitimacy is conferred by institutions. Not all morally justified wars are, therefore, automatically legitimate. Frequently the efficient execution of a battle plan involves immoral or even illegal acts.

As international law evolves beyond the ancient concepts of sovereignty, it should incorporate new thinking about pre-emptive strikes, human rights violations as *casus belli* and the role and standing of international organizations, insurgents and liberation movements.

Yet, inevitably, what constitutes "justice" depends heavily on the cultural and societal contexts, narratives, mores, and values of the disputants. Thus, one cannot answer the deceptively simple question: "Is this war a just war?" - without first asking: "According to whom? In which context? By which criteria? Based on what values? In which period in history and where?"

Being members of Western Civilization, whether by choice or by default, our understanding of what constitutes a just war is crucially founded on our shifting perceptions of the West.

Imagine a village of 220 inhabitants. It has one heavily armed police constable flanked by two lightly equipped assistants. The hamlet is beset by a bunch of ruffians who molest their own families and, at times, violently lash out at their neighbors. These delinquents mock the authorities and ignore their decisions and decrees.

Yet, the village council - the source of legitimacy - refuses to authorize the constable to apprehend the villains and dispose of them, by force of arms if need be. The elders see no imminent or present danger to their charges and are afraid of potential escalation whose evil outcomes could far outweigh anything the felons can achieve.

Incensed by this laxity, the constable - backed only by some of the inhabitants - breaks into the home of one of the more egregious thugs and expels or kills him. He claims to have acted preemptively and in self-defense, as the criminal, long in defiance of the law, was planning to attack its representatives.

Was the constable right in acting the way he did?

On the one hand, he may have saved lives and prevented a conflagration whose consequences no one could predict. On the other hand, by ignoring the edicts of the village council and the expressed will of many of the denizens, he has placed himself above the law, as its absolute interpreter and enforcer.

What is the greater danger? Turning a blind eye to the exploits of outlaws and outcasts, thus rendering them ever more daring and insolent - or acting unilaterally to counter such pariahs, thus undermining the communal legal foundation and, possibly, leading to a chaotic situation of "might is right"? In other words, when ethics and expedience conflict with legality - which should prevail?

Enter the medieval doctrine of "Just War" (*justum bellum*, or, more precisely *jus ad bellum*), propounded by Saint Augustine of Hippo (fifth century AD), Saint Thomas Aquinas (1225-1274) in his "*Summa Theologicae*", Francisco de Vitoria (1548-1617), Francisco Suarez (1548-1617), Hugo Grotius (1583-1645) in his influential tome "*Jure Belli ac Pacis*" ("On Rights of War and Peace", 1625), Samuel Pufendorf (1632-1704), Christian Wolff (1679-1754), and Emerich de Vattel (1714-1767).

Modern thinkers include Michael Walzer in "*Just and Unjust Wars*" (1977), Barrie Paskins and Michael Dockrill in "*The Ethics of War*" (1979), Richard Norman in "*Ethics, Killing, and War*" (1995), Thomas Nagel in "*War and Massacre*", and Elizabeth Anscombe in "*War and Murder*".

According to the Catholic Church's rendition of this theory, set forth by Bishop Wilton D. Gregory of the United States Conference of Catholic Bishops in his Letter to President Bush on Iraq, dated September 13, 2002, going to war is justified if these conditions are met:

***"The damage inflicted by the aggressor on the nation or community of nations [is] lasting, grave, and certain; all other means of putting an end to it must have been shown to be impractical or ineffective; there must be serious prospects of success; the use of arms must not produce evils and disorders graver than the evil to be eliminated."***

A just war is, therefore, a last resort, all other peaceful conflict resolution options having been exhausted.

The Internet Encyclopedia of Philosophy sums up the doctrine thus:

"The principles of the justice of war are commonly held to be:

- (1) Having just cause (especially and, according to the United Nations Charter, exclusively, self-defense)
- (2) Being (formally) declared by a proper authority
- (3) Possessing a right intention
- (4) Having a reasonable chance of success
- (5) The end being proportional to the means used."

Yet, the evolution of warfare - the invention of nuclear weapons, the propagation of total war, the ubiquity of guerrilla and national liberation movements, the emergence of global, border-hopping terrorist organizations, of totalitarian regimes, and rogue or failed states - requires these principles to be modified by adding these tenets:

(6) That the declaring authority is a lawfully and democratically elected government

(7) That the declaration of war reflects the popular will

(Extension of 3) The right intention is to act in just cause.

(Extension of 4) ... or a reasonable chance of avoiding an annihilating defeat

(Extension of 5) That the outcomes of war are preferable to the outcomes of the preservation of peace.

Still, the doctrine of just war, conceived in Europe in eras past, is fraying at the edges. Rights and corresponding duties are ill-defined or mismatched. What is legal is not always moral and what is legitimate is not invariably legal. Political realism and quasi-religious idealism sit uncomfortably within the same conceptual framework. Norms are vague and debatable while customary law is only partially subsumed in the tradition (i.e., in treaties, conventions and other instruments, as well in the actual conduct of states).

The most contentious issue is, of course, what constitutes "just cause". Self-defense, in its narrowest sense (reaction to direct and overwhelming armed aggression), is a justified *casus belli*. But what about the use of force to (deontologically, consequentially, or ethically):

(1) Prevent or ameliorate a slow-motion or permanent humanitarian crisis



- (2) Preempt a clear and present danger of aggression ("anticipatory or preemptive self-defense" against what Grotius called "immediate danger")
- (3) Secure a safe environment for urgent and indispensable humanitarian relief operations
- (4) Restore democracy in the attacked state ("regime change")
- (5) Restore public order in the attacked state
- (6) Prevent human rights violations or crimes against humanity or violations of international law by the attacked state
- (7) Keep the peace ("peacekeeping operations") and enforce compliance with international or bilateral treaties between the aggressor and the attacked state or the attacked state and a third party
- (8) Suppress armed infiltration, indirect aggression, or civil strife aided and abetted by the attacked state
- (9) Honor one's obligations to frameworks and treaties of collective self-defense
- (10) Protect one's citizens or the citizens of a third party inside the attacked state
- (11) Protect one's property or assets owned by a third party inside the attacked state

(12) Respond to an invitation by the authorities of the attacked state - and with their expressed consent - to militarily intervene within the territory of the attacked state

(13) React to offenses against the nation's honor or its economy

Unless these issues are resolved and codified, the entire edifice of international law - and, more specifically, the law of war - is in danger of crumbling. The contemporary multilateral regime proved inadequate and unable to effectively tackle genocide (Rwanda, Bosnia), terror (in Africa, Central Asia, and the Middle East), weapons of mass destruction (Iraq, India, Israel, Pakistan, North Korea), and tyranny (in dozens of members of the United Nations).

This feebleness inevitably led to the resurgence of "might is right" unilateralism, as practiced, for instance, by the United States in places as diverse as Grenada and Iraq. This pernicious and ominous phenomenon is coupled with contempt towards and suspicion of international organizations, treaties, institutions, undertakings, and the prevailing consensual order.

In a unipolar world, reliant on a single superpower for its security, the abrogation of the rules of the game could lead to chaotic and lethal anarchy with a multitude of "rebellions" against the emergent American Empire. International law - the formalism of "natural law" - is only one of many competing universalist and missionary value systems. Militant Islam is another. The West must adopt the former to counter the latter.

## *Cannibalism and Human Sacrifice*

By: [Dr. Sam Vaknin](#)

*"I believe that when man evolves a civilization higher than the mechanized but still primitive one he has now, the eating of human flesh will be sanctioned. For then man will have thrown off all of his superstitions and irrational taboos."*

*(Diego Rivera)*

*"One calls 'barbarism' whatever he is not accustomed to."*

*(Montaigne, On Cannibalism)*

*"Then Jesus said unto them, Verily, verily, I say unto you, Except ye eat the flesh of the Son of man, and drink his blood, ye have no life in you. Whoso eateth my flesh, and drinketh my blood, hath eternal life; and I will raise him up at the last day. For my flesh is meat indeed, and my blood is drink indeed."*

*(New Testament, John 6:53-55)*

Cannibalism (more precisely, anthropophagy) is an age-old tradition that, judging by a constant stream of flabbergasted news reports, is far from extinct. Much-debated indications exist that our Neanderthal, Proto-Neolithic, and Neolithic (Stone Age) predecessors were cannibals. Similarly contested claims were made with regards to the 12th century advanced Anasazi culture in the southwestern United States and the Minoans in Crete (today's Greece).

The Britannica Encyclopedia (2005 edition) recounts how the "*Binderwurs of central India ate their sick and aged in the belief that the act was pleasing to their goddess, Kali.*" Cannibalism may also have been common among followers of the Shaktism cults in India.

Other sources attribute cannibalism to the 16th century Imbangala in today's Angola and Congo, the Fang in Cameroon, the Mangbetu in Central Africa, the Ache in Paraguay, the Tonkawa in today's Texas, the Calusa in current day Florida, the Caddo and Iroquois confederacies of Indians in North America, the Cree in Canada, the Witoto, natives of Colombia and Peru, the Carib in the Lesser Antilles (whose distorted name - Canib - gave rise to the word "cannibalism"), to Maori tribes in today's New Zealand, and to various peoples in Sumatra (like the Batak).

The Wikipedia numbers among the practitioners of cannibalism the ancient Chinese, the Korowai tribe of southeastern Papua, the Fore tribe in New Guinea (and many other tribes in Melanesia), the Aztecs, the people of Yucatan, the Purchas from Popayan, Colombia, the denizens of the Marquesas Islands of Polynesia, and the natives of the captaincy of Sergipe in Brazil.

From Congo and Central Africa to Germany and from Mexico to New Zealand, cannibalism is enjoying a morbid revival of interest, if not of practice. A veritable torrent of sensational tomes and movies adds to our ambivalent fascination with man-eaters.

Cannibalism is not a monolithic affair. It can be divided thus:

### ***I. Non-consensual consumption of human flesh post-mortem***

For example, when the corpses of prisoners of war are devoured by their captors. This used to be a common exercise among island tribes (e.g., in Fiji, the Andaman and Cook islands) and is still the case in godforsaken battle zones such as Congo (formerly Zaire), or among the defeated Japanese soldiers in World War II.

Similarly, human organs and fetuses as well as mummies are still being gobbled up - mainly in Africa and Asia - for remedial and medicinal purposes and in order to enhance one's libido and vigor.

On numerous occasions the organs of dead companions, colleagues, family, or neighbors were reluctantly ingested by isolated survivors of horrid accidents (the Uruguay rugby team whose plane crashed in the Andes, the boat people fleeing Asia), denizens of besieged cities (e.g., during the siege of Leningrad), members of exploratory expeditions gone astray (the Donner Party in Sierra Nevada, California and John Franklin's Polar expedition), famine-stricken populations (Ukraine in the 1930s, China in the 1960s), and the like.

Finally, in various pre-nation-state and tribal societies, members of the family were encouraged to eat specific parts of their dead relatives as a sign of respect or in order to partake of the deceased's wisdom, courage, or other positive traits (endocannibalism).

### ***II. Non-consensual consumption of human flesh from a live source***

For example, when prisoners of war are butchered for the express purpose of being eaten by their victorious enemies.

A notorious and rare representative of this category of cannibalism is the punitive ritual of being eaten alive. The kings of the tribes of the Cook Islands were thought to embody the gods. They punished dissent by dissecting their screaming and conscious adversaries and consuming their flesh piecemeal, eyeballs first.

The Sawney Bean family in Scotland, during the reign of King James I, survived for decades on the remains (and personal belongings) of victims of their murderous sprees.

Real-life [serial killers](#), like Jeffrey Dahmer, Albert Fish, Sascha Speiwtssew, Fritz Haarmann, Issei Sagawa, and [Ed Gein](#), lured, abducted, and massacred countless people and then consumed their flesh and preserved the inedible parts as trophies. These lurid deeds inspired a slew of books and films, most notably *The Silence of the Lambs* with Hannibal (Lecter) the Cannibal as its protagonist.

### ***III. Consensual consumption of human flesh from live and dead human bodies***

Armin Meiwes, the "Master Butcher (Der Metzgermeister)", arranged over the Internet to meet Bernd Jurgen Brandes on March 2001. Meiwes amputated the penis of his guest and they both ate it. He then proceeded to kill Brandes (with the latter's consent recorded on video), and snack on what remained of him. Sexual cannibalism is a paraphilia and an extreme - and thankfully, rare - form of fetishism.

The Aztecs willingly volunteered to serve as human sacrifices (and to be tucked into afterwards). They firmly believed that they were offerings, chosen by the gods themselves, thus being rendered immortal.

Dutiful sons and daughters in China made their amputated organs and sliced tissues (mainly the liver) available to their sick parents (practices known as Ko Ku and Ko Kan). Such donation were considered remedial. Princess Miao Chuang who surrendered her severed hands to her ailing father was henceforth deified.

Non-consensual cannibalism is murder, pure and simple. The attendant act of cannibalism, though aesthetically and ethically reprehensible, cannot aggravate this supreme assault on all that we hold sacred.

But consensual cannibalism is a lot trickier. Modern medicine, for instance, has blurred the already thin line between right and wrong.

What is the ethical difference between consensual, post-mortem, organ harvesting and consensual, post-mortem cannibalism?

Why is stem cell harvesting (from aborted fetuses) morally superior to consensual post-mortem cannibalism?

When members of a plane-wrecked rugby team, stranded on an inaccessible, snow-piled, mountain range resort to eating each other in order to survive, we turn a blind eye to their repeated acts of cannibalism - but we condemn the very same deed in the harshest terms if it takes place between two consenting, and even eager adults in

Germany. Surely, we don't treat murder, pedophilia, and incest the same way!

As the Auxiliary Bishop of Montevideo said after the crash:

*"... Eating someone who has died in order to survive is incorporating their substance, and it is quite possible to compare this with a graft. Flesh survives when assimilated by someone in extreme need, just as it does when an eye or heart of a dead man is grafted onto a living man..."*

*(Read, P.P. 1974. Alive. Avon, New York)*

Complex ethical issues are involved in the apparently straightforward practice of consensual cannibalism.

Consensual, in vivo, cannibalism (a-la Messrs. Meiwes and Brandes) resembles suicide. The cannibal is merely the instrument of voluntary self-destruction. Why would we treat it different to the way we treat any other form of suicide pact?

Consensual cannibalism is not the equivalent of drug abuse because it has no social costs. Unlike junkies, the cannibal and his meal are unlikely to harm others. What gives society the right to intervene, therefore?

If we own our bodies and, thus, have the right to smoke, drink, have an abortion, commit suicide, and will our organs to science after we die - why don't we possess the inalienable right to will our delectable tissues to a discerning cannibal post-mortem (or to victims of famine in Africa)?



When does our right to dispose of our organs in any way we see fit crystallize? Is it when we die? Or after we are [dead](#)? If so, what is the meaning and legal validity of a living will? And why can't we make a living will and bequeath our cadaverous selves to the nearest cannibal?

Do dead people have rights and can they claim and invoke them while they are still alive? Is the live person the same as his dead body, does he "own" it, does the state have any rights in it? Does the corpse still retain its previous occupant's "personhood"? Are cadavers still [human](#), in any sense of the word?

We find all three culinary variants abhorrent. Yet, this instinctive repulsion is a curious matter. The onerous demands of survival should have encouraged cannibalism rather than make it a taboo. Human flesh is protein-rich. Most societies, past and present (with the exception of the industrialized West), need to make efficient use of rare protein-intensive resources.

If cannibalism enhances the chances of survival - why is it universally prohibited? For many a reason.

### ***I. The Sanctity of Life***

Historically, cannibalism preceded, followed, or precipitated an act of murder or extreme deprivation (such as [torture](#)). It habitually clashed with the principle of the [sanctity of life](#). Once allowed, even under the strictest guidelines, cannibalism tended to debase and devalue human life and foster homicide, propelling its practitioners down a slippery ethical slope towards bloodlust and orgiastic massacres.

## ***II. The Afterlife***

Moreover, in life, the human body and form are considered by most religions (and philosophers) to be the abode of the soul, the divine spark that animates us all. The post-mortem integrity of this shrine is widely thought to guarantee a faster, unhindered access to the afterlife, to immortality, and eventual reincarnation (or karmic cycle in eastern religions).

For this reason, to this very day, orthodox Jews refuse to subject their relatives to a post-mortem autopsy and organ harvesting. Fijians and Cook Islanders used to consume their enemies' carcasses in order to prevent their souls from joining hostile ancestors in heaven.

## ***III. Chastening Reminders***

Cannibalism is a chilling reminder of our humble origins in the [animal kingdom](#). To the cannibal, we are no better and no more than cattle or sheep. Cannibalism confronts us with the irreversibility of our death and its finality. Surely, we cannot survive our demise with our cadaver mutilated and gutted and our skeletal bones scattered, gnawed, and chewed on?

## ***IV. Medical Reasons***

Infrequently, cannibalism results in [prion diseases](#) of the nervous system, such as kuru. The same paternalism that gave rise to the banning of drug abuse, the outlawing of [suicide](#), and the [Prohibition](#) of alcoholic drinks in the 1920s - seeks to shelter us from the pernicious medical outcomes of cannibalism and to protect others who might become our victims.

## ***V. The Fear of Being Objectified***

Being treated as an object (being objectified) is the most torturous form of [abuse](#). People go to great lengths to seek [empathy](#) and to be perceived by others as three dimensional entities with emotions, needs, priorities, wishes, and preferences.

The cannibal reduces others by treating them as so much meat. Many cannibal [serial killers](#) transformed the organs of their victims into trophies. The Cook Islanders sought to humiliate their enemies by eating, digesting, and then defecating them - having absorbed their mana (prowess, life force) in the process.

## ***VI. The Argument from Nature***

Cannibalism is often castigated as "unnatural". Animals, goes the myth, don't prey on their own kind.

Alas, like so many other romantic lores, this is untrue. Most species - including our closest relatives, the chimpanzees - do cannibalize. Cannibalism in nature is widespread and serves diverse purposes such as population control (chickens, salamanders, toads), food and protein security in conditions of scarcity (hippopotamuses, scorpions, certain types of dinosaurs), threat avoidance (rabbits, mice, rats, and hamsters), and the propagation of genetic material through exclusive mating (Red-back spider and many mantids).

Moreover, humans are a part of nature. Our deeds and misdeeds are natural by definition. Seeking to tame nature is a natural act. Seeking to establish hierarchies and subdue or relinquish our enemies are natural propensities.

By avoiding cannibalism we seek to transcend nature.  
Refraining from cannibalism is the unnatural act.

### ***VIII. The Argument from Progress***

It is a circular syllogism involving a tautology and goes like this:

Cannibalism is barbaric. Cannibals are, therefore, barbarians. Progress entails the abolition of this practice.

The premises - both explicit and implicit - are axiomatic and, therefore, shaky. What makes cannibalism barbarian? And why is progress a desirable outcome? There is a prescriptive fallacy involved, as well:

Because we do not eat the bodies of dead people - we ought not to eat them.

### ***VIII. Arguments from Religious Ethics***

The major monotheistic religions are curiously mute when it comes to cannibalism. Human sacrifice is denounced numerous times in the Old Testament - but man-eating goes virtually unmentioned. The Eucharist in Christianity - when the believers consume the actual body and blood of Jesus - is an act of undisguised cannibalism:

***"That the consequence of Transubstantiation, as a conversion of the total substance, is the transition of the entire substance of the bread and wine into the Body and Blood of Christ, is the express doctrine of the Church ...."***

***(Catholic Encyclopedia)***

***"CANON II.-If any one saith, that, in the sacred and holy sacrament of the Eucharist, the substance of the bread and wine remains conjointly with the body and blood of our Lord Jesus Christ, and denieth that wonderful and singular conversion of the whole substance of the bread into the Body, and of the whole substance of the wine into the Blood-the species Only of the bread and wine remaining-which conversion indeed the Catholic Church most aptly calls Transubstantiation; let him be anathema.***

***CANON VIII.-If any one saith, that Christ, given in the Eucharist, is eaten spiritually only, and not also sacramentally and really; let him be anathema."***

***(The Council of Trent, The Thirteenth Session - The canons and decrees of the sacred and oecumenical Council of Trent, Ed. and trans. J. Waterworth (London: Dolman, 1848), 75-91.)***

Still, most systems of morality and ethics impute to Man a privileged position in the scheme of things (having been created in the "image of God"). Men and women are supposed to transcend their animal roots and inhibit their baser instincts (an idea incorporated into [Freud's tripartite model](#) of the human psyche). The anthropocentric chauvinistic view is that it is permissible to kill all other animals in order to consume their flesh. Man, in this respect, is sui generis.

Yet, it is impossible to rigorously derive a prohibition to eat human flesh from any known moral system. As Richard Routley-Silvan observes in his essay "In Defence of Cannibalism", that something is innately repugnant does not make it morally prohibited. Moreover, that we

find cannibalism nauseating is probably the outcome of upbringing and conditioning rather than anything innate.

# *Euthanasia and the Right to Die*

By: [Dr. Sam Vaknin](#)

## *I. Definitions of Types of Euthanasia*

Euthanasia is often erroneously described as "mercy killing". Most forms of euthanasia are, indeed, motivated by (some say: misplaced) mercy. Not so others. In Greek, "eu" means both "well" and "easy" and "Thanatos" is death.

Euthanasia is the intentional premature termination of another person's life either by direct intervention (*active euthanasia*) or by withholding life-prolonging measures and resources (*passive euthanasia*), either at the express or implied request of that person (*voluntary euthanasia*), or in the absence of such approval (*non-voluntary euthanasia*). *Involuntary euthanasia* - where the individual wishes to go on living - is an euphemism for *murder*.

To my mind, passive euthanasia is immoral. The abrupt withdrawal of medical treatment, feeding, and hydration results in a slow and (potentially) torturous death. It took Terri Schiavo 13 days to die, when her tubes were withdrawn in the last two weeks of March 2005. It is morally wrong to subject even animals to such gratuitous suffering. Moreover, passive euthanasia allows us to evade personal responsibility for the patient's death. In active euthanasia, the relationship between the act (of administering a lethal medication, for instance) and its consequences is direct and unambiguous.

As the philosopher John Finnis notes, to qualify as euthanasia, the termination of life has to be the main and intended aim of the act or omission that lead to it. If the loss of life is incidental (a side effect), the agent is still morally responsible but to describe his actions and omissions as euthanasia would be misleading. Voluntariness (accepting the foreseen but unintended consequences of one's actions and omissions) should be distinguished from intention.

Still, this sophistry obscures the main issue:

If the sanctity of life is a supreme and overriding value ("basic good"), it ought to surely preclude and proscribe all acts and omissions which may shorten it, even when the shortening of life is a mere deleterious side effect.

But this is not the case. The sanctity and value of life compete with a host of other equally potent moral demands. Even the most devout pro-life ethicist accepts that certain medical decisions - for instance, to administer strong analgesics - inevitably truncate the patient's life. Yet, this is considered moral because the resulting euthanasia is not the main intention of the pain-relieving doctor.

Moreover, the apparent dilemma between the two values (reduce suffering or preserve life) is non-existent.

There are four possible situations. Imagine a patient writhing with insufferable pain.

1. The patient's life is not at risk if she is not medicated with painkillers (she risks dying if she is medicated)



2. The patient's life is not at risk either way, medicated or not
3. The patient's life is at risk either way, medicated or not
4. The patient's life is at risk if she is not medicated with painkillers

In all four cases, the decisions our doctor has to make are ethically clear cut. He should administer pain-alleviating drugs, except when the patient risks dying (in 1 above). The (possible) shortening of the patient's life (which is guesswork, at best) is immaterial.

## ***II. Who is or Should Be Subject to Euthanasia? The Problem of Dualism vs. Reductionism***

With the exception of radical [animal rights](#) activists, most philosophers and laymen consider people - human beings - to be entitled to "special treatment", to be in possession of unique rights (and commensurate obligations), and to be capable of feats unparalleled in other species.

Thus, opponents of euthanasia universally oppose the killing of "persons". As the (pro-euthanasia) philosopher John Harris puts it:

***" ... concern for their welfare, respect for their wishes, respect for the intrinsic value of their lives and respect for their interests."***

Ronald Dworkin emphasizes the investments - made by nature, the person involved, and others - which euthanasia wastes. But he also draws attention to the person's "critical interests" - the interests whose satisfaction makes life

better to live. The manner of one's own death may be such a critical interest. Hence, one should have the right to choose how one dies because the "right kind" of death (e.g., painless, quick, dignified) reflects on one's entire life, affirms and improves it.

But who is a person? What makes us [human](#)? Many things, most of which are irrelevant to our discussion.

Broadly speaking, though, there are two schools of thought:

(i) That we are rendered human by the very event of our conception (egg meets sperm), or, at the latest, our birth; or

(ii) That we are considered human only when we act and think as conscious humans do.

The proponents of the first case (i) claim that merely possessing a human body (or the potential to come to possess such a body) is enough to qualify us as "persons". There is no distinction between mind and abode - thought, feelings, and actions are merely manifestations of one underlying unity. The fact that some of these manifestations have yet to materialize (in the case of an embryo) or are mere potentials (in the case of a comatose patient) does not detract from our essential, incontrovertible, and indivisible humanity. We may be immature or damaged persons - but we are persons all the same (and always will be persons).

Though considered "religious" and "spiritual", this notion is actually a form of reductionism. The mind, "soul", and

"spirit" are mere expressions of one unity, grounded in our "hardware" - in our bodies.

Those who argue the second case (ii) postulate that it is possible to have a human body which does not host a person. People in Persistent Vegetative States, for instance - or fetuses, for that matter - are human but also non-persons. This is because they do not yet - or are unable to - exercise their faculties. Personhood is complexity. When the latter ceases, so does the former. Personhood is acquired and is an extensive parameter, a total, defining state of being. One is either awake or asleep, either dead or alive, either in a state of personhood or not

The latter approach involves fine distinctions between potential, capacity, and skill. A human body (or fertilized egg) have the potential to think, write poetry, feel pain, and value life. At the right phase of somatic development, this potential becomes capacity and, once it is competently exercised - it is a skill.

Embryos and comatose people may have the potential to do and think - but, in the absence of capacities and skills, they are not full-fledged persons. Indeed, in all important respects, they are already dead.

Taken to its logical conclusion, this definition of a person also excludes newborn infants, the severely retarded, the hopelessly quadriplegic, and the catatonic. "Who is a person" becomes a matter of culturally-bound and medically-informed judgment which may be influenced by both ignorance and fashion and, thus, be arbitrary and immoral.

Imagine a computer infected by a computer virus which cannot be quarantined, deleted, or fixed. The virus disables the host and renders it "dead". Is it still a computer? If someone broke into my house and stole it, can I file an insurance claim? If a colleague destroys it, can I sue her for the damages? The answer is yes. A computer is a computer for as long as it exists physically and a cure is bound to be found even against the most trenchant virus.

The definition of personhood must rely on objective, determinate and determinable criteria. The anti-euthanasia camp relies on bodily existence as one such criterion. The pro-euthanasia faction has yet to reciprocate.

### ***III. Euthanasia and Suicide***

Self-sacrifice, avoidable martyrdom, engaging in life risking activities, refusal to prolong one's life through medical treatment, euthanasia, overdosing, and self-destruction that is the result of coercion - are all closely related to suicide. They all involve a deliberately self-inflicted death.

But while suicide is chiefly intended to terminate a life – the other acts are aimed at perpetuating, strengthening, and defending values or other people. Many - not only religious people - are appalled by the choice implied in suicide - of death over life. They feel that it demeans life and abnegates its meaning.

Life's meaning - the outcome of active selection by the individual - is either external (such as "God's plan") or internal, the outcome of an arbitrary frame of reference, such as having a career goal. Our life is rendered

meaningful only by integrating into an eternal thing, process, design, or being. Suicide makes life trivial because the act is not natural - not part of the eternal framework, the undying process, the timeless cycle of birth and death. Suicide is a break with eternity.

Henry Sidgwick said that only conscious (i.e., intelligent) beings can appreciate values and meanings. So, life is significant to conscious, intelligent, though finite, beings - because it is a part of some eternal goal, plan, process, thing, design, or being. Suicide flies in the face of Sidgwick's dictum. It is a statement by an intelligent and conscious being about the meaninglessness of life.

If suicide is a statement, than society, in this case, is against the freedom of expression. In the case of suicide, free speech dissonantly clashes with the sanctity of a meaningful life. To rid itself of the anxiety brought on by this conflict, society cast suicide as a depraved or even criminal act and its perpetrators are much castigated.

The suicide violates not only the social contract but, many will add, covenants with God or nature. St. Thomas Aquinas wrote in the "Summa Theologiae" that - since organisms strive to survive - suicide is an unnatural act. Moreover, it adversely affects the community and violates the property rights of God, the imputed owner of one's spirit. Christianity regards the immortal soul as a gift and, in Jewish writings, it is a deposit. Suicide amounts to the abuse or misuse of God's possessions, temporarily lodged in a corporeal mansion.

This paternalism was propagated, centuries later, by Sir William Blackstone, the codifier of British Law. Suicide - being self-murder - is a grave felony, which the state has a

right to prevent and to punish for. In certain countries this still is the case. In Israel, for instance, a soldier is considered to be "military property" and an attempted suicide is severely punished as "the corruption of an army chattel".

Paternalism, a malignant mutation of benevolence, is about objectifying people and treating them as possessions. Even fully-informed and consenting adults are not granted full, unmitigated autonomy, freedom, and privacy. This tends to breed "victimless crimes". The "culprits" - gamblers, homosexuals, communists, suicides, drug addicts, alcoholics, prostitutes – are "protected from themselves" by an intrusive nanny state.

The possession of a right by a person imposes on others a corresponding obligation not to act to frustrate its exercise. Suicide is often the choice of a mentally and legally competent adult. Life is such a basic and deep set phenomenon that even the incompetents - the mentally retarded or mentally insane or minors - can fully gauge its significance and make "informed" decisions, in my view.

The paternalists claim counterfactually that no competent adult "in his right mind" will ever decide to commit suicide. They cite the cases of suicides who survived and felt very happy that they have - as a compelling reason to intervene. But we all make irreversible decisions for which, sometimes, we are sorry. It gives no one the right to interfere.

Paternalism is a slippery slope. Should the state be allowed to prevent the birth of a genetically defective child or forbid his parents to marry in the first place? Should unhealthy adults be forced to abstain from

smoking, or steer clear from alcohol? Should they be coerced to exercise?

Suicide is subject to a double moral standard. People are permitted - nay, encouraged - to sacrifice their life only in certain, socially sanctioned, ways. To die on the battlefield or in defense of one's religion is commendable. This hypocrisy reveals how power structures - the state, institutional religion, political parties, national movements - aim to monopolize the lives of citizens and adherents to do with as they see fit. Suicide threatens this monopoly. Hence the taboo.

Does one have a right to take one's life?

The answer is: it depends. Certain cultures and societies encourage suicide. Both Japanese kamikaze and Jewish martyrs were extolled for their suicidal actions. Certain professions are knowingly life-threatening - soldiers, firemen, policemen. Certain industries - like the manufacture of armaments, cigarettes, and alcohol - boost overall mortality rates.

In general, suicide is commended when it serves social ends, enhances the cohesion of the group, upholds its values, multiplies its wealth, or defends it from external and internal threats. Social structures and human collectives - empires, countries, firms, bands, institutions - often commit suicide. This is considered to be a healthy process.

More about suicide, the meaning of life, and related considerations - [HERE](#).

Back to our central dilemma:

Is it morally justified to commit suicide in order to avoid certain, forthcoming, unavoidable, and unrelenting torture, pain, or coma?

Is it morally justified to ask others to help you to commit suicide (for instance, if you are incapacitated)?

Imagine a society that venerates life-with-dignity by making euthanasia mandatory - would it then and there be morally justified to *refuse* to commit suicide or to help in it?

#### ***IV. Euthanasia and Murder***

Imagine killing someone before we have ascertained her preferences as to the manner of her death and whether she wants to die at all. This constitutes murder even if, after the fact, we can prove conclusively that the victim wanted to die.

Is murder, therefore, merely the act of taking life, regardless of circumstances - or is it the nature of the interpersonal interaction that counts? If the latter, the victim's will counts - if the former, it is irrelevant.

#### ***V. Euthanasia, the Value of Life, and the Right to Life***

Few philosophers, legislators, and laymen support non-voluntary or involuntary euthanasia. These types of "mercy" killing are associated with the most heinous crimes against humanity committed by the Nazi regime on both its own people and other nations. They are and were also an integral part of every program of active [eugenics](#).



The arguments against killing someone who hasn't expressed a wish to die (let alone someone who has expressed a desire to go on living) revolve around the right to life. People are assumed to value their life, cherish it, and protect it. Euthanasia - especially the non-voluntary forms - amounts to depriving someone (as well as their nearest and dearest) of something they value.

The right to life - at least as far as human beings are concerned - is a rarely questioned fundamental moral principle. In Western cultures, it is assumed to be inalienable and indivisible (i.e., monolithic). Yet, it is neither. Even if we accept the axiomatic - and therefore arbitrary - source of this right, we are still faced with intractable dilemmas. All said, the right to life may be nothing more than a cultural construct, dependent on social mores, historical contexts, and exegetic systems.

Rights - whether moral or legal - impose obligations or duties on third parties towards the right-holder. One has a right **AGAINST** other people and thus can prescribe to them certain obligatory behaviors and proscribe certain acts or omissions. Rights and duties are two sides of the same Janus-like ethical coin.

This duality confuses people. They often erroneously identify rights with their attendant duties or obligations, with the morally decent, or even with the morally permissible. One's rights inform other people how they **MUST** behave towards one - not how they **SHOULD** or **OUGHT** to act morally. Moral behavior is not dependent on the existence of a right. Obligations are.

To complicate matters further, many apparently simple and straightforward rights are amalgams of more basic

moral or legal principles. To treat such rights as unities is to mistreat them.

Take the right to life. It is a compendium of no less than eight distinct rights: the right to be brought to life, the right to be born, the right to have one's life maintained, the right not to be killed, the right to have one's life saved, the right to save one's life (wrongly reduced to the right to self-defence), the right to terminate one's life, and the right to have one's life terminated.

None of these rights is self-evident, or unambiguous, or universal, or immutable, or automatically applicable. It is safe to say, therefore, that these rights are not primary as hitherto believed - but derivative.

Go [HERE](#) to learn more about the Right to Life.

Of the eight strands comprising the right to life, we are concerned with a mere two.

### ***The Right to Have One's Life Maintained***

This leads to a more general quandary. To what extent can one use other people's bodies, their property, their time, their resources and to deprive them of pleasure, comfort, material possessions, income, or any other thing - in order to maintain one's life?

Even if it were possible in reality, it is indefensible to maintain that I have a right to sustain, improve, or prolong my life at another's expense. I cannot demand - though I can morally expect - even a trivial and minimal sacrifice from another in order to prolong my life. I have no right to do so.

Of course, the existence of an implicit, let alone explicit, contract between myself and another party would change the picture. The right to demand sacrifices commensurate with the provisions of the contract would then crystallize and create corresponding duties and obligations.

No embryo has a right to sustain its life, maintain, or prolong it at its mother's expense. This is true regardless of how insignificant the sacrifice required of her is.

Yet, by knowingly and intentionally conceiving the embryo, the mother can be said to have signed a contract with it. The contract causes the right of the embryo to demand such sacrifices from his mother to crystallize. It also creates corresponding duties and obligations of the mother towards her embryo.

We often find ourselves in a situation where we do not have a given right against other individuals - but we do possess this very same right against society. Society owes us what no constituent-individual does.

Thus, we all have a right to sustain our lives, maintain, prolong, or even improve them at society's expense - no matter how major and significant the resources required. Public hospitals, state pension schemes, and police forces may be needed in order to fulfill society's obligations to prolong, maintain, and improve our lives - but fulfill them it must.

Still, each one of us can sign a contract with society - implicitly or explicitly - and abrogate this right. One can volunteer to join the army. Such an act constitutes a contract in which the individual assumes the duty or obligation to give up his or her life.

### ***The Right not to be Killed***

It is commonly agreed that every person has the right not to be killed unjustly. Admittedly, what is just and what is unjust is determined by an ethical calculus or a social contract - both constantly in flux.

Still, even if we assume an Archimedean immutable point of moral reference - does A's right not to be killed mean that third parties are to refrain from enforcing the rights of other people against A? What if the only way to right wrongs committed by A against others - was to kill A? The moral obligation to right wrongs is about restoring the rights of the wronged.

If the continued existence of A is predicated on the repeated and continuous violation of the rights of others - and these other people object to it - then A must be killed if that is the only way to right the wrong and re-assert the rights of A's victims.

### ***The Right to have One's Life Saved***

There is no such right because there is no moral obligation or duty to save a life. That people believe otherwise demonstrates the muddle between the morally commendable, desirable, and decent ("ought", "should") and the morally obligatory, the result of other people's rights ("must"). In some countries, the obligation to save a life is codified in the law of the land. But legal rights and obligations do not always correspond to moral rights and obligations, or give rise to them.

## ***VI. Euthanasia and Personal Autonomy***

The right to have one's life terminated at will (euthanasia), is subject to social, ethical, and legal strictures. In some countries - such as the Netherlands - it is legal (and socially acceptable) to have one's life terminated with the help of third parties given a sufficient deterioration in the quality of life and given the imminence of death. One has to be of sound mind and will one's death knowingly, intentionally, repeatedly, and forcefully.

Should we have a right to die (given hopeless medical circumstances)? When our wish to end it all conflicts with society's (admittedly, paternalistic) judgment of what is right and what is good for us and for others - what should prevail?

On the one hand, as Patrick Henry put it, "give me liberty or give me death". A life without personal autonomy and without the freedom to make unpopular and non-conformist decisions is, arguably, not worth living at all!

As Dworkin states:

***"Making someone die in a way that others approve, but he believes a horrifying contradiction of his life, is a devastating, odious form of tyranny".***

Still, even the victim's express wishes may prove to be transient and circumstantial (due to depression, misinformation, or clouded judgment). Can we regard them as immutable and invariable? Moreover, what if the circumstances prove everyone - the victim included - wrong? What if a cure to the victim's disease is found ten minutes after the euthanasia?

## *VII. Euthanasia and Society*

It is commonly accepted that where two equally potent values clash, society steps in as an arbiter. The right to material welfare (food, shelter, basic possessions) often conflicts with the right to own private property and to benefit from it. Society strikes a fine balance by, on the one hand, taking from the rich and giving to the poor (through redistributive taxation) and, on the other hand, prohibiting and punishing theft and looting.

Euthanasia involves a few such finely-balanced values: the sanctity of life vs. personal autonomy, the welfare of the many vs. the welfare of the individual, the relief of pain vs. the prolongation and preservation of life.

Why can't society step in as arbiter in these cases as well?

Moreover, what if a person is rendered incapable of expressing his preferences with regards to the manner and timing of his death - should society step in (through the agency of his family or through the courts or legislature) and make the decision for him?

In a variety of legal situations, parents, court-appointed guardians, custodians, and conservators act for, on behalf of, and in lieu of underage children, the physically and mentally challenged and the disabled. Why not here?

We must distinguish between four situations:

1. The patient foresaw the circumstances and provided an advance directive, asking explicitly for his life to be terminated when certain conditions are met.

2. The patient did not provide an advanced directive but expressed his preference clearly before he was incapacitated. The risk here is that self-interested family members may lie.

3. The patient did not provide an advance directive and did not express his preference aloud - but the decision to terminate his life is commensurate with both his character and with other decisions he made.

4. There is no indication, however indirect, that the patient wishes or would have wished to die had he been capable of expression but the patient is no longer a "person" and, therefore, has no interests to respect, observe, and protect. Moreover, the patient is a burden to himself, to his nearest and dearest, and to society at large. Euthanasia is the right, just, and most efficient thing to do.

Society can legalize euthanasia in the first case and, subject to rigorous fact checking, in the second and third cases. To prevent economically-motivated murder disguised as euthanasia, non-voluntary and involuntary euthanasia (as set in the forth case above) should be banned outright.

### ***VIII. Slippery Slope Arguments***

#### ***Issues in the Calculus of Rights - The Hierarchy of Rights***

The right to life supersedes - in Western moral and legal systems - all other rights. It overrules the right to one's body, to comfort, to the avoidance of pain, or to ownership of property. Given such lack of equivocation,

the amount of dilemmas and controversies surrounding the right to life is, therefore, surprising.

When there is a clash between equally potent rights - for instance, the conflicting rights to life of two people - we can decide among them randomly (by flipping a coin, or casting dice). Alternatively, we can add and subtract rights in a somewhat macabre arithmetic.

Thus, if the continued life of an embryo or a fetus threatens the mother's life - that is, assuming, controversially, that both of them have an equal right to life - we can decide to kill the fetus. By adding to the mother's right to life her right to her own body we outweigh the fetus' right to life.

### ***The Difference between Killing and Letting Die***

Counterintuitively, there is a moral gulf between killing (taking a life) and letting die (not saving a life). The right not to be killed is undisputed. There is no right to have one's own life saved. Where there is a right - and only where there is one - there is an obligation. Thus, while there is an obligation not to kill - there is no obligation to save a life.

Anti-euthanasia ethicists fear that allowing one kind of euthanasia - even under the strictest and explicit conditions - will open the floodgates. The value of life will be depreciated and made subordinate to considerations of economic efficacy and personal convenience. Murders, disguised as acts of euthanasia, will proliferate and none of us will be safe once we reach old age or become disabled.



Years of legally-sanctioned euthanasia in the Netherlands, parts of Australia, and a state or two in the United States tend to fly in the face of such fears. Doctors did not regard these shifts in public opinion and legislative climate as a blanket license to kill their charges. Family members proved to be far less bloodthirsty and avaricious than feared.

As long as non-voluntary and involuntary types of euthanasia are treated as felonies, it seems safe to allow patients to exercise their personal autonomy and grant them the right to die. Legalizing the institution of "advance directive" will go a long way towards regulating the field - as would a new code of medical ethics that will recognize and embrace reality: doctors, patients, and family members collude in their millions to commit numerous acts and omissions of euthanasia every day. It is their way of restoring dignity to the shattered lives and bodies of loved ones.

# ***T H E   A U T H O R***

SHMUEL (SAM) VAKNIN

## **Curriculum Vitae**

*Click on [blue text](#) to access relevant web sites – thank you.*

Born in 1961 in Qiryat-Yam, Israel.

Served in the Israeli Defence Force (1979-1982) in training and education units.

## **Education**

Graduated a few semesters in the Technion – Israel Institute of Technology, Haifa.

Ph.D. in Philosophy (major: Philosophy of Physics) – Pacific Western University, California, USA.

My doctoral thesis and other books are available through the [Library of Congress](#).

Graduate of numerous courses in Finance Theory and International Trading.

Certified [E-Commerce Concepts Analyst](#) by [Brainbench](#).

Certified in [Psychological Counselling Techniques](#) by [Brainbench](#).

Certified [Financial Analyst](#) by [Brainbench](#).

Full proficiency in Hebrew and in English.

## **Business Experience**

### ***1980 to 1983***

Founder and co-owner of a chain of computerised information kiosks in Tel-Aviv, Israel.

### ***1982 to 1985***

Senior positions with the Nessim D. Gaon Group of Companies in Geneva, Paris and New-York (NOGA and APROFIM SA):

- Chief Analyst of Edible Commodities in the Group's Headquarters in Switzerland
- Manager of the Research and Analysis Division
- Manager of the Data Processing Division
- Project Manager of the Nigerian Computerised Census
- Vice President in charge of RND and Advanced Technologies
- Vice President in charge of Sovereign Debt Financing

### ***1985 to 1986***

Represented Canadian Venture Capital Funds in Israel.

### ***1986 to 1987***

General Manager of IPE Ltd. in London. The firm financed international multi-lateral countertrade and leasing transactions.

### ***1988 to 1990***

Co-founder and Director of "Mikbats-Tesuah", a portfolio management firm based in Tel-Aviv.

Activities included large-scale portfolio management, underwriting, forex trading and general financial advisory services.

### ***1990 to Present***

Freelance consultant to many of Israel's Blue-Chip firms, mainly on issues related to the capital markets in Israel, Canada, the UK and the USA.

Consultant to foreign RND ventures and to Governments on macro-economic matters.

President of the Israel chapter of the Professors World Peace Academy (PWPA) and (briefly) Israel representative of the "Washington Times".

### ***1993 to 1994***

Co-owner and Director of many business enterprises:

- The Omega and Energy Air-Conditioning Concern
  - AVP Financial Consultants
  - Handiman Legal Services
- Total annual turnover of the group: 10 million USD.

Co-owner, Director and Finance Manager of COSTI Ltd.  
- Israel's largest computerised information vendor and developer. Raised funds through a series of private placements locally in the USA, Canada and London.

### ***1993 to 1996***

Publisher and Editor of a Capital Markets Newsletter distributed by subscription only to dozens of subscribers countrywide.

In a legal precedent in 1995 – studied in business schools and law faculties across Israel – was tried for his role in an attempted takeover of Israel's Agriculture Bank.

Was interned in the State School of Prison Wardens.

Managed the Central School Library, wrote, published and lectured on various occasions.

Managed the Internet and International News Department of an Israeli mass media group, "Ha-Tikshoret and Namer".

Assistant in the Law Faculty in Tel-Aviv University (to Prof. S.G. Shoham).

### ***1996 to 1999***

Financial consultant to leading businesses in Macedonia, Russia and the Czech Republic. Collaborated with the Agency of Transformation of Business with Social Capital.

Economic commentator in "[Nova Makedonija](#)", "[Dnevnik](#)", "Makedonija Denes", "Izvestia", "Argumenti i Fakti", "The Middle East Times", "[The New Presence](#)", "[Central Europe Review](#)", and other periodicals, and in the economic programs on various channels of Macedonian Television.

Chief Lecturer in courses organised by the Agency of Transformation, by the Macedonian Stock Exchange, and by the Ministry of Trade.

***1999 to 2002***

Economic Advisor to the Government of the Republic of Macedonia and to the Ministry of Finance.

***2001 to 2003***

Senior Business Correspondent for [United Press International \(UPI\)](#).

**Web and Journalistic Activities**

Author of extensive Web sites in:

– Psychology ("[Malignant Self Love](#)") - An [Open Directory Cool Site](#),

– Philosophy ("[Philosophical Musings](#)"),

– Economics and Geopolitics ("[World in Conflict and Transition](#)").

Owner of the [Narcissistic Abuse Announcement and Study List](#) and the Narcissism Revisited mailing list (more than 4900 members).

Owner of the [Economies in Conflict and Transition Study List](#) and the [Link and Factoid Study List](#).

Editor of mental health disorders and Central and Eastern Europe categories in various Web directories ([Open Directory](#), [Search Europe](#), [Mentalhelp.net](#)).

Editor of the [Narcissistic Personality Disorder](#), the [Verbal and Emotional Abuse](#), and the [Spousal \(Domestic\) Abuse and Violence](#) topics on Suite 101 and [Bellaonline](#).

Columnist and commentator in "The New Presence", [United Press International \(UPI\)](#), InternetContent, eBookWeb, [PopMatters](#), [Global Politician](#), and "[Central Europe Review](#)".

## **Publications and Awards**

"Managing Investment Portfolios in States of Uncertainty", Limon Publishers, Tel-Aviv, 1988

"The Gambling Industry", Limon Publishers, Tel-Aviv, 1990

"[Requesting My Loved One – Short Stories](#)", Yedioth Aharonot, Tel-Aviv, 1997

"[The Suffering of Being Kafka](#)" (electronic book of Hebrew and English Short Fiction), Prague and Skopje, 1998-2004

"The Macedonian Economy at a Crossroads – On the Way to a Healthier Economy" (dialogues with [Nikola Gruevski](#)), Skopje, 1998

"[The Exporters' Pocketbook](#)", Ministry of Trade, Republic of Macedonia, Skopje, 1999

"[Malignant Self Love – Narcissism Revisited](#)", Narcissus Publications, Prague and Skopje, 1999, 2001, 2003, 2004

[The Narcissism Series](#) (e-books regarding relationships with abusive narcissists), Skopje, 1999-2004

"[After the Rain – How the West Lost the East](#)", Narcissus Publications in association with [Central Europe Review/CEENMI](#), Prague and Skopje, 2000

Winner of numerous awards, among them [Israel's Council of Culture and Art Prize for Maiden Prose](#) (1997), The Rotary Club Award for Social Studies (1976), and the Bilateral Relations Studies Award of the American Embassy in Israel (1978).

Hundreds of professional articles in all fields of finances and the economy, and numerous articles dealing with geopolitical and political economic issues published in both print and Web periodicals in many countries.

Many appearances in the electronic media on subjects in philosophy and the sciences, and concerning economic matters.

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**My Web Sites:**

*Economy / Politics:*

<http://ceeandbalkan.tripod.com/>

*Psychology:*

<http://samvak.tripod.com/index.html>

*Philosophy:*

<http://philosophos.tripod.com/>

*Poetry:*

<http://samvak.tripod.com/contents.html>

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# *After the Rain*

*How the West  
Lost the East*

## **The Book**

This is a series of articles written and published in 1996-2000 in Macedonia, in Russia, in Egypt and in the Czech Republic.

How the West lost the East. The economics, the politics, the geopolitics, the conspiracies, the corruption, the old and the new, the plough and the internet – it is all here, in colourful and provocative prose.

From "The Mind of Darkness":

"The Balkans' – I say – 'is the unconscious of the world'. People stop to digest this metaphor and then they nod enthusiastically. It is here that the repressed memories of history, its traumas and fears and images reside. It is here that the psychodynamics of humanity – the tectonic clash between Rome and Byzantium, West and East, Judeo-Christianity and Islam – is still easily discernible. We are seated at a New Year's dining table, loaded with a roasted pig and exotic salads. I, the Jew, only half foreign to this cradle of Slavonics. Four Serbs, five Macedonians. It is in the Balkans that all ethnic distinctions fail and it is here that they prevail anachronistically and atavistically. Contradiction and change the only two fixtures of this tormented region. The women of the Balkan - buried under provocative mask-like make up, retro hairstyles and too narrow dresses. The men, clad in sepia colours, old fashioned suits and turn of the century moustaches. In the background there is the crying game that is Balkanian music: liturgy and folk and elegy combined. The smells are heavy with muskular perfumes. It is like time travel. It is like revisiting one's childhood."

## **The Author**

*Sam Vaknin is the author of Malignant Self Love - Narcissism Revisited and After the Rain - How the West Lost the East. He is a columnist for Central Europe Review and eBookWeb, a United Press International (UPI) Senior Business Correspondent, and the editor of mental health and Central East Europe categories in The Open Directory and Suite101.*

*Until recently, he served as the Economic Advisor to the Government of Macedonia.*

*Visit Sam's Web site at <http://samvak.tripod.com>*