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THE ETHICS OF WAR

BENTHAM ON ANIMAL RIGHTS

COLONISING THE SEAS

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Contents

Welcome to the monthly magazine!

Welcome to our monthly, printable round-up of the articles you could read on the Daily Philosophy sites, daily-philosophy.com and dailyphilosophy.substack.com.

The content here is the same as what you could read on Daily Philosophy. The point of this magazine-like format is to make it easier for you to catch up with the articles, in case you couldn't read them when they were published. We are all busy, and having a file that you can put on your e-reader might be more convenient than having to read the emails in Outlook or GMail.

If you received this from someone else, please subscribe here to receive your own copy in the future, directly in your inbox!

One warning: Be careful if you send this to your printer. The file is around 48 pages long.

Thank you and have fun reading!

— Andy

The Ukraine Conflict: Conduct in War

The rules in war (jus in bello)

We said in a previous article that the theory of just war distinguishes three different kinds of moral problems:

1. The ethics of entering war (jus ad bellum)
2. The rules to be obeyed during war (jus in bello)
3. The ethics of restoration and peace after a war (jus post bellum)

Today we are examining the second part, the ethical conduct during a war.

There are, essentially, three requirements that must be fulfilled for an action in war to count as (relatively) ethical. One should emphasise the "relatively" part, because, for example, radical pacifists might claim that participating in a war, in whatever way, can never be a morally right act.

The three requirements are: discrimination, proportionality and necessity.

Discrimination

First, we must make sure that we target only combatants in a war and not non-combatants like children, old people, and civilians who are not taking part in hostilities.

Philosophically, it is an interesting question why we would make this distinction. If I say that it is not morally right to kill a civilian, but it is morally right to kill the same person if he stands opposite of me in a soldier's uniform — why would that be? What is it that allows me to kill a soldier, while I am not allowed to kill anyone else?

I could perhaps try to argue that a soldier poses a threat to my own life, so killing a soldier who is about to kill me is an act of self-defence, and should therefore be permissible. But today's war is often fought with rockets over great distances. When the enemy fires a rocket and kills a soldier miles away, they cannot argue that this soldier posed any real threat to them. So then, why was it permissible to fire that rocket?

They might try to justify it by saying that the soldier, by freely signing up to be a soldier, has already accepted the possibility that they will be

shot at, and therefore it is not immoral to shoot at them. It's just an occupational risk of sorts. This would be similar to how the Fire Department can justify sending its firemen into a dangerous fire. The Fire Department can expect its firemen to risk their lives in a way that my University employer cannot ask of me. If my University is in danger of burning down, the University administration cannot ask me to risk my life to save it.

Why is this? Because, one might argue, the fireman has freely agreed to take on this job and it is an essential and well-known part of the job description that firemen have to enter dangerous situations when this is the only way to extinguish a fire. The same applies to the dangers policemen, divers and lifeguards face. You don't take on such jobs if you are a risk-averse person. You do so fully knowing that a situation might arise in which your life might be endangered. And you accept that risk.

Now this sounds good, but we must be careful with this argument. Did the civilians in Ukraine, who now pick up a gun to defend their country, *freely* agree to the risks involved? It doesn't seem so. They are not all professional soldiers who made a career choice in times of peace. Many of them are computer programmers, truck drivers, taxidermists and accountants who felt that not defending their home country would expose them and their families to even more danger. So their choice is forced by the circumstances. A truck driver who picks up a gun when attacked is not a soldier who has freely accepted risk, but a person who has been forced to defend themselves against their will. And so the argument above would not apply to them.

The discrimination requirement has more problems. In many wars, we have seen children picking up guns. What does this mean for the morality of war? Am I allowed to kill a child in war just because they are carrying (or even threatening me with) a gun? Even if it is in self-defence, can I justify killing a child? Or do I need to make an effort to, say, disarm it in a way that would remove the threat without actually taking its life?

Connected with this, of course, is the next question: what is different about children in war? Isn't anyone with a gun an enemy I can use lethal force against? Why should age matter?

There are many reasons one could think of. For example, children may not clearly understand what killing means. They might not understand the finality or the consequences of it for others (the dead soldier's family). They might not understand the goals of the particular war. They might not be able to judge the morality of that war. They might be at a disadvantage because they don't have fighting experience, which their enemy might have. And so on. But in the end, if it's me against the child, and the child is ready to shoot me, am I justified in shooting first?

Not only children cause such moral dilemmas. What about civilians who are not directly part of the hostilities? In the Second World War, women were mostly at home, while men were fighting. But German women, for example, were often occupied as workers in munition factories, or supplying the fighting men with clothing items that made it possible for them to fight in the snows of the Russian front. Can we then so clearly distinguish who is a combatant and who is not?

And what about fighters who are not regular soldiers, but what we might call "terrorists" (or, as they would probably label themselves, "freedom fighters"?) From the IRA and the German RAF to villagers supporting the resistance in WW2

France or Greece, involvement in combat often comes in degrees, and often combatants don't wear any uniforms or other distinctive signs.

One could argue that civilians should be protected because they are innocent, vulnerable and defenseless. But, as we saw, this is not always the case. And even if they are, individually, vulnerable and defenseless, they are still part of a war machine that requires their cooperation, and, as such, they are not innocent. One argument could be made (and has been made) that the German population during Nazi times has not been innocent. They knew more or less what was happening and they did support their government. Hitler could not have ruled without all the "normal" people who supported him and who executed his orders. The same could be argued about any government today. Whether it is an autocratic state like Russia or a social democracy like Sweden, every state requires some amount of cooperation from its subjects in order to be able to exist. To this extent, then, its citizens are complicit in the actions of that state.

So discrimination, although a good idea in an ideal world, is, in the messy reality of our world, often difficult to achieve.

Proportionality

> "The use of force is proportionate when the harm done is counterbalanced by the good achieved in averting a threat. To determine this, we typically compare the candidate course of action with what would happen if we allowed the threat to eventuate." (Stanford Encyclopedia of Philosophy, War.)

This can also be pretty difficult to judge, particularly since "good" is such a subjective measure. For the Russian attackers, a Russian Ukraine and the removal of the NATO threat is presumably a "good" thing. For the Ukrainian defenders of their country, keeping the occupying force out is "good." Each one could argue that the other side is not justly engaging in war, because their actions are not proportional: they don't promote any "good" (as seen from the other side's point of view).

Proportionality can be useful when we judge strikes against particular targets, especially civilian ones. Bombing a hospital will rarely be seen as proportional, since the resulting harm is not counterbalanced by any good outcome. After all, the hospital did not pose a threat.

On the other hand, something like the attempted assassination of Adolf Hitler in the 20th July plot might be considered proportional: the harm consists in killing a number of generals and the dictator himself; the expected benefit would be the end of the World War and peace with the Allies. Here, the expected benefits clearly would outweigh the harm done.

The problem is not only that it is largely subjective what a "harm" is; but also that we cannot see the future. In judging whether an action is permissible, we are required to calculate the expected benefit of the action *before* the action has taken place. And this can be very hard to do.

For example, ruthless and decisive bombing of an enemy's cities might be motivated by the wish to break the enemy's will to fight and to reach a faster peace (as the Allies did with the bombing of Dresden, for example). On the other hand, one might argue that the harm caused through the bombing of a civilian population can never be outweighed by any military objective.

Necessity

Finally, the necessity criterion requires us to make sure that an act in war is *necessary* to achieve a particular outcome.

This is quite a weak requirement as a moral guideline, because it reduces the issue to a question of means: *It is necessary to do X in order to achieve Y?*

What it does not ask is: *Is it morally right to pursue Y in the first place?* – But this question is the one where the disagreement between different parties in the war would arise.

Let's assume it is necessary to bomb Kiyv in order to achieve the surrender of Ukraine. Does this make bombing Kiyv right? No, because we have to ask first whether the goal of achieving the surrender of Ukraine is a good goal. And here we're back to the questions asked in the previous article, about what a good, moral reason to enter a war would be.

Often, necessity is understood in very narrow, technical, military terms. "It is necessary to bomb this hill in order to take that valley." This surely is not a sufficient justification for an action in war. Arguing like this shifts the weight of the moral decision from the means to the goals of the action, and we would have then to question whether those goals are ethical.

In an unprovoked war of conquest, like the one in Ukraine seems to be, it would probably be difficult to justify any aggressive action of the Russian side by citing a "necessity," since the whole war might be said to lack necessity.

This would be different in wars where *not* engaging in the war would bring about greater harm, for example when the Allies entered the war against Germany in 1941. Here, it could be argued that not engaging the Nazi state would, in the long run, cause greater harm.

Is it "necessary" to defend Ukraine's independence?

The question is trickier when we look at the Ukrainian defenders. Are their actions "necessary"? Are they justified in their use of lethal force against the attackers?

As much as one would like to postulate a right for every country to defend its territory, things are not so clear here. After all, one might argue, Russia itself was originally part of Ukraine if we go back long enough to the times of the Kievan Rus' (9th-13th centuries). Kiyv has been part of Lithuania in the 14th century, then part of Poland. As the Krimean Khanate, Mongolled Ukraine captured and devastated Moscow in 1571. In the 19th century, Ukrainians emigrated in great numbers to the Russian Empire. In the First World War, Ukrainian soldiers fought both with the Russian and the Austro-Hungarian armies. In 1919, Ukraine was divided, and part of was given to Poland, while the rest became part of the Soviet Union. It was only in 1990/91 that Ukraine became independent, and even then there always was a tension between those parts of the Ukrainian population who wanted closer ties to Russia and those who wanted to become part of the EU.

This complicated history and the relatively recent independence of Ukraine is what makes it difficult to say whether defending this independence is really "necessary" or proportionate considering the harms involved to the civilian population of Ukraine itself. Assuming (which is not certain to be the case, but assuming it for the moment) that after the participation of Ukraine into a long-term cooperation and peace treaty with

Russia its population could live in peace and the whole war would not have taken place, is it still justifiable to resist such an agreement? On the other hand, if we argue like this, we could justify submitting to many kinds of bullying and violence that we don't normally accept.

Probably here one must make a choice, whether one looks strictly at the consequences of acts or also at the general principles behind moral actions. Sometimes, submitting to force, even if it is not justifiable, might bring about better consequences than resisting it. For example, when one is the victim of an armed robbery, giving away one's money to the robber might be the most prudent action in terms of the expected consequences. On the other hand, this would mean submitting to the injustice of the robbery. If we consider the principles of freedom and justice to be more important than minimising the harm caused by the robbery, then resisting it (and likely getting harmed or killed) might seem like the more ethical choice.

This is a dilemma that goes back to the roots of our moral fabric, and that cannot really be resolved in an argumentative way. In the end, it is a personal choice: how important is my freedom to me? How important is it to me not to give in to bullying and unjustifiable force? Am I the person who would keep silent, obey, and, in the end, achieve better consequences because of that; or am I the kind of person who will fight against injustice, even if that means that I will suffer or die in the process?

Philosophy cannot help make this decision.

Sources

[1] Lazar, Seth, "War", The Stanford Encyclopedia of Philosophy (Spring 2020 Edition), Edward N. Zalta (ed.), available online.

A Sea of Broken Dreams

Last week we talked about the First Seastead. But the modern fascination with abandoning life on land and heading out to the oceans is older and more fundamental. Still, attempts to live on the sea never seem to end well.

Beyond the sea, somewhere

> Somewhere beyond the sea
> Somewhere waiting for me
> My lover stands on golden sands
> And watches the ships that go sailin'
> (Bobby Darin)

The sea has intrigued us with it promise of a different, better life throughout the history of mankind, only to consistently destroy these dreams in cataclysmic floods.

Plato located mythical Atlantis somewhere "beyond the Pillars of Hercules," sunk in the depths of the Atlantic Ocean. Tolkien used the Atlantis myth as a basis for the fictional island of Númenor, which is destroyed by Ilúvatar and sinks beneath the waves. Peaceful and prosperous ancient Minoan culture might have been destroyed by a tsunami wave from the eruption of the volcano on Thera, today's Santorini island. Tortured Captain Nemo, driven by his desire to leave civilisation, finds peace on his submarine and in the depths of the oceans – but here too the sea turns out to be a treacherous place and in the end it swallows up the Nautilus and its captain. For Bobby Darin as for Odysseus, the endless sea is a symbol of unbridgeable distance, an obstacle to overcome rather than a way to connect with the object of his desire.

Rose Island

On the 1st of May 1968, engineer Giorgio Rosa declared the independence of a platform he had built on the Adriatic Sea. As the world was gripped by student demonstrations, Vietnam anti-war protests, the Prague Spring and its bloody suppression and the first exploratory flights of the Apollo program to the moon, Rosa was dreaming of a better country: one that would be peaceful, free, independent, far from the madness of the world all around him.

And so he went off and built it himself.

The 400 square-metre (4300 sq feet) platform contained a souvenir shop, post office, restaurant, bar and night club. It even had its own water source from a drilled well under the seabed.

Rose Island

But, above all, it was to be free, out there on the sea, where the power of states and governments would not be able to reach it. The official language of the new republic was to be Esperanto, symbol of the unity of humans all across the world, and its official name was "Libera Teritorio de la Insulo de la Rozoj," the Free Territory of the Island of Roses. Flower power indeed.

Unfortunately, Italy didn't quite like the idea of either a hippie nation or a duty-free bar and night club being anchored 11 miles out of Rimini. They invaded the island and destroyed it with explosives in what has been described as the first and only time after the Second World War that Italy's military has attacked any other country. Rose Island was so well-built that they needed two hefty explosions to damage it, but it still did not sink until a storm finished it off a few days later. Rose Island now lies at the bottom of the Adriatic Sea, a micro-Atlantis of its own.

The Principality of Sealand

Just half a year before Rose Island proclaimed itself as a nation, Paddy Roy Bates, a British ex-army major, and a much less idealistic fellow than Giorgio Rosa, occupied a decommissioned military platform 13 km off the coast of Suffolk. The platform, part of a series of towers that had been built to defend Britain's shipping lanes in the Second World War, had been unused for more than a decade. It was then invaded by people who used it to operate illegal pirate-radio stations that broadcast to the UK from there. Bates, wishing to set up his own radio station, occupied the platform and evicted the others in an act of second-level piracy.

Suddenly finding himself on a lawless, forgotten, unclaimed piece of real estate, he thought better of his original plan. He never started broadcasting his pirate radio program. Instead, he declared himself the Prince of the Principality of Sealand. Why settle for a radio station when you could rule a whole country?

In 1968, workmen came close to Sealand to service a navigational buoy that was anchored there. Bates scared them off by firing shots from his platform, and the workers fled. Bates was summoned to court for the illegal possession and use of firearms, but the court had to acknowledge that the platform was more than 3 miles out on the sea (then the limit of territorial waters of the UK), and that, therefore, it fell outside of their jurisdiction.

After a decade of thus half-heartedly being the Prince of the waves, occasionally issuing Sealand passports which nobody recognised, Bates wanted more. He planned to turn Sealand into a luxury hotel and casino.

One Alexander Achenbach, self-described Prime Minister of Sealand, disagreed with this plan and hired a group of mercenaries to storm and occupy the Principality. The attack took place while Bates was travelling, and Bates' son Michael was taken hostage by the attackers. When Bates heard what had happened, he hired his own band of pirates. Being a military

Sealand, aerial view. Image by Ryan Lackey, via Wikipedia

man presumably helped, and he led his little group in a counter-attack, retaking Sealand and now, in turn, taking Achenbach hostage and imprisoning him in a small room on the platform. But Achenbach was a German citizen, and now the German government felt that they had to do something about a fellow German being held captive in a foreign country. So they sent a diplomat from Germany's London embassy to negotiate with Bates. This Bates interpreted as a formal recognition of Sealand by Germany. Satisfied, he released Achenbach, who then proceeded to lead the Sealand Rebel Government remotely from Germany.

This could have been the end of Sealand's story, but it was only the beginning. Wikipedia:

> In 1997, the Bates family revoked all Sealand passports, including those that they themselves had issued over the previous 22 years, due to the realisation that an international money laundering ring had appeared, using the sale of fake Sealand passports to finance drug trafficking and money laundering from Russia and Iraq. The ringleaders of the operation, based in Madrid but with ties to various groups in Germany, including the rebel Sealand Government in exile established by Achenbach after the attempted 1978 coup, had used fake Sealandic diplomatic immunity and license plates. They were even reported to have sold 4,000 fake Sealandic passports to Hong Kong citizens for an estimated $1,000 each. Michael Bates stated in late 2016 that Sealand was receiving hundreds of applications for passports every day. (Wikipedia, Principality of Sealand)

Michael Bates still considers himself the Prince of Sealand.

The Voyage of the Satoshi

Last week, we met Chad Elwartowski, the First Seasteader, who was chased out of his epochal maritime home by the Thai navy. But Chad's story didn't end there. With his credentials as the Adam of a new "seavilisation," he just had to be part of the next endeavour of the Seasteading Institute. The creation of a floating nation on … a cruise ship.

It was ten years earlier that ex-Google engineer Patri Friedman, grandson of economist Milton Friedman, gave his first public talks on seasteading and the vision of a new world order based on private governments. Peter Thiel, right-wing

uber-entrepreneur (fun fact: google "right-wing uber-entrepreneur": you'll get the entry for Peter Thiel first thing on the results page!) had given Friedman half a million US dollars to create the Seasteading Institute. And now, finally, it was time to get on with it.

They already had accumulated quite a number of failures: plans for a "Baystead" in San Francisco hadn't worked out, French Polynesia didn't want to cooperate in their grand scheme of creating another nation inside its waters, and the Thai experiment had ended with Chad and Nadia running for their lives.

This time, though, things would work a treat. As the pandemic swept the globe and the cruise business collapsed, a few of the leading Seasteaders stumbled upon the opportunity to buy a cruise ship, the Pacific Dawn, for 9.5 million USD. The idea was to use the big ship as the centre of an ocean community, with the citizens living in Ocean Builder "Seapods" that would be floating all around it.

Chad announced the purchase of the ship on Reddit, and it was named the "Satoshi," after the half-mythical founder of Bitcoin. This name already contains the whole program behind the enterprise. As Bitcoin was supposed to remove governmental oversight and control over financial transactions, to take power away from the worldwide banking systems and to return it to the people, so the good ship Satoshi would carry the visionaries of a new social order out into a tax- and regulation-free Eden, where they would begin the evolution of human societies all over again, this time without the mistakes, without the limitations of social conscience or solidarity, each men for himself in the vast oceanic lands of unlimited opportunity. And their new Wild West was to be Panama.

Freedom does not come for free, though:

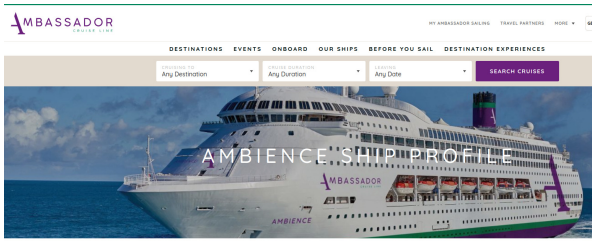
> Marketing of the Satoshi soon began in earnest. Her 777 cabins were to be auctioned off between 5 and 28 November, while the ship was crossing the Atlantic towards Panama. Viva Vivas listed the options, including cabins with no windows ($570 a month), an ocean view ($629), or a balcony ($719). (The Guardian)

It soon dawned on the people who were interested to join that the cruise would come with limitations: the cabins were tiny, pets could only be kept following a number of precisely defined rules for the pets' behaviour, and cooking on board anywhere outside the ship's kitchens was not allowed for safety reasons.

When a professional captain came on board, to bring the ship across the Atlantic to Panama, he found that the owners didn't know anything about operating a ship. Necessary certificates had expired, repairs and maintenance hadn't been done, and the ship neither had insurance nor could the seasteaders find anyone willing to insure it.

According to the Guardian, running a ship like the Satoshi could cost, even when docked, around one million US dollars each month. It required a 40-person crew just to keep it afloat and maintained, and it burned through 12,000 USD of fuel *every day.* [1]

Still on the way to Panama, the Seasteaders realised that this was never going to work. They wouldn't get insurance to park the ship and convert it into a floating resort, simply because such a thing had never existed before. They couldn't



Screenshot from the Ambience ship profile [2]

afford moving the ship around aimlessly, just to keep up the fiction that they were operating a cruise ship. They couldn't afford the fuel. They didn't have enough customers for the cabins. They wouldn't be able to do without the crew of 40, who expected a regular paycheck.

They sold the ship to Ambassador Cruise Line and got a bit more than they had paid for, according to the Guardian, but probably still made a loss considering the costs of running the Satoshi for three months.

The Ambience, as it is called now, offers 11 different lounges and bars, casinos, a swimming pool and an outdoor cinema, according to the ship's website.

The word "freedom" does not appear anywhere on the page.

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[1] Sophie Elmhirst (2021). The disastrous voyage of Satoshi, the world's first cryptocurrency cruise ship. The Guardian. Online here.

[2] https://www.ambassadorcruiseline.com/our-ships/ambience/profile/

David E. Cooper
Bentham on Animal Rights

Photo by Jorge Maya on Unsplash

Like many of his radical English contemporaries, Bentham was active in his opposition to slavery, colonialism, the death penalty, the treatment of women as inferiors, and vast discrepancies in wealth. More unusually for the times, he also took up the cause of the welfare of animals.

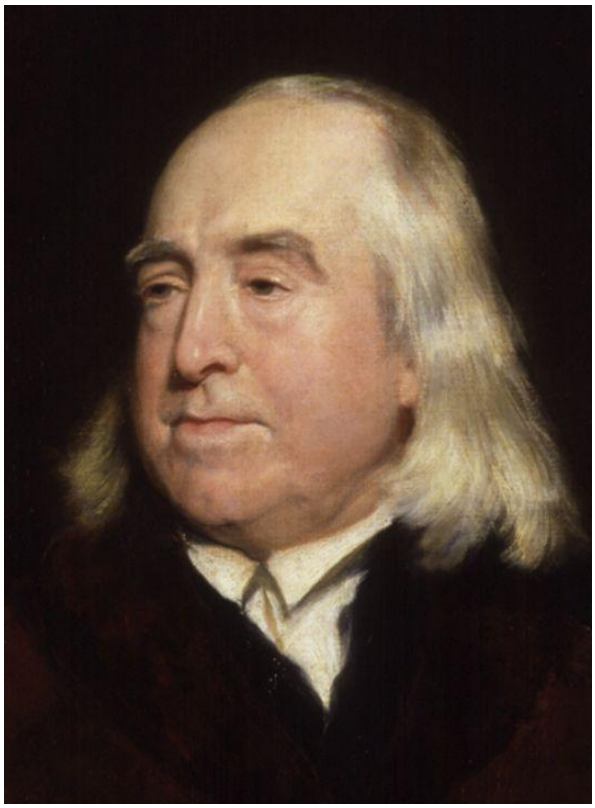
Jeremy Bentham on animal ethics

> The question is not, Can they *reason?* nor, Can they *talk?* but, Can they *suffer?* (Jeremy Bentham, An Introduction to the Principles of Morals and Legislation, 1789, Ch 17. n.122.)

Jeremy Bentham (1748-1832) was a distinctly quotable author. One thinks, for example, of the crisp, robust statement of the utilitarian moral philosophy of which he is held to be the 'father': 'It is the greatest happiness of the greatest number that is the measure of right and wrong'. Like many of his radical English contemporaries, Bentham was active in his opposition to slavery, colonialism, the death penalty, the treatment of women as inferiors, and vast discrepancies in wealth. More unusually for the times, he also took up the cause of the welfare of animals.

The remark of Bentham's that I come across most frequently is the one quoted at the beginning of this article in which, of course, 'they' refers to (non-human) animals. It occurs in the context of advocating the extension of legal protection to animals. Having applauded the French for affording protection to black people — for, in effect, recognising the irrelevance of skin colour to legal status — he proposes that the same be done for animals. In the case of human beings and animals alike, the only relevant criterion for establishing legal rights against cruel treatment is the capacity to experience suffering. The ability to reason or converse is as irrelevant as skin colour.

For Bentham's later admirers, his point should not be confined to the sphere of law. As an ap-



Jeremy Bentham, by Henry William Pickersgill. National Portrait Gallery, London. Public Domain.

plication of the general principle of utility it in effect furnishes the basis for animal ethics at large, for deciding quite generally how we should treat and otherwise relate to animals. There is hardly an animal welfare or rights organization whose website does not contain an approving citation of Bentham's famous line. Indeed, it has become a virtual slogan for the whole animal liberation movement over the last few decades.

Some of the enthusiastic responses to Bentham's remark are certainly misinformed. On one animal rights website, for example, it is stated that Bentham was a 'pioneer of animal rights'. This is doubly wrong.

First, he did not think that animals could have any rights except those granted to them by the law. In another of his most frequently quoted remarks, he wrote that the idea of non-legal rights — of 'natural' or 'human' rights — was 'nonsense on stilts', a left-over from a theistic ethics that, as a convinced atheist, Bentham entirely rejected. Those philosophers, therefore, who do think animals have moral rights are not disciples, but critics, of Bentham.

Second, Bentham was hardly a 'pioneer' in speaking up for animals and deploring the suffering that they experience at human hands. Plutarch, Pliny the Younger and Montaigne in the West, and Jains, Buddhists and Daoists further East had complained just as emphatically.

Neither of these points call into question the truth or importance of Bentham's remark. That animals suffer is, it seems, something that even today needs emphasising. In a recent survey, over half of the inspectors for the UK's largest animal welfare organization identify the main reason for animal cruelty as people's failure to appreciate the suffering they cause. Remarkably, too, there has been a perceived need in the UK to introduce into Parliament an Animal Welfare (Sentience) Bill that would legally require recognition of 'all vertebrate animals and some invertebrate animals as sentient beings.'

Not even those animal rights theorists critical of Bentham deny the relevance of suffering: for them, it is typically a significant reason why animals should be regarded as morally 'considerable', as subjects of rights. Their complaint against Bentham is that causing suffering is not the only way to do wrong to an animal. Painlessly killing or experimenting on them will also be wrong if, as many hold, animals have a

right not to be killed or exploited for human advantage.

There is no need, however, to espouse the idea of animal rights in order to judge that Bentham's position is too constrictive, and that the infliction of suffering is not the only way in which to treat animals badly. Champions of virtue ethics, for instance, will identify human failings responsible for bad attitudes and practices towards animals, but not all of which - unlike cruelty and hard-heartedness — are responsible for pain and suffering. Indifference towards the extinction of a species, laughing at animals for their perceived ugliness or stupidity, a readiness to have pets put down when they become inconvenient … these are among the countless ways in which, though no suffering may be caused, people are reasonably condemned for their attitudes to animals.

Might Bentham concede the point being made by his critics? His remark was made, after all, when writing about the standing of animals in legal systems, not about the treatment of animals in general. So, perhaps he meant that while, from a legal perspective, suffering is the only relevant consideration, this may not be the case when it comes to how, in everyday life, animals should be regarded and treated. But this would be to ignore Bentham's uncompromising utilitarianism, which does not allow for any morally relevant considerations other than those of pain and pleasure, happiness and suffering.

So we should take Bentham to mean that, as his followers these days often put it, the capacity to suffer is the sole ground of the moral status or considerability of animals. It is the goal of minimising their suffering that should, by itself, determine our moral concern for animals. And if this is what he intended, then critics are right to accuse Bentham of having an unacceptably constricted view of this moral concern. As we'll see, however, this is not for the reason that rival moral theorists — notably those who assert the moral rights of animals — typically provide. Indeed, their positions share the limitations of the utilitarian one.

To recognise these limitations, it is helpful, for a moment, to consider the implausibility of Bentham's remark when it is applied, not to our relations with animals, but with each other.

Take, for example, the question of how a good father should regard and treat his children. Certainly he wants to protect them from harm and suffering, but this hardly exhausts what is expected of him. He will, for instance, encourage his sons or daughters to develop their talents, discuss their emotional problems with them, express affection and sympathy, and ensure them a suitable education. He will, moreover, have the feelings that we expect from a good father. There is something wrong with a man who is indifferent to the successes and failures of his daughter, even if he puts on a good show of caring. Important, too, among the paternal virtues is a recognition of and engagement with the ways his children think, reason, talk and more generally communicate. How he acts towards them will, quite rightly, be shaped in part by what they think and say. Insensitivity to their exercise of their capacities to reason and communicate would be culpable.

It would be barely less constricting to propose that, in our relationships of care to animals, the only concern is the minimising of suffering. Consider, for example, a woman who has dogs as pets. As a good pet owner, she will, of course, call the vet when a dog is in pain or ill: she will be sensitive to the dog's suffering. But there is much else to expect in a good relationship with a pet. Our dog owner will not dress him in a

tuxedo and 'marry' him to another dog wearing a bridal gown; she won't put him down when he is no longer a cuddly puppy; she won't, when he dies, feed his carcass to the crows; she'll be responsive to his moods, his joy or depression; she'll try to communicate with him and understand what he thinks and wants; she will, in lots of small ways, let him share in her life, so that he is a companion and friend, not a 'mere' pet.

I spoke earlier of a father's relationship with his children, but I could as well have spoken of a colleague's relationship with his fellow workers or a teacher's with her students. And, instead of a dog owner's relationship with a pet, my example might have been that of a farmer's — or a conservationist's, hunter's or zoo worker's — relationship with the animals with which they engage. In all these cases, the same point would apply: a morally responsible relationship will involve, but certainly not be exhausted by, a concern to protect the human beings or animals engaged with from suffering. Compassion for creatures who suffer is one, but not the only, virtue to exercise in relation to animals, any more than it is in relation to fellow human beings.

Someone may object that while, no doubt, there are many desiderata in how people relate to their fellows and to animals, the only strictly *moral* one is a concern to prevent or alleviate harm and suffering. The respect for her dog, for example, shown by the woman who refuses to dress him in a tuxedo or treat his dead body as carrion may be admirable, but not on moral grounds.

This objection reflects a tendency in modern ethics to uncouple morality from the notion of the good life — of what the Greeks called *eudaimonia* and the Buddhists 'wholesomeness'. The task of moral reflection, for many moderns, is to identify a principle — like Bentham's principle of utility or Kant's categorical imperative — that will dictate how in general anyone should act towards any other being that, because of its sentience, rationality or whatever, qualifies for moral regard. But this kind of reflection has little to offer a person trying to live well in relation to the people or animals that — as father, teacher, dog owner, zoo keeper — he or she engages with in everyday life. As the Daoists point out, something has already gone wrong with the life of a person who needs to consult principles in order to comport themselves in their ordinary dealings with others.

On this narrow understanding of morality, perhaps Bentham was right to propose that the sole moral requirement in our dealings with animals is to minimise their suffering. But then the criticism will be that this is just one of many ingredients essential to living well in relation to animals, and hence to the good life as a whole. Just the same criticism could be levelled against those who think that our moral dealings with animals are confined to protecting their alleged rights.

It is unfortunate, in my judgement, that ethical reflection on our relationships with animals has become dominated by general theories of moral status and principles, like utilitarianism and 'rights' theory. Perhaps what is needed is less moral theory and more a kind of moral *phenomenology*. I have in mind attention to and cultivation of our experience of animals in the many complex contexts in which our lives intersect with theirs. As Mary Midgley and J.M. Coetzee have eloquently argued, the problem with our attitudes to and treatment of animals is less a failure to acknowledge some moral truths or principles than a failure to see and appreciate the creatures for what they are. Would people be quite so ready to snare a fox if they saw him as a

social being with ties of affection and emotion to a family that is dependent upon his finding food?

I use terms like 'see' and 'experience', for what moral phenomenology invites is not mere recognition of some propositional truths, like 'Mice can feel pain', 'Dogs are able to love', or 'Foxes have families'. A person can happily acknowledge that these propositions are true, but then pass on and ignore what they might mean for his or her comportment towards animals. They don't register with such persons, don't go deep with them.

The task of moral phenomenology is educative and practical, not merely academic: it is to encourage people to be mindful of the animal lives with which they engage, to see and experience the animals in ways that will spontaneously prompt compassion, respect, solicitude, and even humility and admiration. Not every mindful person, of course, will then develop such a sensibility: there are people who will remain stone-hearted or indifferent. But then people like this will also remain unmoved by exhortations to abide by moral principles or to honour their obligations to creatures with rights.

So, is the only question 'Can they *suffer*'?

Bentham's remark, recall, was in the context of advocating the legal protection of animals, and it can certainly be argued that prevention of cruel treatment is the most central, if not the only, component in enlightened animal legislation. Nor, of course, should anyone deny the importance of alleviating or preventing animal suffering in the conduct of everyday life. But, as a guide to how people should relate to animals and engage with them, Bentham's criterion is badly limited. Like the father whose *only* concern is to protect his children from suffering, the person whose attitudes and comportment towards animals are dictated by a comparable ambition is morally stunted.

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The Mermaid and the Mariner

The men who set out to conquer the seas have always known that the oceans are both necessary to our survival and hostile to it, and this duality is personified in the figure of the beautiful mermaid and her dangerous or fatal affections.

Life in or with the oceans?

We spent the past few weeks looking at some of the most prominent visions for a future of humanity on (or in) the oceans that cover 70% of Earth's surface. But the truth is that, despite humanity having always lived close to shores and travelling the seas, we are still as far from colonising the oceans as Plato was when he wrote about the legend of lost Atlantis.

Interestingly, the dream of colonising the oceans is today a high-tech dream. Its imagery contains kilometre-long spiral towers that extend from the surface to the bottom of the sea; of cruise ships that will be financed by cryptocurrency mining and speculation; of futuristic-looking, isolated fibreglass pods that will punctuate the waters like mushrooms sticking up from the ocean floor. The concept for endearingly-named "Artisanopolis" is one of high-rises with small bubbles of trees imprisoned under glassy domes.

In all the discussion about living on the seas, I have not seen a single proposal that embraces anything like a sustainable, organic, mutually beneficial approach to the oceans and their inhabitants. The vocabulary is always about the ocean as a "resource," and a dangerous one at that. Like nuclear power, in our dreams of living in the seas we imagine extracting the benefits while keeping the dangerous parts of the deal behind solid, impenetrable, reliable technological containment walls. The ocean is expected to serve our needs unconditionally, without us needing to get in contact with it.

Look again at this "Blue Garden Atrium" picture from the Ocean Spiral concept:

The whole point of designing an underwater city to look like a random airport seems to be that the designers want to hide the fact that these people will live underwater. In the ideal case, living in the Ocean Spiral should feel just the same as living in a Chinese or French or US high-rise, and this, one expects, would also be what living on Mars should ideally feel for the second or

Blue Garden atrium

third generation of settlers. The vision of happily living on the oceans seems to be to *forget* that one is living on the oceans. All possible habitats for human beings are envisioned in the same way: on the inside, a shopping mall; on the outside, a hostile environment to be exploited. But of course, as we know from our cities and the historical developments of the past hundreds of years, putting an air-conditioned and insulated box into a random environment is not a good way to achieve either sustainability or happiness for the human beings surviving within.

Fisherman, mariner, mermaid, outcast

In our collective, mythopoietic subconscious, this tension has always existed in the stories of mermaids falling in love with mariners. The men who set out to conquer the seas have always known that the oceans are both necessary to our survival and hostile to it, and this duality is personified in the figure of the beautiful mermaid and her dangerous or fatal affections.

In Greek lore, when Alexander the Great died, his sister, mad with grief, jumped into the sea and became an immortal mermaid. She would stop ships who travelled the Mediterranean and ask them: "Is King Alexander still alive?" If the mariners answered "Yes, he lives and reigns," then she would let them sail on. Otherwise, she would transform into a raging monster and sink the ship, killing all aboard.

Even the Disney version of the Little Mermaid showcases the hostility and resentment of the merpeople towards the human world above. In Star Wars, the merpeople become Gungans, living apart in their underwater worlds, hostile and uncooperative to those who live on land.

Even those who ought to know better seem to be content to look at the oceans as vast deposits of resources, waiting to be exploited. On the United Nations University website, Margaret Leinen, director of the Scripps Institution of Oceanography, UC San Diego, writes:

> By 2050 our seas will be viewed as more than a platform for tourism and recreation and rather an ocean for solutions. Our sustainable energy solutions will be aided by marine algae–derived biofuel, while new medicines to treat modern diseases will be derived from sea creatures with novel chemical structures. [1]

Perhaps it wouldn't be so wrong to categorise the visions of life on the oceans using these quasi-mythical archetypes: modern hi-tech fishermen, hostile to the element that provides all of their livelihood, only bent on satisfying their needs by ripping out and killing what lives underwater; sailors, using the sea for their own purposes but without damaging it, indifferent to what is under their keel; and mermaids, living inside the watery world, a part of its web of life.

But only two of those actually exist, which, one might think, is the whole problem. Mermaids

Bajau homes Source: Erik Abrahamsson. Used with permission.

are fictional, because we just don't have the ability to live underwater, to spend time in community with the life forms in the deep. We are, due to biological necessity, condemned to be fishermen and sailors, unable to approach mermaids in any way but in our dreams.

But this is clearly wrong. Placing the blame on our non-aquatic nature won't do, because we have developed the same reduced and exploitative ways of relating to our terrestrial environments. It's not like Seasteaders invented shopping malls in their oceanic concept drawings. We have been building our cities since the dawn of civilisation in an attempt to surround ourselves with the safety of walls, with the predictability of straight streets and rectangular, roofed homes. Since the mid-20th century we have been littering the countryside with huge malls, closed to the outside, air-conditioned, windowless, isolated, presenting their endless consumerist promises only to those who are initiated into their customer rituals. When Tolkien imagined Elves living in trees, he was going back to Germanic myths and childhood dreams of tree-houses, not to any historical precedents of humans living in harmony with nature.

The closest we come in our history to man peacefully coexisting with nature is in the lives of society's outcasts: criminals hiding in medieval forests, wandering exiles, nautical castaways on their deserted islands, hermits in their remote huts among the clouds, Saint Francis, stripped of his father's clothes, reduced to talking to the birds. The stigmatised, the immoral, the not-belonging are our best examples of humans harmoniously integrating with nature.

Is there another way?

We do have examples of cultures living (mostly) on and from bodies of water in traditional "seasteads." Long before Silicon Valley got its name, the Bajau in Borneo, sometimes called Sea Nomads (and other, less flattering names) were already living all their lives in boats and stilted huts. They have even, according to a BBC report, develop bigger spleens that allow them to store more oxygenated blood in their bodies so that they can stay underwater for longer periods 4. Travel photographer Rehahn has a wonderful photo essay on the Bajau on their homepage.

The Tanka people of South China still live in communities on rivers, but their lives are increasingly threatened by industrialisation, pollution, the pressures from local governments to "develop" their regions and the wishes of the younger generation to have an easier, more affluent life in the cities 3.

Thailand's Moken communities have always lived predominantly on the water; so much so, that their bodies have adapted to the semi-aquatic lifestyle. Like the Bajau, they can hold their breaths for much longer than humans living predominantly on land and they can see underwater much more clearly. A typical family

Reed islands of the Uros in Peru. Source: [6]

would catch more than half of the food they eat by themselves 5. The Tonle Sap lake in Cambodia houses almost 170 “floating” villages, and the Uros in Peru create truly floating islands out of reeds 6. And there are many more.

So perhaps there is, indeed, another way of relating to the oceans, a different vision of living in harmony with the seas – one that does not involve Silicon Valley investments, shady, tax-evading business ventures, neo-liberal statehood visions, cryptocurrencies and big-tech, unsustainable, exploitative and destructive mega-structures. Traditional cultures from all over the globe have, since humanity existed, demonstrated how people can live in harmony with the seas, how they can trust that a friendly lake or ocean will provide for their needs.

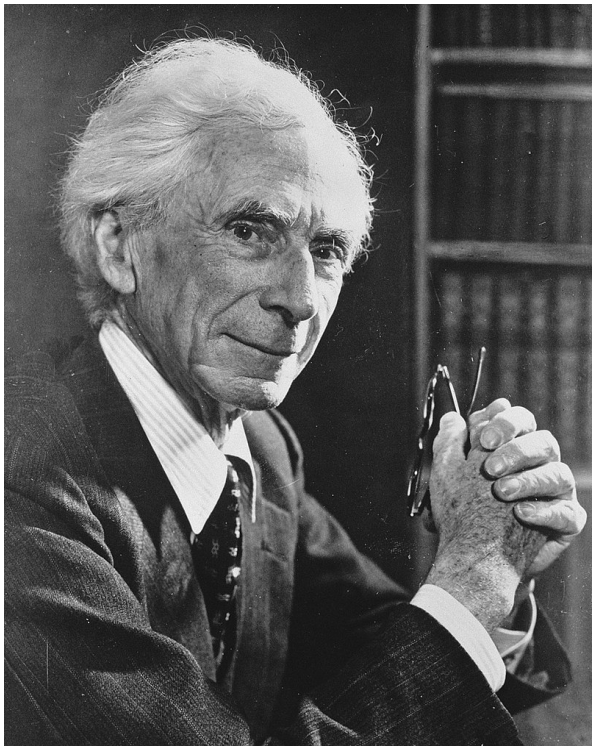
In the Gospel of Matthew we read:

> 6:26 Behold the fowls of the air: for they sow not, neither do they reap, nor gather into barns; yet your heavenly Father feedeth them. Are ye not much better than they? … 6:28 And why take ye thought for raiment? Consider the lilies of the field, how they grow; they toil not, neither do they spin: 6:29 And yet I say unto you, That even Solomon in all his glory was not arrayed like one of these. 6:30 Wherefore, if God so clothe the grass of the field, which to day is, and to morrow is cast into the oven, shall he not much more clothe you, O ye of little faith?

Perhaps it’s time that we added the fish in there together with the fowls and the lilies.

Stephen Leach
Philosophy and Nuclear Weapons

In 'The Duty of a Philosopher in this Age' (1964), Bertrand Russell wrote that the philosopher's duty was now to forget philosophy and to study "the probable effects of a nuclear war." But is it true that we need to forget philosophy in order to save the world? A guest article by Prof. Stephen Leach.



Philosophy and Nuclear Weapons

In writing about one of the most urgent problems of our time, Bertrand Russell declined to be called a philosopher. He refused to draw any connection between his campaigning journalism against nuclear weapons and philosophy. I shall argue that this was a mistake.

Rather than writing as a philosopher, he claimed to write solely as a journalist and a spokesperson for common sense.[1] Admittedly, in metaphysics and epistemology, he was prepared to leave common sense far behind. For, as he says in *The Problems of Philosophy* (1912):

> "The man who has no tincture of philosophy goes through life imprisoned in the prejudices derived from common sense, from the habitual beliefs of his age or his nation, and from convictions which have grown up in his mind without the cooperation or consent of his deliberate reason."

However, in his campaigning journalism, Russell was prepared to leave philosophy far behind and to embrace common sense. Thus,

[1] It is, incidentally, untrue that Russell ever described common sense as "the metaphysics of savages." This well-known misquote is actually from an early review of his book *Our Knowledge of the External World* (1914).

for example, in *Common Sense and Nuclear Weapons* (1959), Russell positioned himself unequivocally on the side of common sense.

But what exactly did he mean by common sense? To the best of my knowledge, Russell himself never subjected the concept to any sharply focussed analysis, but it is usually taken to mean something like folk wisdom. More specifically, it is thought that the dictates of common sense are universal, transcending the conventions of a particular time and place. This is usually assumed implicitly, although in the philosophy of Thomas Reid it is an explicit claim.

However, common sense, at least as it is appealed to in political arguments, is never, in fact, universal.

In politics, the authority of common sense proclamations is derived from two elements: (1) they are known with confidence; and (2) it is believed that all other right-thinking people also know them with confidence. Thus, typically, if I ask why I believe something with confidence, the answer is that all others whom I think of as right-thinking people also seem to know it with confidence. And why do I think they are right-thinking people? Well, they seem to be confident of the same things as me.

But, of course, although by this reasoning we wave what Kant called "the magic wand of common sense," and although we ourselves may thereby be convinced of the universality of our common sense pronouncements, we have not transcended the conventional wisdom of our particular society.

Little wonder then that Russell's biographer, Ray Monk, describes Russell's journalistic work as (with a few exceptions): glib; over-polemical; over-confident; utopian; wilfully shallow (playing to the gallery); concentrating on offering instant solutions; ignoring questions of policy; and with a tendency to malign those of different opinions. One is prone to write this way when one aims to speak on behalf of common sense. That is not to say that his journalism was ineffective – for his training in philosophy ensured that his arguments were made with great clarity. However, in politics, we do not transcend our particular historical circumstances simply by appeal to the arbiter of common sense.

At this point, readers may bring to mind, as a possible counter-example, the case for American independence made in Thomas Paine's *Common Sense* (1776). However, for many of Paine's readers the case for independence only became common sense once they had read the leaflet and been convinced of Paine's argument. For the contents of common sense are malleable, and in social and political history we can see how the contents and the concept itself have changed. (The former point is made by Gramsci in *The Study of Philosophy* (1932). For a political history of common sense, see Sophia Rosenfeld's *Common Sense: A Political History* (2011). Rosenfeld argues that the concept of common sense, as we now use it, dates only from the late seventeenth century.)

None of which is to deny that in certain circumstances the conservative power of common sense can be of great benefit. If I see a small child wandering too close to a fire or to the edge of a cliff it is common sense that I should call them back, and maintain the peaceful status quo. In these examples, it is a good thing that I can rely on common sense instead of having to debate what to do. In these instances, common sense is, "as invaluable as the virtue of conformity in the army and navy" (Thoreau). However, in order to change the world – to it from the

hazards of its unthinking drift – there is much to be said in favour of philosophy or "uncommon sense" (Thoreau).

It is the questioning of convention that – so far – has kept us from nuclear war. For example, on 27 October 1962, during the Cuban missile crisis, a senior officer, Vassili Arkhipov, aboard a Soviet submarine disagreed with his two fellow officers that a nuclear weapon should be launched. The decision could only be cleared on the authority of all three officers. Arkhipov went against the common sense of his fellow officers. Just over twenty years later, there was another example. Stanislav Petrov was on duty in a bunker near Moscow when the alarms started warning of five incoming intercontinental missiles. Protocol demanded that he immediately inform his superiors. "I was 50-50 as to whether it was a real or a false alarm. In this situation I decided that maybe it's my mistake, but I don't want to start World War Three." It was a false alarm. Arkhipov ignored the opinion of his fellow officers and Petrov ignored protocol. I do not know whether either had an interest in philosophy but both may have had a talent for it.

But now let us challenge common sense more directly. If one is making the point that because nuclear weapons have coincided with a period of peace for *x* many years that does not entail that they will coincide with a period of peace lasting *x+1* years, then one is making a philosophical argument based on Hume's work on inductive reasoning. "That the sun will not rise tomorrow is no less intelligible a proposition, and implies no more contradiction than that it will rise." Neither the argument about peace lasting *x+1* years nor the argument about the sun rising tomorrow are part of common sense. Indeed, common sense might tend to disagree.

Bernard Wiliams once posed the question, "what is the point of doing philosophy if you're not extraordinarily good at it?" Russell, after the Second World War, may have thought that, in the face of the nuclear threat, this was a question that no longer mattered.

In 'The Duty of a Philosopher in this Age' (1964) he wrote that the philosopher's duty was now to forget philosophy and to study "the probable effects of a nuclear war."

> "He must then, devote himself, by whatever means are open to him, to persuading other people to agree with him as to these effects and to joining him in whatever protest shows the most chance of success. … If they do not fulfil this duty they are accomplices to mass murder."

In this late work, Russell seems to be in agreement with Marx: "The philosophers have only interpreted the world in various ways. The point, however, is to change it."

The counter-argument is that a philosopher who forgets philosophy is likely to be less effective at instigating change than one who remembers it. The philosophy in question does not need to break new ground. As we have seen, it can be something as relatively elementary as Hume on induction. Thus, Russell had no need to forsake philosophy in his campaign against nuclear weapons; rather, he had need of it.

Philosophy is not above the fray.[2]

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[2]This article is based on a longer article entitled 'Russell on Technology and Common Sense' *Human Affairs, 2020, vol.30 (4): 518-25.*

Stephen Leach

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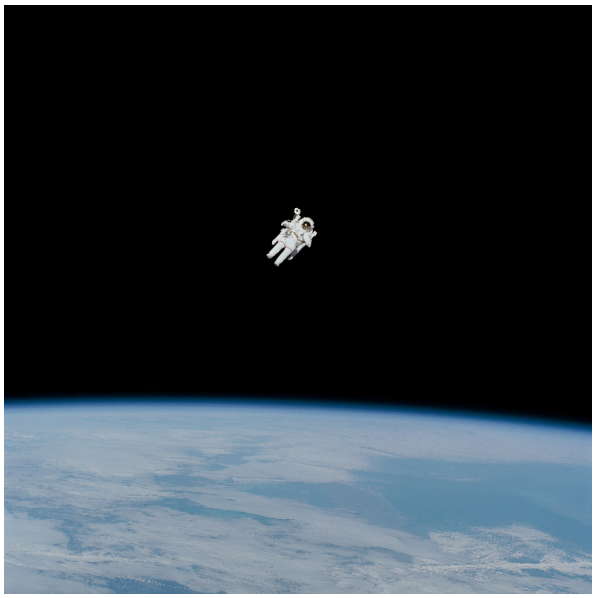
Underwater or High Above?

The discussion on whether we should first colonise the oceans or space is complex and involves NASA experiments with exposure to vacuum, the romantic side of drowning, the poetry of TS Eliot and the science of breathable liquids. It comes down to whether one prefers death by water or the void.



Space or the oceans?

The joy of writing these articles is that sometimes you *think* you know what you're going to write – until the article turns out to be about something entirely different. And much more fun.

So when I started writing this, it was supposed to be about whether we will first colonise space or the oceans. There's some debate going on about this among futurologists and high-tech colonisers. The arguments are reasonably interesting, and I can imagine the kind of article that would come out of that idea.

We would perhaps first talk about safety. Ocean colonies seem to be safer than space: at least, if the Ocean Spiral goes belly-up, one can attempt to swim to land. No such luck if the ISS develops a leak or one's spaceship collides with one of the thousands of pieces of junk that litter Earth's orbit.

Another difference has to do with pressure. The air pressure inside the ISS is around 1 bar, about the same as the air at sea level on Earth. In contrast, the pressure of water at a depth of only 100m in the oceans is already 10 times that: 10 bar. The average depth of the Earth's oceans is around 3,800m (12,500 feet), and down there one would have to be in something that can withstand a pressure of 380 bar. That's not an easy engineering problem.

On the other hand, Elon Musk has stated that sending 12 astronauts to Mars will cost around 10 billion USD each, for a total of 120 billion. This does not count machines, materials and other technologies. The Ocean Spiral we talked about earlier in this series will, in contrast, cost only 26 billion USD [1]. For a bit of comparison, the Olympic Games in Beijing in 2008 cost

a total of 53 billion USD (in 2021 dollars). It is sobering to think that for about two to three Olympic Games, we could have sent 10 people to Mars already. Or, for the price of the Beijing Olympics, we could have two fully working underwater cities.

So this could have been the article you are reading right now, and it would have been okay, I guess. But then, I started to go back in my thoughts to that point about safety:

Is it truly safer to be, after an accident, on the oceans or in space?

The question is more interesting than it looks. For one, space does not have sharks, and any potential aliens are so far away that they are unlikely to either come to the rescue of a stranded astronaut or to finish her off. Space is calm and predictable, while the sea can be stormy or calm, sunny or cloudy, icy or warmish. On the other hand, the sea is filled with boats, ships, sailboats, tankers, container ships and there's a good chance that somebody floating in the water might eventually be picked up while still alive. No such luck in space.

And so I arrived at the question that I had been steering toward all along, without realising it: Assuming one would *have* to die after an accident; would it be preferable to breathe one's last in the water or in the vacuum of space?

Now *that's* an interesting question.

To drown or to suffocate?

For our American readers, here's a trigger warning. If you dislike thinking about death, now's the time to stop reading. There are lots of inspirational articles on Daily Philosophy that have nothing to do with death. I suggest you go over there and read those. This article here is not one of them. Here, we're going to look that one, last moment square in the face.

Now, the first distinction here is about the ease of ending it all after one has reliably determined that rescue is unlikely and death almost certain. Being tossed around by the waves, especially if it's not very cold, can make it difficult to terminate one's life in a painless way. Drowning itself, if we believe the testimony of those who came close, is an exceedingly painful way to go:

> *"… When the cramp hit me, I sank to the bottom of the lake 12 feet down, in a doubled-up position. Compounding the wracking pain in my trunk was a mounting choking sensation. (Try holding your mouth and nose after taking a deep breath. Hold your breath until it becomes unbearable; then try holding it a few seconds past the unbearable point. It's a horrible sensation and would give you a dim idea of just one aspect of how it feels to drown.) The pressure of the water caused a stabbing pain in my eyes and ears… try to keep your head when water begins to seep into your already tortured lungs and your body is a mass of pain and you know you are dying… I remember that I screamed down there against a solid wall of water. I remember that I threshed and bobbed, but only succeeded in burrowing my head into the slime of the lake floor…" (Ron Shaw: Drowning. A Search for Answers)*

(This quote is from a publication called "Illinois Parks and Recreation," the July/August 1992 is-

sue. If this is recreation in Illinois, then perhaps it's wise to spend one's holidays elsewhere.)

How long this process takes is disputed. The Sydney Morning Herald reports that it takes two minutes to unconsciousness. Healthline.com estimates a total duration until death of around 10-12 minutes (!). Others talk of less than 40 seconds. In any case, there doesn't seem to be a way to exercise any control over the process. We cannot willingly drown to speed the process up. It will take as long as it takes, and the victim is unable to do much about it.

Space, on the other hand, at least presents us with a choice. Knowing that one is doomed, one could try to rip one's spacesuit, or break one's helmet, and bring about a quick death. Animal research in the 50s and 60s by NASA suggests that death would take a couple of minutes, but consciousness would be lost within 15 seconds (New York Times). As unlikely as it sounds, we do also have first-hand reports of how that would feel. The New York Times report:

> *An accidental experiment on a human occurred in 1965 at what is now Johnson Space Center when a spacesuit leaked in a vacuum chamber. Repressurization began within 15 seconds, and the subject survived. According to a NASA account of the incident, "the subject later reported that he could feel and hear the air leaking out, and his last conscious memory was of the water on his tongue beginning to boil."*

The boiling, of course, takes place because of the low air pressure. The boiling point of liquids depends on pressure. This is why a pressure pot can cook foods at higher temperatures, because the water does not boil off at the higher pressures inside the pot, but instead becomes hotter than its boiling point at normal atmospheric pressure. In reverse, it is impossible to boil an egg on the summit of Mt Everest, because, due to the low air pressure, the boiling point of water is lowered up there to only 68 C (154 F). This just isn't hot enough to boil an egg.

So with the air leaking out of one's space suit, the boiling point of one's body liquids would be suddenly lowered to below body temperature, and one would start to boil. Scientific American has this nice description:

> *Vacuums are indeed lethal: Under extremely low pressure air trapped in the lungs expands, tearing the tender gas-exchange tissues. This is especially grave if you are holding your breath or inhaling deeply when the pressure drops. Water in the soft tissues of your body vaporizes, causing gross swelling, though the tight seal of your skin would prevent you from actually bursting apart. Your eyes, likewise, would refrain from exploding, but continued escape of gas and water vapor leads to rapid cooling of the mouth and airways. (Anna Gosline (2008). Survival in Space Unprotected Is Possible – Briefly. Scientific American.)*

Then your blood would boil and release gases into the bloodstream that would make it impossible for your circulatory system to transport enough oxygen into your brain. This is the main reason, seemingly, why one would lose consciousness after only a few seconds. On the

other hand, dogs could reliably be revived after as long as 90 seconds in a vacuum. Anyway, the description of death by vacuum does sound a lot less frightening than that of drowning.

Breathing liquids

But the truly fascinating thing is that not every attempt to breathe liquids must result in drowning (Dan Brown readers will know this already). As horrible as it sounds, we can, in principle, fill our lungs with a suitable liquid and breathe that. Suitable here means that it must have the right viscosity to not clog the lungs and that it must carry and release enough oxygen to keep us alive.

In fact, in what is called Total Liquid Ventilation, the lungs are filled with a perfluorocarbon: a liquid that can bind both oxygen and CO2 and thus fulfil the gas-exchanging role of air. The procedure is already used in medicine (mostly for premature babies, who are already used to breathing liquids inside the womb).

What does all this have to do with mankind's future, you ask?

I first came upon liquid breathing because it is one of the technological breakthroughs applicable to both deep-sea diving and space travel, and perhaps also cryonics: the cold-storage of mostly dead human bodies in the hope that they might resurrected in the future, not by an act of God, but by human ingenuity (or hubris, depending on your point of view).

Because of the immense surface of the lungs (50-75 square metres, or 540-810 square feet: the size of a small flat), they are great heat-exchangers. Pumping a cold perfluorocarbon into the lungs is a reliable way of quickly cooling down the human body, for example to prevent brain damage after a heart attack.

Interestingly, Wikipedia credits the research on this to one Mike Darwin, who turns out to be originally named Michael Federowicz (having adopted the modest surname "Darwin" because of his, well, epochal discoveries?) and who eventually became the president of the cryonics organisation "Alcor Life Extension Foundation" from 1983 to 1988, and its Research Director until 1992. And here we are again firmly in neoliberal-deity-startup land: the origin of all modern utopias, Silicon Valley will not only give us underwater cities and Mars colonies, but also eternal life – even if it begins with a few centuries inside a fridge.

Back to liquid breathing, though.

In diving applications, liquid breathing has the potential to remove the problems associated with decompression sickness:

> *With liquid in the lungs, the pressure within the diver's lungs could accommodate changes in the pressure of the surrounding water without the huge gas partial pressure exposures required when the lungs are filled with gas. Liquid breathing would not result in the saturation of body tissues with high pressure nitrogen or helium that occurs with the use of non-liquids, thus would reduce or remove the need for slow decompression. (Wikipedia)*

In space travel, its application could be even more revolutionary. One of the biggest problems in traversing great distances in space is acceleration. To go anywhere within a reasonable

time frame, a spaceship must travel at very high speeds. If we are to leave the solar system and reach, say, Alpha Centauri, the nearest star, we will still need over 40 years travelling at a tenth the speed of light. The question is how to get people to these speeds (and then slow them down again) without squashing them?

One of the proposed methods is to keep the human body wholly immersed in a liquid. The key for this to work is that every cavity of the body must be filled with the liquid (including the lungs), so that the forces experienced during acceleration are distributed evenly over the whole body by the liquid. Wikipedia again:

> *Extending acceleration protection beyond 20g requires filling the lungs with fluid of density similar to water. An astronaut totally immersed in liquid, with liquid inside all body cavities, will feel little effect from extreme G forces because the forces on a liquid are distributed equally, and in all directions simultaneously.*

An unprotected human will lose consciousness, dependent on training and experience, somewhere between 6 and 10g. Even without filling the lungs, this can be doubled to 20g by immersion in liquid. The article does not say what the limit would be with liquid-filled lungs, but suggests that it would be very high.

Her clothes spread wide, and mermaid-like

Finally, it's interesting to have a parting look at the romantic appeal of dying by water versus vacuum.

Since Shakespeare's Ophelia, there has been a romantic tradition of women finding their death by drowning. Even Tolstoy's Anna Karenina was supposed to drown in the Neva river before the author experienced the death of a neighbour who was killed by a train and used that image instead.

TS Eliot used the same motif to illustrate the indifference of death to human concerns in Death By Water, the fourth part of The Waste Land:

> *Phlebas the Phoenician, a fortnight dead,*
> *Forgot the cry of gulls, and the deep sea swell*
> *And the profit and loss.*
> *A current under sea*
> *Picked his bones in whispers. As he rose and fell*
> *He passed the stages of his age and youth*
> *Entering the whirlpool.*
> *Gentile or Jew*
> *O you who turn the wheel and look to windward,*
> *Consider Phlebas, who was once handsome and tall as you.*

Of course, we know now that drowning really is not quite that serene and thoughtful.

Ray Bradbury, that most romantic of the space-age poets, captured the weird beauty of dying in space in his short story "Kaleidoscope."

After their spaceship is cut open like with "a giant can opener," the astronauts all float away in space, safely encased in their space suits, but with limited oxygen supply and the certainty that they can not be rescued. For a time, they talk,

fight and comfort each other, before the distance between them grows too big for communication and they fall silent, each man facing his own death alone. Hollis, one of the men, is about to re-enter Earth's atmosphere and burn up on his way down:

> "I'll burn," he thought, "and be scattered in ashes all over the continental lands. I'll be put to use. Just a little bit, but ashes are ashes and they'll add to the land."
>
> He fell swiftly, like a bullet, like a pebble, like an iron weight, objective, objective all of the time now, not sad or happy or anything, but only wishing he could do a good thing now that everything was gone, a good thing for just himself to know about.
>
> When I hit the atmosphere, I'll burn like a meteor. "I wonder," he said, "if anyone'll see me?"
>
> The small boy on the country road looked up and screamed. "Look, Mom, look! A falling star!"
>
> The blazing white star fell down the sky of dusk in Illinois. "Make a wish," said his mother. "Make a wish."

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[1] Ella Ananeva (2019). 7 Reasons Why We Should Colonize Oceans Instead Of Mars. Online on Medium.

David Cockayne
Confucianism and Just War

Since governments are charged with pursuing the popular well-being and not state power or prosperity, wars of aggression are illegitimate.

War in Confucianism

Confucianism as political ethics has its roots in warfare. In 1046 BC, or thereabouts, one Jī Fā led a tribal coalition which defeated and overthrew the Shāng dynasty whose territory in northern China was about the same size as the modern states of France, Germany and Poland combined. The victor, better known to history as King Wǔ of Zhōu, became an archetype of the virtuous ruler, and was evoked as such by the early Confucian philosophers. The defeated Shāng king by contrast represents the evil tyrant who persecutes the people and deserves his fate. Addressing his followers before battle, Jī Fā makes what the texts describe as a 'Great Vow'. Heaven, he says, loves the people and, having seen their sufferings, commands Jī Fā to remove the evil Shāng king:

> "Heaven gave the ordinary people rulers and advisors in order to protect them. When they are united, they can follow the Ruler on High, in order that every part of the land is at peace. Now whether we are responsible or not, who are we to go against the Will of Heaven?" (*The Book of Documents* 27.4 tr Palmer et al)

From the Great Vow of the crusading Jī Fā, particularly in the works of Confucius, Mencius and Xúnzǐ, emerges the principle known as the Mandate of Heaven: rulers are legitimate only insofar as they govern with humaneness; carrying out their duties to the people by non-coercive means. If they fail to so rule they may be overthrown; in particular, *the* legitimate king, who possess the Mandate of Heaven, may conduct 'punitive expeditions' in order to punish inhumane subordinate rulers. The *Book of Documents* tells us that King Wǔ, following the defeat of Shāng, found it necessary to put down rebellions in the east in order to bring peace to the people.

From these historical exemplars, the Confucian philosophers developed a distinctive view of what constitutes a just war. At the core of the Confucian view is a greater concern for the welfare of all people 'under Heaven', than for the rights of rulers to act as they please within their own territory.

1. States are justified by their humane rule

Following his victory, Zhōu King Wǔ sought advice from the worthy viscount of Qí who disclosed details of Heaven's Great Plan for rulers:

> "Perfect princely rule occurs when the prince seeks perfection in his bestowing the Five Good Fortunes [long life, prosperity, peace and well-being, love of virtue, and a good end to life], sharing these with all the people. In return the people will become defenders of this and will trust the prince. The people will therefore never plot or the statesman be so self-centred as would otherwise be the case and the ruler will achieve his highest ambitions and status." (*Book of Documents* 32.7 tr Palmer et. al)

The function of government is to maximise not state prosperity or power but the people's well-being. The national resources should be shared equitably with all the people. Governments should pursue their policies, so far as is possible, by non-coercive means. Humane rule includes the maintenance of a 'well-equipped' military for the national defence, while avoiding foreign entanglements. Humane rule secures the trust and loyalty of the people ensuring their support should a threat arise from an aggressor.

2. States are accountable both to those above and those below

Mencius describes a system of appointment and accountability using as a model two mythological sage rulers, Yáo and Shùn:

> "When [Yáo] put Shun in charge of the sacrifices, the spirits welcomed them. This is how Heaven accepted him. When he put Shun in charge of the nation's affairs, they were well ordered and the people were at peace. This is how the people accepted him." (*Mencius*-5A:5.10 tr Bloom)

Kings are appointed by Heaven and the people. In this and adjacent passages, Mencius describes a hierarchy whereby all with political power are accountable, generally upwards, but in which the people are considered of greater importance than rulers or even the state itself. Citing the *Book of Documents*, Mencius reminds his readers that 'Heaven sees as the people see' and will thus act, or mandate actions, to relieve their sufferings. In our own more impious times Heaven is not seen as a major political actor, of course; but there is delineated here a dual system of accountability combining popular consent with supreme oversight. Where rulers fail in their duties to the people they may be punished and, if necessary, removed.

3. Wars of aggression for personal or state gain are forbidden

> "A true king carries out punitive expeditions but he does not make war." (Xúnzǐ 15.338 tr Watson)

Since governments are charged with pursuing the popular well-being and not state power or prosperity, wars of aggression are illegitimate and those who initiate them are to be subject to punishment (see below). Confucianism's alternative development strategy upholds a form of moral competition between states. Virtuous rulers employ non-coercive 'moral force' to attract the good will, trade and even loyalty of those in other states, especially badly run ones.

4. Police actions against inhumane states are justified

> "The benevolent man … because he loves others, he hates to see men do them harm. The righteous man acts in accordance with what is right, and for that reason he hates to see men do wrong. He takes up arms in order to put an end to violence and to do away with harm, not in order to contend with others for spoil." (Xúnzǐ 15.355 tr Watson)

The ultimate sanction against inhumane states including those who indulge in wars of aggression is a form of police action known in Confucian circles as the 'punitive expedition'. The purpose of such expeditions is to restore good government to the people and rectify, that is, punish or remove, rulers. There is, however, a difference between Confucius in the 6th century BC and Xúnzǐ some three centuries later, as to who may carry out punitive expeditions. For Confucius, only the Zhōu king, whose authority comes from the Mandate of Heaven, may authorise such actions. For subordinate state rulers to do so is not in accordance with the Confucian moral way.

Even in Confucius' day, the authority of the Zhōu king was in serious decline and by Xúnzǐ's time it had entirely disappeared. Xúnzǐ, therefore takes a different tack: kings of his own day who followed the Confucian moral way could carry out punitive expeditions. It is not clear that any such 'true kings' existed in Xúnzǐ's time, however; the Warring States period (c. 475-221 BC) is so called for good reason.

David Cockayne comes from the formerly industrial West Midlands of England. He left school at 16 and became a gas fitter, subsequently declining into technical writing and then English teaching. Somewhere along the line he acquired

qualifications in Computer Science and Linguistics.

His interest in Chinese philosophy derives from a youthful dalliance with Maoism during the Cultural Revolution and, in more recent times, two years' confusion while teaching in Beijing. He is presently attempting to write an introduction to what Confucianism is and is not, focusing especially on what the ancient texts themselves actually say.

Free Private Cities?

The prophets of the new world are dreaming up private cities, places free from government control, taxation and oppressive laws. But could a privately run city really work? And can history help us understand the future?

Governing the Wild West

The Seasteading movement has always been about more than fish. For its proponents, "the sea" is not primarily an ecosystem or even a resource to be exploited, but a free, unregulated, empty canvas on which they can project their social and economic visions. It doesn't really matter to the visionaries of the new, liberal economy, whether one calls that substrate "the sea," "the Wild West," "Honduras," or "Mars." An agar plate will do. It is always a place that's just outside the jurisdiction of our countries, governments, presidents, tax systems and product liability laws, a place where everything is possible and where free enterprise can grow and prosper without being challenged by burdensome social contracts.

It is just this feature of Seasteading that makes it interesting for mankind's future, regardless of whether we will ever actually live on the waves. There is a long tradition of liberal governance experiments that begins in antiquity and extends into our present and future, and the Seasteading movement is just one more facet of it.

Troy, Athens, Sparta and Rome were city states, places that had their own rules and governments and that were independent of any overarching state authority. Renaissance Florence and Venice and today's Hong Kong and Singapore are, to some extent, city states. But of course none of these have had a "private" government like the libertarian vision demands. It is telling, though, that Hong Kong's leader of government is called the "Chief Executive," as if the city were just another private corporation. In what was called the Holy Roman Empire, "free imperial cities" were only subordinate to the Emperor himself and not to any territorial rulers, princes or dukes. "Home rule" is exercised, to various degrees, in Greenland and the Faroe Islands (self-governing, although formally part of Denmark), and the demand for it has been a defining part of the histories of Ireland and India, for example.

But both Ireland and India are, arguably, examples of how one should *not* go about achieving independence. Instead of taking over an existing political system via a revolutionary process, colonising an empty ocean promises a new world without the violence and bloodshed that is associated with getting rid of the established power structures.

Charter Cities

Even eminent scientists like former World Bank chief economist Paul Romer have argued in favour of "Charter Cities": places that are governed by their own rules. Ideally, these rules would be freely set by the residents of each city and potential residents would be free to vote for one city over another, simply by deciding to move there.

According to Romer, cities are special because they occupy the right point on the size scale between village and country. Villages are too small to allow the people who live there the full spectrum of experiences that a human life should have: a village can not have a university, for example, or a specialised hospital, a modern factory, or even a good theatre.

Countries, on the other hand, are too big and too inflexible. Forcing a whole country to change is hard, and it is likely to encounter opposition from those who do not want to change in the direction the leaders are going.

The ideal size, so Romer, is the size of a city. A country could start multiple experiments in governance, each in one city. And then it could sit back and see which experiment gets the highest adoption rate by looking at which city attracts the most new residents. In an interesting TED talk, Romer used Hong Kong, Shanghai and other Special Economic Zones in China as examples. These cities, he says, were given some amount of autonomy and demonstrated how the economic opening of China could work. Over time, more and more places in China adopted the capitalist model and, in Romer's opinion, this shows the success of this approach.

According to Romer, Charter Cities are all about *choice*. Instead of coercing people, they allow them to relocate to the city if they find it attractive, or to stay away if they disagree with the city's "charter."

The "charter," therefore, is the central aspect that identifies each city as the particular place it is. It ideally contains all the rules according to which the city operates. In his talk, you will notice how Romer suddenly jumps from the example of Hong Kong and China to a vision of cities built on "uninhabited land" and pictures of empty African deserts: places that are just lying there, waiting for their colonisers to turn up and terraform them with the seed of American civilisation.

Even more: Romer envisions a partnership under which a host country could voluntarily let another, more developed country, manage one of its cities. In this way, the colonised place would become the initial stimulus, the demonstration of superiority that would kick off the civilising processes in the rest of the host country. Apparently, he was about to try and civilise Honduras in this way, until the Hondurans began making their own deals behind his back and he resigned from the advisory board.

The Free Private City

In January 2022, Titus Gebel, entrepreneur, lawyer, right-wing libertarian activist and for-

mer CEO and director of fossil fuel and mining companies (we talked earlier about him), sat down to write up his very own vision of how Silicon Valley would change the world by giving it the concept of a Free Private City. In full techno-religious mode, he crafted the subtitle: "A New Operating System For Living Together."

The choice of words is interesting. The operating system of a computer is responsible for communicating with the hardware: the keyboard, display, memory, hard drives, and for presenting to the software a unified abstraction of files and folders, a source of user input and a way for programs to put output onto the screen. It is, as Romer said of his "charters," a system of rules. These rules make a random assortment of hardware (a keyboard, a screen, a disk) into *one* thing that does something useful: a computer.

In the same way, Gebel thinks, human societies need "operating systems" that will integrate the various individuals and institutions into one, coordinated whole, a system that will be more than a collection of random parts.

Operating systems also have the job of protecting the system's security. They identify particular users and their rights, they regulate access to files and other resources, they encrypt disks, they isolate programs from each other so that malicious programs cannot (easily) take over the system and cause harm. Ideally, an operating system for a human society would have to fulfil the same role. In what we usually identify as one of the primary functions of a social contract, the state uses its power to guarantee the safety of its citizens. And the "operating system" of Free Private Cities should do the same.

There is something at once Aristotelian and inhuman in this metaphor, though.

On the one hand, an operating system is best when it allows every piece of hardware to be operated at its maximum potential, using all its features in the best way possible. Arguably, this is something that traditional social contracts often fail to do. Traditional states are often self-serving, placing the interests of the state above the interests of the citizens: slums, bad use of taxes, corruption, prestigious but useless mega-projects and many other forms of power misuse come to mind. If we see the libertarian vision as an "operating system," then it would be in the interest of the system to achieve maximum efficiency by providing every one of its members with the optimal conditions for their flourishing. Not out of any abstract commitment to human dignity or human rights, but purely out of considerations of efficiency and the best utilisation of human potential.

On the other hand, the metaphor of the "operating system" is also disturbing. An operating system is not operating with the aim of providing maximal satisfaction to its components. It is a *tool,* as are all the computer's components, that is meant to be used by an external entity (the user) to perform some task that is of interest and benefit only to that user.

If cities are organised via "operating systems," towards whose benefit are they operating? And if all humans who constitute the city's components are used to the benefit of an external entity, does this not make everyone into a tool? Does this not violate the Kantian imperative that we should treat all humans as ends? A hard drive or a keyboard are not ends. They are rightly used as means only for me to do my work. But whose work is a city doing?

For-profit governments?

While Romer assumed that the Charter Cities would be set up and managed by national governments (for example, regarding defence or the support of their economies by the host country), Gebel does not see any place for a national government in the creation of a Free Private City:

> The defining feature of a Free Private City is that it is run by a for-profit company, referred to as the Operator, which acts as a "government service provider". In this capacity, the Operator offers citizens of the Free Private City protection of life, liberty and property. The services Operators provide encompass internal and external security, a predefined legal and regulatory framework and an independent dispute resolution system. [1]

Honestly, I don't understand how this is supposed to work. If the Operator is a for-profit company, what if the maximisation of profit conflicts with providing all citizens with protection of life, liberty and property? One can easily think of a multitude of scenarios where a profit-maximising operator might decide to sell out parts of their population in order to maximise profit: they might protect a criminal organisation and share the profits; they might accept only wealthy citizens; they might not provide affordable public services and charge for the use of roads or schools, allowing only the rich to settle in that city. And no profit-maximising operator will have an incentive to create universities with philosophy or history departments.

Citizens are supposed to be protected by a "Citizens' Contract," which Gebel describes thus:

> Interested individuals and companies enter into a Citizens' Contract, paying a fixed yearly fee for these services instead of taxes. Within that framework, a "spontaneous order" can develop which emerges from the voluntary activities of the citizens. The Operator cannot later unilaterally change a Citizens' Contract without the permission of the citizen concerned. Disputes between citizens and the Operator are heard before external arbitration tribunals, as is already customary in international commercial law. If the Operator ignores arbitral awards or abuses its power, customers will eventually leave and the Operator will face the risk of bankruptcy.

It is, again, not clear how this will work. It is good to have the external tribunal, but how is that going to force the operator to accept its judgements? The United Nations have for decades now been busy issuing resolutions that are consistently ignored by the concerned parties. What will make the city operators behave any differently? The threat of bankruptcy? But excluding the poor from a city or not providing free public services and education is not going to make the wealthy leave. Quite the opposite: a city without beggars, clean, expensive, well-maintained and prosperous might be seen as particularly attractive by those who *can* afford to live there.

In the vision of Titus Gebel, a new social order must fulfil a number of criteria:

- The operator of the private city must be "unable to grant special benefits to individual groups or citizens" in order to avoid corruption and injustice. Again, it's unclear how this could possibly be enforced if there is no outside authority that can enforce these contracts.
- The operator must "allow their citizens to leave or secede at any time without imposing financial or other obstacles (enabling competition)."
- They must be liable for any damages or errors and have a financial interest in the flourishing of the community.
- They must have clearly defined written obligations, changeable only with the consent of both the governed and the rulers (a real social contract, legal certainty, predictability), and be suable by the parties concerned in the event of differences before independent courts or arbitration bodies (neutral dispute resolution). [1]

A new world?

But does this not mean that we're again introducing a state through the back door? If the operators can be sued and contracts enforced against them, who is going to do the suing, judging and enforcing if not a government? And how is this government going to be financed if not through some kind of taxation? And so we're back to the world we already have right now.

I found it very interesting to think about the possibility of a private government, not least because we *are* probably going to get private governments or government-like regulators in space. When Elon Musk lands on Mars, there will be no US Federal Commission of any kind to greet him. He and his astronauts will be alone, free to decide on the rules that they are willing to obey. And once the colonisation of space has begun in this way, it will be difficult for governments to assert their sovereignty later on.

The distrust and the rivalries between governments on Earth also contribute to the privatisation of space. Since the first men landed on the moon, in the middle of the Cold-War space race, it was seen as unacceptable to claim a celestial body as the territory of a single nation. The Outer Space Treaty of 1966 explicitly notes (among other points):

> The exploration and use of outer space shall be carried out for the benefit and in the interests of all countries and shall be the province of all mankind; Outer space shall be free for exploration and use by all States; Outer space is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means…

But what the signatories of the treaty probably could not imagine in 1966 is that the first parties to arrive at destinations in outer space (apart from the moon) will not be states at all, but private corporations. The treaty does not mention anything regarding *private* ownership of resources in space, leaving space colonies wide open to exploitation by private capital and possibly subject to libertarian experiments in private governance.

It would be interesting to have another look at the British East India Company as a historical model of how the occupation of new territories

might go ahead under private control, driven by commercial interests. Neither Titus Gebel, the Seasteading Institute, Peter Thiel or Elon Musk have ever mentioned the East India Company, its role in the exploitation of South Asia, or what there is to learn from its final dissolution.

And if there's one thing that seems to be certain is that those who fail to learn from history are doomed to repeat it.

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[1] Titus Gebel (2022). Free Private Cities – A new operating system for living together. Available online: https://www.freeprivatecities.com/whitepaper/

Epilogue

And that was it again, the third edition of our monthly, printable magazine. I have tried to improve its looks a bit, so please do tell me how you liked it.

If you encountered any errors or other problems with this file, please be so kind to write me, so that I can make it better. I'm always grateful for your comments, suggestions and criticism!

Thanks again for your support and have a great, thoughtful April!

— Andy

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