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Editor's Letter

Dear Reader,

Like Descartes' famous work after which this journal is named, the philosophy in these pages proceeds by a spirit of criticality. As you'll discover, this manifests in the recognition that even persuasive ideas of some of the greatest minds may be wrong. In *Moral Residues From Broken Promises*, Waner Zhang challenges Judith Thomson and provides an account for the origin of the moral norms generated by broken promises. John Abughattas uses Kant to understand what is the wrong imposed on the Stateless. And in *The Limits of Heritage*, Aaron Peretz identifies an important shortcoming in Martin Heidegger's notion of authenticity.

Overseeing this year's production of Meditations has been a labor both rewarding and delightful. It wouldn't have been possible were it not for the dedicated hours put in by its staff. Our Selections committee spent weeks carefully reviewing a record number of submissions. Their work was furthered through the efforts of our Editors, who worked to hold this journal to the very highest standard. Hearty thanks are owed to the Undergraduate Philosophy Club, especially President Eva Yguico who was brilliant and indefatigable. A very special thanks must be given to professors John Carriero and Andrew Hsu. They always readily provided advice and direction, especially when our naivete ran into trouble.

Now in its sixth edition, *Meditations* has established itself as a serious undergraduate tradition at UCLA. Just as it has grown, I have no doubt it will continue in the coming years to blossom and bear fruit. In that same spirit of optimism, dear reader, I now welcome you to enjoy these *Meditations*.

Respectfully,
David Graham Dixon
Editor in Chief

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Moral Residues

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Imagine that I promised John to deliver widgets to his factory but later decided not to do so simply because I felt lazy. As a consequence of my behavior, John's business suffered a tremendous loss. Surely morality would call on me to do certain things to make up for the broken promise. In Chapters 3 and 12 of *The Realm of Rights*[1] Thomson notices the existence of such moral norms in certain[2] cases where an agent fails to accord with her words. She calls such moral norms "moral residues". Thomson contends that it is necessary to provide an account for the existence of moral residues in order to fill in the gap between the fact of breaking a promise and the fact of the existence of moral residues. By examining intuitive cases of moral residues, Thomson presents her account for the existence of moral residues in those cases, which states that moral residues result from failing to fulfill a certain type of claims.

Depending on the specific word-giving cases being examined, there might be different accounts of moral residues. In this paper, I will limit my discussion of moral residues to certain[3] cases of broken promises. I will first explain Thomson's account for the existence of moral residues by applying it to certain[4] cases of an agent's failing to

[1] Judith Jarvis Thomson, *The Realm of Rights*. (Cambridge, Massachusetts: Harvard Univ. Press, 1990).

[2] I used "certain"' here because in some cases, even though an agent fails to accord with her word, there is no moral residue generated. Thomson's account of moral residues is meant to cover cases where (1) an agent fails to accord with her word, and (2) there exist moral residues. (*Thomson*, 85-86, 307-310) Thus, cases where there is no moral residue generated from failing to accord with one's word will not be discussed in this paper.

[3] Ibid.

[4] Similarly, "certain" here is meant to cover cases where there *is* moral residue generated from failing to fulfill one's promise.

fulfill a promise. I will then object to this explanation 1) by pointing out that in some of such cases moral residues are in place even when there is no Thomsonian claim, and 2) by arguing that the Thomsonian account does not bridge the gap between the non-normative and the normative. I will instead provide what I regard as the best account of moral residues in certain cases of an agent failing to fulfill a promise by appealing to what it means to make and break a promise. Finally, I will contrast my account of moral residues with Thomson's to show that my account avoids the problems that Thomson's account faces.

I. What are Moral Residues?

The notions of duty and moral requirement are essential for understanding moral residues. Moral requirements are all-things-considered moral oughts whereas duties are moral reasons to do or not to do something. A duty is the correlative of a claim.[5] My duty towards you that I not eat your lunch is correlative with your claim against me that I not eat your lunch, and is a moral reason for me not to eat your lunch. However, I might be morally required to eat your lunch considering other moral, pragmatic, or epistemic factors such as preventing myself from starving to death.

If I eat your lunch, then I infringe a claim of yours. I surely cannot simply walk away and act as if nothing happened. It seems that I need to carry out certain actions such as repaying you for your lunch to compensate for any loss or harm associated with my infringing your claim. This need for compensation is a moral residue resulting from me doing something that I have a moral reason not to do, i.e. infringing your claim against me. It seems that sometimes, when an agent does something that she has a moral reason not to do, she is subjected to moral residues. On the other hand, if I failed to deliver John widgets even though I promised so, and if John suffered a tremendous loss from my behavior, I am also subjected to moral residues for *not* doing something that I have a moral reason to do. Hence, when an agent does *not* do something that she has a moral reason to do, she is also subjected to moral residues.

Having a general idea of what count as moral residues, Thomson roughly defines moral residues as moral requirements that an agent is

[5] *Thomson*, 40

subjected to due to her doing something that she has a moral reason not to do, or vice versa.[6] To say moral residues are moral requirements is to say that moral residues are all-things-considered oughts and that one must fulfill the content of moral residues *no matter what*. For instance, having the moral residue of repaying for your lunch means that I am morally required to repay you for your lunch *no matter what*.

However, to say that moral residues are moral requirements is to make a category mistake. Moral residues do not by themselves determine whether an agent ought to do something, since it surely is a possibility that there are other considerations (e.g. moral, epistemic, or pragmatic) that are relevant to whether an agent ought to do something. Perhaps some moral residues are trumped by other considerations, and an agent ought *not* to fulfill the content of the moral residue. It might be the case that my moral residue of repaying for your lunch is trumped by the consideration that I need to use all of my money to save a human life. It would turn out that I ought *not* to repay you for something as trivial as lunch. Since it is fully possible for moral residues to be trumped by other considerations, they cannot be moral requirements.

However, moral residues do have constraining force on an agent insofar as they are moral reasons relevant to whether an agent ought to do something. This means that when one considers a course of action, one needs to take into consideration the existence of moral residues. In the above example, I have a moral residue to repay you for your lunch. When I consider what I ought to do, I need to take into consideration the existence of my moral residue and count it as a moral reason in favor of the action of repaying you for your lunch.

Since moral residues are moral reasons to do or refrain from doing something rather than moral requirements, I shall define moral residues as duties that an agent is subjected to due to her doing something that she has a moral reason not to do, or vice versa.

[6] *Thomson*, 84

II. Thomson's Account of the Origin of Moral Residues

Moral residues are often in place when an agent fails to fulfill a promise. Thomson defines a promise as such[7]:

> *Y promises X that P, where P is an action or refraining from action in the future or a limited range of states in the future, iff*
>
> *(1) acquires a duty of making it the case that P if it is possible for her to make it the case that P, and*
>
> *(2) if Y fails to make it the case that P through no fault of X's, then Y obtains other duties, if it is possible for her to fulfill those duties.*

It is intuitive to think that Y's failing to fulfill a promise is doing something that she has a moral reason not to do, and thus moral residues would be generated by her failing to fulfill a promise.

> *For instance, I promise Danny that I will deliver coal to his factory by Thursday, iff*
>
> *(1) I invite Danny to rely on the truth of the proposition "I will deliver coal to his factory by Thursday"; and*
>
> *(2) Danny desires and accepts the invitation, and indeed does so, and*
>
> *(3) Danny is the subject of my promise.*

Suppose all the conditions of promise-making obtained and I indeed made a promise to Danny that I would deliver coal to his factory by Thursday. However, unbeknownst to me, the only factory that supplies coal in the city was bombed 10 minutes before I made the promise and I could not get coal from anywhere else by Thursday. Due to such external circumstance, I failed to fulfill the promise. My failing to fulfill this promise was not doing something that I had a moral reason to do. It seems reasonable that under such circumstance I am subjected to moral residues, the contents of which might be

[7] *Thomson*, 289-300

> "MR1 - *I deliver coal to his factory as soon as coal is available", and*
>
> "MR2 - *I compensate Danny for his financial loss*".

The above duties that I am subjected to due to my breaking the promise are moral residues. Their existence is related to the fact that I broke my promise to Danny. But exactly how are they related? It is a non-normative fact that I broke a promise, but it is a normative fact that I have those duties if it is indeed true that I have those duties. How do we pass from the non-normative fact of the broken promise to the normative fact of moral residues?

Thomson contends that there needs be some intermediary to bridge the non-normative fact of the broken promise and the normative fact of the moral residues.[8] She proposes a possible intermediary bridge between the non-normative fact and the normative moral residues: if Y promises X that P, then X has a claim against Y that P; if the infringement of X's claim leads to X's harm or loss, then there exist moral residues.[9] The existence of moral residues come from the fact that a claim is infringed when one breaks a promise.[10] The reason to think that such is the case is that a claim is equivalent to a constraint on the claim-giver's behavior that includes such things as that the claim-giver may have to make amends later if he or she does not accord the claim.[11]

According to this account of moral residues, the existence of the moral residues in the above example comes from the fact that

> *Since I promised Danny that I will deliver coal to his factory by Thursday, Danny has a claim against me that I deliver coal to his factory by Thursday; however, I did not deliver coal to Danny's factory by Thursday, and thus Danny's claim has been infringed.*

[8] *Id.*, 85
[9] *Id.*, 96
[10] *Id.*, 93-94
[11] *Id.*, 85

III. Problems with Thomson's Account

However, there seem to exist several problems with Thomson's explanation of the existence of moral residues. Suppose I promised Danny to give him a book. However, unbeknownst to me, the book has already been burnt in a fire before I made the promise. It seems that under such circumstances, I would have moral residues to compensate Danny. However, it is impossible for me to deliver the book to Danny considering the actual empirical limitations. If I nonetheless have a duty to deliver the book to Danny, this duty might not be trumped by other considerations and might end up requiring me to give Danny the book. However, it is intuitive to think that morality would not require me to do something impossible. Therefore, morality would not give me a duty to give Danny the book.

More generally, if an agent has a duty to do something impossible, it might turn out that this duty is not trumped by other considerations and would end up requiring an agent to fulfill the duty. However, it is intuitive to think that morality would not require an agent to do something impossible. Therefore, morality would not give one a duty to do something impossible. In other words, if it impossible for Y to make it the case that P, then Y does not have a duty to make it the case that P. Since duty is the correlative of a claim, it seems that morality would not grant X a claim against Y that P if it is impossible for Y to make it the case that P. In the above case, morality would not grant Danny a claim against me that I deliver him the book if it is impossible for me to do so.

In the coal-delivery case, due to external circumstance, it is impossible for me to deliver coal to Danny's factory. Thus, I have no duty towards Danny to deliver coal to Danny's factory and Danny has no claim against me that I deliver coal to his factory. Even though it seems that Danny cannot have the kind of claim that is identified by Thomson, there still seems to exist moral residues, specifically the ones mentioned in part 2.

Similarly, any promises that are about something that cannot possibly be done by an agent - let's call this kind of promises *empty promises* - do not generate the kind of claims identified by Thomson. However, sometimes a promisor's failing to fulfill an empty promise would still generate moral residues, as we see in the coal-delivery example. Therefore, cases of empty promises present a problem to Thomson's explanation of the existence of moral residues: in cases of empty promises,

the claims that Thomson identifies are implausible for agents to have and do not contribute to the existence of moral residues. If there is no Thomsonian claim in cases of empty promises, there is no intermediary bridge between the non-normative fact of a broken promise and the normative moral residues under Thomson's account.

IV. From Non-Normative to Normative

The problem with Thomson's account makes us wonder what, if not a Thomsonian claim, the intermediary bridge between a broken promise and the subsequent moral residues actually is. But perhaps Thomson's assumption that there need be an intermediary bridge is wrong and so a better question to ask here is whether there need be an intermediary bridge at all between a broken promise and the moral residues. Remember that we thought that there need be such a bridge because the fact of a broken promise is a non-normative fact whereas the fact of moral residues is a normative fact. Would adding a claim in the middle really help? A claim that X has against Y is the correlative of a duty that Y has towards X, the duty being a moral reason for Y to make it the case that a certain state of affairs obtains. It seems that a claim is simply a placeholder for the normative fact that there is a moral reason for Y to make it the case that a certain state of affairs obtains. By inserting a claim in between a broken promise and the moral residues, Thomson simply replaces the question of how to pass from the non-normative fact of a broken promise to the normative fact of *moral residues* with the question of how to pass from the non-normative fact of a broken promise to the normative fact of a *claim*. The question of how we get from the non-normative to the normative is yet to be answered. Therefore, Thomson's account of moral residues, by adding a Thomsonian claim in between a broken promise and the subsequent moral residues, does not satisfactorily settle the issue of how to get from a non-normative fact to a normative one.

But what would settle the issue? Surely, we need to make the jump from the non-normative to the normative at some point. One certainty, however, is that Thomsonian claims really cannot do this job.

In order to know why one has moral residues after breaking a promise, we must look into what it means to make and break a promise. After all, if I didn't promise Danny to deliver coal to his factory, or if I didn't break that promise, there wouldn't exist any moral residue. Hence, the explanation of moral residues must lie in what it means to

make a promise, or what it means to break a promise, or both.

V. Promises

Recall the concept of a promise:

> *Y promises X that P, where P is an action or refraining from action in the future or a limited range or states in the future, iff*
>
> *(1) Y invites X to rely on P's obtaining, and*
>
> *(2) X desires to receive and accept the invitation, and indeed does so, and*
>
> *(3) P has Y as its subject.*[12]

Promises are invitations of reliance that are accepted by the promisee and by nature have constraining force. If promises do not have constraining force, then the promisor[13] may permissibly break a promise whenever she desires. The promisor would not be doing something morally wrong if she breaks a promise. Why, then, should the promisor be subjected to any moral residues? Suppose I promised John to deliver widgets to him but did not do so simply because I felt lazy. If promises have no constraining force, then I would not be doing anything morally wrong if I did not deliver widgets to John. I would not need to compensate John for his financial loss. However. this picture is surely absurd - why should John suffer financial loss due to my fault?

Furthermore, if the promisor is not bound by the "promise", then rationally, no one would rely on others to carry out what they try to promise. Why would they? Would they just hope that the promisor is kind-hearted enough to do something that morality does not require her to do? In other words, condition (2) of what makes a promise would never be fulfilled - no one would accept the invitation of reliance and consequently there would not exist any promise at all. Hence, constraint is deeply rooted in the nature of a promise - we cannot even conceive of a promise without the constraint carried by a promise. (What does it mean to make a promise to me when you do not guarantee

[12] Thomson, 298-300

[13] In discussing the counterfactual scenario that promises do not have constraining force, I am using "promise", "promisor", and "promisee" as placeholders for what would be promises, promisors, and promisees had the counterfactual been false.

what you promised would be obtained?) Hence, if Y promises X that P, then Y invites X to rely on P's obtaining; and if X desires and does accept the invitation, then Y constrains herself in a certain way.

Because of their nature as invitations of reliance, promises must have some constraining force on people. Something that has constraining force is something such that one has a duty to fulfill it and the failing of which often[14] has consequences on the agent. The constraints of promises are thus expressed when the promisor Y

> *(1) acquires a duty of making it the case that P if it is possible for her to make it the case that P, and*
>
> *If Y fails to make it the case that P through no fault of X's, then Y*
>
> *(2) obtains other duties, if it is possible for her to fulfill those duties.*

Note that Y only has a duty of doing something possible for her to do. Y only has a duty to make it the case that P if she indeed can make it the case that P; she only has other duties as a consequence of failing to make it the case that P if she can fulfill those duties. Throughout the rest of the paper, I will use duty in such a way that the possibility for the agent to fulfill the duty is implied. As you might have expected, my explanation of the existence of moral residues does not rely on the existence of a duty, but instead relies on what it means to make and break a promise. Under my account, the fact that there is no Thomsonian duty in cases of empty promises is perfectly compatible with the fact that there exist moral residues. Hence, the fact that one cannot have a duty that she cannot possibly fulfill would not generate the problem of empty promises for my account of moral residues.

The locution "through no fault of X's" is in place in this account of the constraint of promises. The reason is that if it is through X's own fault that the promise cannot possibly be fulfilled, then Y has no duty to take responsibilities for not fulfilling the promise. If Danny is the terrorist that bombed the only factory that provides coal in the city, then

[14] "Often" is in place here because there are things that have constraining force but the failing of which has no consequence on the agent. For example, when there is no harm or loss associated with one's breaking a promise, supposedly there is no moral residues on the agent for failing to fulfill the promise.

it is intuitive to think that I do not have a duty to take responsibilities for my inability to fulfill the promise.

If it is Y's fault that he cannot keep the promise, then Y has a duty to take responsibilities for breaking the promise. If I did not deliver coal to John simply because I was lazy, then I have a duty to take responsibilities for breaking the promise.

If it is due to factors that Y cannot control that the promise cannot possibly be fulfilled, then Y has a duty to take at least partial responsibilities for breaking the promise. After all, why should X bear the full cost of Y's inability to keep the promise when it is no fault of X's that Y can't keep Y's promise? Therefore, it is reasonable to think that if Y breaks the promise through no fault of X's, then Y has a duty to take at least partial responsibility for breaking the promise.

Barring extreme circumstances such as enforced promises, promises have constraining force, which means that one has a duty to carry out what is promised and that failing to do so often has consequences for the promisor. From what I have argued above, the constraining force of promises is expressed not only when the promisor Y acquires a duty of making it the case that P, but also when she obtains other duties as a consequence of failing to make it the case that P through no fault of X's.

VI. The Constraining Nature of Promises as Intermediary

As argued above, promises would not exist if they had no constraining force. The constraining nature of promises can thus make the jump between non-normative facts and normative facts. By making a promise, one constrains herself to certain normative facts, namely that

> *(1) one acquires a duty of making it the case that P if it is possible for her to make it the case that P, and*
>
> *(2) If Y fails to make it the case that P through no fault of X's, then Y obtains moral residues, if it is possible for her to fulfill those duties.*

Those normative facts are reasons for one to do or refrain from doing something. We do not need any further intermediary bridge between the non-normative and the normative.

VII. Contents of All Moral Residues

What are the contents of the moral residues that Y obtains if Y fails to make it the case that P through no fault of X's? To figure out the content of the moral residues, it might be helpful to look at some intuitive examples.

In the widget-delivery case, it is intuitive to think that I obtain several other duties due to my failing to deliver widgets to John's customer. First of all, I have a duty to minimize the losses incurred due to my laziness, perhaps by delivering widgets to John's customer as soon as possible. Secondly, I have a duty to compensate for any loss that John suffered due to my laziness, perhaps by giving John a proportionate amount of money. This is an intuitive case where Y fails to fulfill a promise due to Y's fault, and X suffers loss from Y's failing to fulfill the promise. Y obtains moral residues to reduce a *proportionate* amount of negative effect. The word 'proportionate' ensures that when it is Y's fault for breaking a promise, Y only obtains moral residues proportionate to Y's wrong-doing. Y does not obtain duties that are unproportionate to Y's wrong-doing. In the widget-delivery case, just because I broke my promise to John does not mean that I should deliver widgets to his customers for free for the rest of my life. Of course, what it means to reduce a proportionate amount of negative effect associated with Y's breaking a promise depends on the particular case at hand, because different circumstances call for different methods of remedy.

If, however, John does not suffer any loss from my failing to fulfill a promise, then there is no proportionate amount of negative effect for one to reduce. So, I would not be subjected to moral residues.

From the above discussion, the content of a moral residue is to reduce a proportionate amount of negative effect. This way of defining moral residue indicates that when there is no negative effect incurred due to Y's breaking the promise, Y is not subjected to moral residues.

VIII. Application of the Account

Considering what we discussed about promises in parts 5, 6, and 7, the reason that moral residues exist is thus:

> *When Y promises X that P, Y invites X to rely on Y's making it the case that P, and thus constrains herself in such a way that*

> *(1) Y has a duty to make it the case that P, or*
>
> *(2) f Y fails to make it the case that P through no fault of X's, then Y has moral residues to reduce a proportionate amount of negative effect associated with Y's breaking the promise.*
>
> *And Y fails to make it the case that P.*

Applying my account of moral residue to the coal-delivery example, the reason that there exist moral residues is that:

> *When I promise Danny that I deliver coal to Danny's factory by Thursday, I invite Danny to rely on me, and thus constrain myself in such a way that*
>
> *(1) I have a duty to deliver coal to Danny's factory by Thursday, or*
>
> *(2) If I fail to deliver coal to Danny's factory by Thursday through no fault of Danny's, then I have moral residues to reduce a reasonable amount of negative effect associated with my breaking the promise.*

To reduce a proportionate amount of negative effect would include:

> MR1 - I seek release from my promise to Danny that I sell him coal
> MR2 - if I do not get a release, I compensate Danny for his financial loss.

First of all, I should try seeking release from Danny. If Danny says: "don't worry about it, I have plenty of coal in my factory," then I am released from my promise and consequently my duty. A promise engages two parties, but if the promisee releases the promisor from the promise, the promise would cease to exist.

Second of all, if I cannot be released from the promise, then I also have a second moral residue to compensate Danny financially. On the other hand, if I am released from the promise, then the first part of MR2 would not obtain, and I do not have a duty to make amends.

The above two moral residues comprise my effort to reduce a proportionate amount of negative effect associated with my breaking the promise. They are appropriate for me to have considering my unintentional breaking of the promise.

Under this account, even though the promisor's behavior is constrained in such a way that she is subjected to a duty and a further conditional duty, the duties do not explain the existence of moral residues. Instead, it is the constraining force of a promise as an invitation of reliance that explains the existence of moral residues.

IX. Hierarchy of Duties

Thomson objects to a similar account of moral residues on page 94, footnote 7: "[this proposal makes] too much of the need to seek a release or to compensate. For if I have promised a man to do a thing, it is - other things being equal - not good enough that I merely compensate him for such losses as I cause him by not doing the thing; other things being equal, I just plain, and all simply, ought to do it."

What Thomson means in this paragraph is that among the duties associated with one's breaking a promise, the duty to make it the case that P should be prioritized over moral residues, since whether to do P or to fulfill the moral residues is not up to Y. What X is relying on is not that Y fulfill moral residues; rather, X is relying on Y to make it the case that P. Y has a duty to try her best to make it the case that P, before she obtains a duty to reduce a reasonable amount of negative effect associated with her breaking the promise.

There are several things worth noticing in my account of moral residues that are relevant to the issue of hierarchy of different duties that are associated with one's making a promise:

a. the connective between the first and second part of the constraint generated by a promise is an "and";

b. the second part of the constraint is a conditional;

c. the order of the first and second parts of the claim;

All three mean that if Y makes it the case that P, then Y is not constrained by moral residues; but if Y fails to make it the case that P, then Y is constrained by moral residues. This means that whether to do P or to replace negative effect is not a free choice for Y. Rather, Y has a duty to try her best to make it the case that P before she obtains moral residues. Hence, the construction of my account of moral residues fends off Thomson's objection regarding the prioritization of duties.

X. Advantages of This Account

In short, when Y promises X that P, Y invites reliance to X on the obtaining of P, and thus constrains herself by a conjunction of a duty and possible moral residues. Under my account, it is perfectly reasonable for one to have moral residues without having a Thomsonian duty. Hence, cases of empty promises do not generate a problem for my account of moral residues.

Furthermore, according to this account of moral residues, the reason that there exist moral residues when Y fails to make it the case that P is that:

> *When Y promises X that P, Y invites X to rely on Y's making it the case that P, and thus constrains herself in such a way that*
>
> *(1) Y has a duty to make it the case that P, and*
>
> *(2) if Y fails to make it the case that P through no fault of X's, then Y has moral residues to reduce a reasonable amount of negative effect associated with Y's breaking the promise.*

The existence of moral residues, contrary to what Thomson claims, does not rely on an intermediary of a claim to bridge the non-normative and the normative. Instead, it relies on the nature of promises as invitations of reliance that have constraining force, thereby avoiding the problem with regards to empty promises under the Thomsonian account of moral residue.

References

Thomson, Judith Jarvis. *The Realm of Rights*. Cambridge, Massachusetts: Harvard Univ. Press, 1990.

The Limits of Heritage: A Critique of Heideggerian Authenticity

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This paper intends to show that the notion of authenticity as it relates to heritage in Martin Heidegger's *Being and Time*[1] and later adopted by Hubert Dreyfus excludes genuinely new ways of being. For both thinkers, being authentic qua world-changer is a matter of retrieving marginal practices within one's own heritage. I will firstly provide a foundation for the relevant area of Heidegger's philosophy, then move on to explain how authenticity appears in Dreyfus's interpretation of Heidegger. I will then introduce Dreyfus's commentary on Jonathan Lear's *Radical Hope* which will be used to seek insight into his concept of the world-changer through his use of concrete examples. Ultimately, the insight gleaned will be limited and we will see the vague nature of Dreyfus's world-changer concept. Using the thin information that can be deduced about the world-changer, I provide three of my own examples that demonstrate the view's limitations beyond its vagueness. In these examples—concerning a revolutionary musical composer, one of the first women to undergo gender confirmation surgery, and a person estranged from their heritage—we will see that the Heideggerian view appropriated by Dreyfus excludes many new ways of being, barring revolutionary actors from authenticity, while also suffering a tension between the Heideggerian call of conscience and retrieval. These examples will also reveal unjustified valuations implicit to the critiqued view: the privileging of tradition over the progressive and the use of hierarchical language. To conclude the paper, I show how the exclusionary nature of authenticity follows from the phenomenological method of *Being and Time* and offer a preliminary

[1] Martin Heidegger, *Being and Time*, trans. Joan Stambaugh (Albany: SUNY Press, 2010).

sketch on how actors could find authenticity independently of any heritage.

Authenticity in the Heideggerian sense is a mode of being of Dasein. To understand what this could mean, let us first consider the general notion of Dasein: Heidegger's technical term for the distinct human way of being. Heidegger sees that humans are the kind of beings that ask about what their lives mean and have some understanding of the world they inhabit and continuously construct through shared practices.[2] Heidegger tells us that there are two modes of being by which we can understand Dasein and thus the world: authenticity and inauthenticity.[3] Regarding Dasein that is inauthentic, Heidegger writes, "It understands itself in terms of the possibilities of existence that 'circulate' in the present day 'average' public interpretedness of Dasein."[4] The inauthentic mode of being is to engage with the world and its tools in the perfunctory manner of the general public. Inauthentic Dasein only understands its possibilities of action as the ordinary responses to life's situations. Dasein in this mode of being takes its surroundings for granted, unaware of the fragile infrastructure that gives our performances meaning. In contrast, authentic Dasein responds to "the call of conscience [which] reveals the lostness in the they... One's own potentiality-of-being becomes authentic and transparent in the understanding being-toward-death as one's *ownmost* possibility."[5] The authentic Dasein hears a call of conscience from itself which directs the individual Dasein to see itself as an individual. The call of conscience makes a demand on the individual Dasein that it must take decisive action to take over its own life, and not to live inattentively as the public does. The contents of that demand differ for each Dasein, but only through following its demands can Dasein become authentic. Dreyfus investigates Heidegger's authenticity and expands on the kind of character that results from responding to the call of conscience.

In Dreyfus's "Could anything be more Intelligible than Everyday Intelligibility?: Reinterpreting Division I of Being and Time in the light

[2] Heidegger, *Being and Time*, 12-13.
[3] *Id.*, 42-43.
[4] *Id.*, 383.
[5] *Id.*, 307.

of Division II" ("Reinterpreting"),[6] he concludes that there are in fact two modes of authenticity. He writes, "Heidegger clearly holds that there is a form of understanding, of situations, on the one hand, and of Dasein itself, on the other, that is superior to everyday understanding."[7] The majority of "Reinterpreting" is concerned with spelling out the distinction between these two superior modes of being.[8] As Dreyfus points out, the different modes of authentic being are the result of one's understanding of a situation versus one's understanding of one's being. What each of these looks like will be spelled out in the following paragraphs.

For the sake of this paper, which chiefly investigates Dasein that understands its being, we should also be aware of Heidegger's notions of heritage and retrieval. Heidegger writes, "The resoluteness in which Dasein comes back to itself discloses the actual factical possibilities of authentic existing *in terms of the heritage* which that resoluteness *takes over* as thrown."[9] Dreyfus interprets this passage as saying that the actor who merely understands their situation is not fully authentic because they have not yet understood their possibilities of action as those practices that have been given down to them by their heritage, or performed by their ancestors. Heidegger continues, "Resoluteness that comes back to itself and hands itself down then becomes the retrieve of a possibility of existence that has been handed down. *Retrieve is explicit handing down*, that is, going back to the possibilities of Da-sein that has been there."[10] Retrieval is the consequence of Dasein's respond-

[6] Hubert L. Dreyfus, "Could anything be more intelligible than everyday intelligibility? Reinterpreting division I of *Being and Time* in the light of division II," in *Appropriating Heidegger*, ed. James E. Faulconer and Mark A. Wrathall (Cambridge: Cambridge University Press, 2000), 155-174.

[7] Dreyfus, "Reinterpreting," 156-157.

[8] It may not be obvious to other critics that there are *two* authentic kinds of understanding in *Being and Time*. Indeed, the page referenced above (*Being and Time*, 43) seems to make clear that there are only two. Dreyfus's view may be feasible if we believe that authenticity is on a kind of sliding scale—his strict bifurcation is curious. This paper is chiefly concerned with the most "superior" kind of understanding; its criticisms of Heidegger and Dreyfus hold regardless of whether the bifurcation is present in *Being and Time*. Also note that Dreyfus regards both authentic modes of being as "superior" even though Heidegger writes that inauthenticity is not inferior (*Being and Time*, 43). In the second division of *Being and Time*, though, Heidegger speaks about authenticity as an imperative for Dasein, affirming the sense that it is superior.

[9] Heidegger, *Being and Time*, 383.

[10] *Id*., 385.

ing to its call of conscience and repeating practices from the heritage's past. In performing these practices, this actor's being is resolved into a definite and fully authentic character. With this foundation for Heidegger's philosophy, I will continue distinguishing between the two kinds of authentic modes of being that Dreyfus finds in *Being and Time*.

The person who grasps their situation, but is not aware of their entire being, is what Dreyfus refers to as the "social virtuoso." They have recognized the general rules of some social practice as contingent and thrown, and stand as actualized within (versus abstracting from) their situation. However, Dreyfus offers little sense of what this social virtuoso could look like. I offer the example of a basketball all-star. Imagine a ball handler dribbling up the court, trying to get around their defender to drive to the basket for an easy shot. The ball handler is successful in getting around the initial defender, but a second defender runs towards the ball handler, blocking their clear path. The ball handler now recognizes it as prudential to pass the ball to his open teammate, but doing so would require making an impossibly abrupt swivel of their body that could not be made because of the running momentum. In an unprecedented move of improvisation, the virtuoso driving to the basket passes the ball behind their back to their teammate who makes the basket and wins them the game. Following this new form of passing, the basketball league follows suit and players begin passing behind the back, though the game of basketball is set-up the same way with no new rules being added. The virtuoso acts so as to guarantee their success, working under the rules of the game, but getting beyond the fundamentals they learned to play ball in a more effective way. The social virtuoso does not adhere to custom or etiquette for its own sake and has eliminated general rules for success in a practice, effectively re-contextualizing the practice they stand in. Before continuing I want to make clear that the social virtuoso seen above should be differentiated from an actor displaying mere competence, who could be understood as an inauthentic actor. A competent actor will successfully work within a practice without understanding it as a definite situation, but instead recognizing it as a general set-up. Any competent basketball player knows how to dribble, pass, and shoot; but unlike the virtuoso, they will not respond with new approaches to these basic elements.

Compared to the social virtuoso, the superior authentic Dasein who understands their whole being acts as what Dreyfus calls a "world-changer." Not only does this Dasein see the rules of some social prac-

tice as arbitrary, but understands that the entirety of social practices are a function of their ancestor's practices and those earlier ancestors before them. But Heidegger also speaks of "Dasein hand[ing] itself down to itself,"[11] which captures the sense in which Dasein finds its best possibility for acting authentically in virtue of the structure of the heritage. In this way, Dreyfus recognizes fully authentic Dasein as a being who sees that they have been thrown into a heritage which has at the same time been handed down. Dreyfus writes, "Dasein can then act in such a way as to take over or repeat the marginal practice in a new way and thus show a form of life in which that marginal practice has become central and the central practices have become marginal."[12] [13] What Dreyfus recognizes as fully authentic Dasein, then, is one who in understanding their whole being comes to see the exclusive possibility of authenticity in marginal practices of its heritage's past. Where the social virtuoso has broken from the public understanding in their field of expertise and consequently updated it, the world-changer shifts to a fundamentally changed way of life.

What Dreyfus's world-changer could amount to is open and unclear in "Reinterpreting."[14] I now turn to examine Dreyfus's "Comments on Jonathan Lear's '*Radical Hope*"' ("Comments")[15] with the hope that this character can be fleshed out and that we may find some insight into what counts as the marginal practices they retrieve. Lear's *Radical Hope* is a book about the disintegration of the indigenous American Crow culture following the tribe's forced migration by the American government and the lessons it teaches about cultural destruction and revival in general. Dreyfus looks to Heidegger to explain how

[11] *Id.*, 384.

[12] Dreyfus, "Reinterpreting," 167.

[13] Dreyfus is concerned with Heidegger's specific use of the German *Wiederholen*, which is his technical term for the notion of retrieval that was seen above. Heidegger's notion of retrieval does concern traditional possibilities of action, particularly those possibilities which *have been* (i.e. are not happening now). In this sense, the retrieved practices may be called "marginal."

[14] The last section of Dreyfus's paper attempts to apply the social virtuoso and world-changer concepts to the juridical realm. But Dreyfus gives no concrete example of what marginal practice is being retrieved and no clue as to what heritage it is being pulled from besides the vague heritage of jurisprudence. He simply informs us how this character could exist.

[15] Hubert L. Dreyfus, "Comments on Jonathan Lear's 'Radical Hope'," *Philosophical Studies* 144, no. 1 (May 2009): 63–70, http://www.jstor.org/stable/27734426.

cultural revival could take place after a cultural destruction, or when a way of life no longer has any meaning.[16] Dreyfus writes, "In his later writings, Heidegger has a helpful answer to how a cultural world could be radically reborn. He holds that, in response to total world collapse one must become sensitive to marginal practices."[17] [18] It is in response to cultural collapse that Dreyfus again introduces the world-changer notion into the conversation.[19]

In the Lear commentary, Dreyfus elects the Crow's return to farming following their forced displacement as a case of a world-changing innovation. The example reveals an additional qualification to the world-changing character beyond an understanding of their being and a resulting sensitivity to marginal practices. That is, the example shows that the "world" being changed need not be a grandiose one; rather, the "world" in world-changing refers to the Heideggerian sense of heritage. Dreyfus follows Heidegger's framework for his discussion of the Crow cultural revival, which is understood as a looking to the Crow past for the Crow future. Viewing the Crow example through Heidegger's framework, we see that the repetition of old marginal practices requires that the reintroduced practices be ones that index a particular people. That is to say, the Crow would not revive their own culture if they were to adopt practices from another culture that merely resemble those of their past. Revival is only authentic insofar as it is a revival of

[16] In Jonathan Lear's "Response to Hubert Dreyfus and Nancy Sherman," he points out that Dreyfus maintains an incorrect reading of Lear's notion of cultural destruction. What Lear sees as a misreading is not pertinent to this paper because I am concerned with Dreyfus's comments on cultural revival (via Heideggerian world-changing) and not on the problem of cultural destruction.

Jonathan Lear, "Response to Hubert Dreyfus and Nancy Sherman," *Philosophical Studies* 144, no. 1 (May 2009): 81–93, https://link.springer.com/article/10.1007%2Fs11098-009-9369-7.

[17] Dreyfus, "Comments," 69.

[18] In this quote about a Heideggerian answer to collapse, Dreyfus finds material in the later writings of Heidegger (without citing any concrete source). Something is curious, though, because as we saw in "Reinterpreting," Dreyfus finds reference to marginal practices in *Being and Time*, which is generally not considered to be a later writing of Heidegger. The persisting element of vagueness in Dreyfus's account becomes reinforced without a clear citation.

[19] Note that Dreyfus never explicitly uses the phrase "world-changer" in the Lear commentary, but his examples and word choice match the language and content from "Reinterpreting." Moreover his Lear commentary was published some nine years after "Reinterpreting," so Dreyfus's world-changer idea had already been formulated.

the Crow's own farming practices. The way to confirm when and how a practice properly indexes some people is unclear. It is not touched on by Dreyfus. For Heidegger it is involved in the phenomenon of retrieval following a response to one's call of conscience, but this too is not clear. The world-changer now stands as someone who, in responding to their call of conscience, changes their heritage by pulling on marginal practices from the heritage's past.

Dreyfus's second example of a world-changer in the Lear commentary is the real-world example of the Woodstock Festival. He cites Woodstock as a case of a near world-changing that could offer us a new understanding of being, but ultimately chalks it up as a failure. Woodstock rejected mainstream concern and practice, opting instead for "Pagan practices, such as receptivity, enjoyment of nature, dancing, Dionysian ecstasy, and non-exclusive love of one's neighbor." Dreyfus continues, informing us of the social change that did not happen. He writes, "The Woodstock generation were not organized and total enough to sustain a culture."[20] This latter quote adds yet another qualification for the world-changer mode of being. The world-changer does not change the world unless that culture is sustained. That is, there must be some mechanism in place which is used to reproduce the practices of that culture. We may wonder whether this mechanism needs to be intrinsic to the culture or whether it can be cultivated by infrastructure surrounding that culture (e.g. other cultures?). This question, in turn, brings up more concerns about what the world-changer looks like.

We have seen that the fully authentic actor pulls possibilities of action from their heritage's past. But what is the scope of a heritage or culture? In the case of the Crow people, it was relatively clear; but in the Woodstock example, that clarity fades. Assuming they respond to their calls of conscience, are the Woodstockers genuinely working within *their* heritage when they attempt to revive "pagan practices"? Are they actually changing a world (the heritage) when its practices were obscured for hundreds of years, or are they introducing a new one? Moreover, what does Dionysian ecstasy look like as a practice? How is dancing in general a practice exclusive to one heritage, let alone the pagan one? These questions and many others illustrate the thoroughgoing vagueness of Dreyfus's notion of world-changer. Without

[20] Dreyfus, "Comments," 69.

explanation of what a heritage is, when or how it is indexed by a practice, and what can count as a marginal practice, the world-changer idea becomes more trouble than it is worth, and vagueness threatens its rejection.

But, barring this problem of vagueness and continuing with the limited criteria we do have, the Heideggerian notion of world-changer is implicitly exclusionary, susceptible to internal tension, and unjustifiably value-laden. I will demonstrate these issues through three cases: one of artistic ingenuity, the second of reconciliation with one's being through sex reassignment surgery, and the third of an actor estranged from their heritage.

Consider a musical composer working in Vienna in the early twentieth century. This revolutionary composer would go on to become definitively world-changing following his conscious decision to compose according to his invented twelve-tone technique.[21] Let us imagine that this new technique in composing is, by stipulation of the artist, a conscientious rejection of the music heritage that has been handed down to him. By conscientious rejection, we should understand that this composer is fully aware of his being, responding to his own call of conscience, as well as the esoteric practices waiting to be revived within his Western music heritage. In breaking with the heritage before him he has freed himself up to explore new possibilities in music and expression in general. Allow me to also claim that this composer enjoyed a devoted following and respect from composers around him. That is to say, there was a mechanism in place for this composer's invention to reach significant audiences amongst both musical lay people and musical highbrows, thereby guaranteeing that the twelve-tone practice of composition is sustained. This composer, despite responding to an understanding of his own being and creating a sustained change within that heritage, cannot be considered fully authentic on either Heidegger's picture or Dreyfus's adaptation. Precisely because this composer has not retrieved the marginal practices and the larger heritage he is aware of, but instead rejects them, he is excluded from an authentic character. Beyond the exclusionary nature of the Heideggerian notion of authenticity and its appropriation by Dreyfus we also see that the

[21] The subject of the thought experiment is modeled after the real-world Viennese composer Arnold Schoenberg who invented the twelve-tone technique, appreciated a devoted following, and changed the musical world.

idea is susceptible to an internal tension. Authenticity requires that Dasein responds to its individual call of conscience which would result in a retrieval from its heritage. But we have an example in the composer of someone whose response to his call of conscience—his only means of becoming authentic—requires a rejection of his heritage. Through the example of the composer, we see that the exclusion of new ways of being and the tension between its call of conscience and its retrieval follow as logical consequences on the Heideggerian view of authenticity.

A response on behalf of Dreyfus or Heidegger would hold that I have mischaracterized authentic retrieval of the marginal practices. This objector points to *Being and Time*, where Heidegger writes that retrieval means a return "to traditional possibilities, although not necessarily *as* traditional ones."[22] The objector contends that in fulfilling a possibility overlooked by the heritage, the composer is not only sensitive to marginal practices, but the composer's invention only finds a significance because of the musical background it rests on. But the objector misunderstands that what is meant by "*as*" in the quote above could not encompass the negative possibility, i.e. the possibility never before acted on that the composer invents. Instead, for Heidegger, the "as," serves to emphasize that the authentic retrieving by an actor is not performed merely for the sake of repeating the past. Rather, an actor who responds to their call of conscience retrieves marginal practices of their heritage because their character is thereby realized. This means both freeing up the actor from the endless possibilities that could drive them to nothingness as well as rescuing them from the "closest possibilities offering themselves—those of comfort, shirking and taking things easy."[23] Heidegger leaves us wanting for examples of an authentic retrieval, but the objector finds no support in Dreyfus's examples. The Crow revive their own farming practices and Dreyfus claims that Woodstock retrieved pagan practices—in each case, these are actual possibilities performed in the past. The composer, on the other hand, does indeed act on a possibility that was always available to the tradition, though never before acted on. And the objector is right to point out that their invention finds significance (at least in part) because of the heritage it rejects or moves beyond. However, the inven-

[22] Heidegger, *Being and Time*, 383.
[23] *Id.*, 384.

tion's finding significance in light of the heritage is not equal to saying that the invention is a practice retrieved from the past. The invention is just that: an invention. As such it could not be a retrieval in the Heideggerian sense. Here the troubling nature of the account becomes evident again: rejecting or moving beyond the heritage excludes that actor from being authentic. The exclusionary nature of Dreyfus and Heidegger becomes more apparent and severe in cases where the actor lacks an obvious heritage to retrieve marginal practices from.

Next consider the case of a transgender woman who undergoes a gender confirmation surgery in 1950s America.[24] She is one of the first persons in the world to have the operation, partly because her generation is the first to enjoy the surgical possibility. We can imagine that many before her felt limited by the gender assigned to them at birth. But she found herself in a unique position, not only in understanding this mischaracterization about her being, in addition to understanding her being in total, but that she could respond to her call of conscience to accommodate this understanding of her being by undergoing the operation. After her operation, she becomes a public icon, spreading awareness of the new possibility, and working to create a respect for the growing transgender community in the greater culture. In this way, gender confirmation becomes an operation that is sustained and adopted in larger numbers. Despite the presence of transgender and non-binary peoples throughout history, it is far from obvious that there was a definite heritage for this woman to refer to—here, the problem of vagueness rears its ugly head yet again. Also note that the practice of gender confirmation surgery (as contrasted with castration) was not a possibility before the mid-twentieth century, so there was no practice to retrieve. Therefore, not only was gender confirmation surgery not a marginal practice, but there was no heritage for the surgery to be a marginal practice of. On Heidegger's account and Dreyfus's utilization thereof, this world-changing figure could not be characterized as authentic. This person acts in a way that rejects a heritage handing down the constricting binary notion of gender. For her, to not undergo the surgery is not only to be oppressed in her being, but is to be prevented

[24] This second illustration is modeled after the real-world example of Christine Jorgensen who was the first American to undergo gender confirmation surgery. She continued to advocate for transgender rights, helping to catalyze a movement that would change our social world.

from responding to her call of conscience and her actual possibility of authenticity, despite being excluded on the Heideggerian account.

Consider one last example of how an actor's authentic retrieval from a heritage could be an impossibility. In the exposition above, we saw that Dreyfus offered a response to the problem of cultural collapse. But, how could one revive a culture whose practices have become meaningless? Dreyfus says that the authentic actor can retrieve marginal practices "precisely because such practices would not have been central to the meaning of the past way of life [so] they could survive the collapse... Radical world rebirth can take place if and only if one can make some marginal practices central."[25] Under the neat example of the Crow people, who retrieve their settled farming practices, Dreyfus's suggestion appears substantiated. However, he conveniently leaves out the all too plausible case that some actor becomes completely estranged from their heritage which has been utterly destroyed. There are many ways one could flesh out this thought experiment, for example, a lab technician at a cryogenic lab becomes frozen for a thousand years only to wake up and see that the world is ruled by two corporate cultures; a child is robbed from a homeland buried under colonial infrastructure, removing any possibility of their return to traditional practices; etc. Even if there are practices in the adoptive cultures that resemble those of the destroyed heritages, engaging in these practices could not count as the actor's being authentic. One reason is that they have not *retrieved* these practices out of the margins, but just as important is that the marginal practices to be retrieved are those that index the descendants of a heritage. In this example, though, the indices die with the practices and the heritage. So, a consequence of the rigid view posited by Heidegger and appropriated by Dreyfus is that these actors, estranged from their totally unintelligible heritage, have no chance of reaching authenticity.

Beyond the thick vagueness of the world-changer idea that was pointed out above, I believe there are two general takeaways that these examples demonstrate. (Also note that these critiques hold regardless of the concept's vagueness.) Firstly, the idea of locating authenticity in heritage is exclusionary and undermining to the theory because of its internal tension. With the increased prominence of critical race theory, gender studies, and movements that shine a light on underrep-

[25] Dreyfus, "Comments," 69.

resented peoples, we have been confronted with new and challenging questions about identity and being. The emphasis on heritage we have seen would have us disregard a concept like intersectionality, which challenges the dated thought that there is a clear-cut heritage for any individual to retrieve practices from. The Heideggerian picture can lead us to dismiss tough economic and political questions regarding cultural cross-pollination and appropriation, if we are to believe that authenticity requires a return to our own heritage. We may wonder when it is appropriate and beneficial for ourselves and others to champion and adopt the practices and ideals of heritages outside of our own. Dreyfus's Woodstock example implies an advocacy for this kind of retrieval, one that is both a return to a distant past and at the same time a rejection of the immediate conventional practices and values. In addition to its problematic exclusionary nature, the Heideggerian view suffers susceptibility to an internal tension. The view says that the authentic must respond to their conscience, but must also retrieve from their heritage—but of course retrieving from the heritage does not provide a real possibility to find authenticity for those whose heritage is opposed to their being. More work must be done to parse out its significance in the greater whole, but it seems that this picture of authenticity would be strengthened by abandoning the requisite return to heritage. In that case, the persons presented above have a well-deserved chance at authenticity.

The second takeaway from the examples is that the Heideggerian view implicitly contains unjustified hierarchical valuations. This view privileges the practices of the past, touting a return as a means to avoid idleness, without acknowledging the potential limitations of one's heritage. It holds that any desire to work towards a future that breaks with practices of a heritage's past is inauthentic. But we should not fault members of the Crow Nation who assimilated into a different culture just on account of their hope for finding a new, different being from their ancestors. This unjustified hierarchy and normativity is embedded in Dreyfus's use of the phrases "world-changer" and "social virtuoso." Transgender people responding to their own calls of conscience to undergo gender confirmation surgery today should not be considered any less authentic than others because they have not individually "changed the world." Beyond the implicit hierarchical nature, the expression "world-changing" does not accurately capture what Dreyfus wants. We saw that there are many cases of people who make conscious turns from what was handed to them to become un-

deniably world-changing. The solution is not to add additional strata or categories of authenticity—e.g. a world-changer that does not pull from heritage—but to recognize that the view dressed by this language is a limiting one. It should be updated to accommodate a more diverse picture of action and being.

The failures of the aspect of traditional retrieval follow as consequences of the greater methodology of *Being and Time*. Despite his thoroughgoing phenomenological genius, Heidegger's desire for a personal, solitary investigation into the question of being removes his own being from the world he finds himself jarringly thrown into. In attempting to critique and transcend the humanistic philosophical tradition descended from Plato, Heidegger only reaffirms an egoistic and culturally chauvinistic character. The lack of meaningful dialectic and diversity in this philosophy's method can set one up to overlook a heritage's oppressive aspects and practices. Unfortunately, this rung true for Heidegger the man. In lieu of this rigid view, we should be more open to accept a diverse and radically shifting theory of action that does not locate authenticity solely in the retrieval of practices of the past. Rather, we may try to understand authenticity as acting on something missing from the world or in one's own being. The view coming from Heidegger and Dreyfus maintained an inkling of this picture, suggesting that the need for an authentic character drove people to revive those practices that were missing. But just as Heidegger does not want actors to retrieve historical practices just for the sake of their being historical, we should not act on what is missing just for the sake of being different, but also as a sort of necessity. So, this picture sees the innovative composer and the transgender woman as acting authentically, both as a necessity of their being, but also to create a necessary difference that moves the world. It also provides hope to the estranged person who can find authenticity despite the tragedy which befell their people and home. The source of understanding that is missing from one's being and the world could come not only from personal meditations on one's own being, but through the added dimension of discourse.

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