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DE ETHICA

A JOURNAL OF PHILOSOPHICAL, THEOLOGICAL, AND APPLIED ETHICS

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De Ethica was founded in 2013. It published its first issue in 2014 under the guidance of its first Editor-in-Chief, distinguished professor Brenda Almond.

Cover: "Galileo before the Holy Office," a 19th-century painting by Joseph-Nicolas Robert-Fleury, 1847.
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From the Editor

It is difficult to be in Academia today without thinking about the situation for research and researchers developing in the US. On the day of the drafting of this editorial, news broke that a 30-year study of diabetes had been defunded mid-project.¹ This was not a one-off occurrence. The funding for doctoral projects is cancelled at an instant leaving young Ph D students stranded mid-project and worried about their futures.² Thousands of Fulbright scholars are left abroad without income.³ Comprehensive firings at US National Oceanic and Atmospheric Administration may set back scientific work on modelling future climate change.⁴ Funding for research, as well as the collection of statistics vital to education studies have more or less come to a complete stop.⁵ John Hopkins recently let 2 000 employees go,⁶ archeologists are suddenly finding themselves out of work⁷ and astronomers are bracing for budgets cuts that some fear could be an “extinction-level event” for the field of planetary science.⁸ The history of science is even being re-written; computer science giant Grace Hopper has been scrubbed from Arlington National Cemetery’s website.⁹

Moreover, there are lists of forbidden words circulating. The Washington Post reports that the National Science Foundation is now vetting funded projects and

¹ Chen, Ellen. March 17, 2025. “NIH cancels funding for landmark diabetes study at a time of focus on chronic disease.” <https://www.statnews.com/2025/03/17/trump-cuts-columbia-university-nih-cancels-diabetes-prevention-program-study/>

² Basilio, Humberto. March 14, 2025. “My career is over’: Columbia University scientists hit hard by Trump team’s cuts.” <https://www.nature.com/articles/d41586-025-00812-x>

³ Diaz, Olivia and Heather Hollingsworth. March 10, 2025. “Scholars stranded in America and abroad amid funding freeze of State Department programs.” <https://apnews.com/article/fulbright-scholars-stipends-frozen-indefinitely-9da042b5e0bda70fb1c76105564c71f4>

⁴ Lu, Donna. March 17, 2025. “Trump cuts to have ‘chilling effect’ on climate science and ‘degrade’ Australia’s ability to forecast weather.” <https://www.theguardian.com/science/2025/mar/17/trump-cuts-to-have-chilling-effect-on-climate-science-and-degrade-australias-ability-to-forecast-weather>

⁵ Barshay, Jill. February 17, 2025. “DOGE’s death blow to education studies.” <https://hechingerreport.org/proof-points-doge-death-blow-education-studies/>

⁶ Iyer, Kaanita. March 13, 2025. “Johns Hopkins laying off more than 2,000 workers after dramatic cut in USAID funding.” <https://edition.cnn.com/2025/03/13/politics/johns-hopkins-layoffs-usaid-funding/index.html>

⁷ Call, James. February 20, 2025. “From 17 to 7 left standing: Trump cuts gut Florida archaeologists, Parks Service staff.” <https://eu.tallahassee.com/story/news/local/2025/02/20/president-trump-cuts-hit-florida-based-federal-archaeology-team/78984856007/>

⁸ Cokinos, Christopher. March 16, 2025. “Space scientists fearful as Trump administration targets science and mulls NASA cuts.” <https://www.astronomy.com/space-exploration/space-scientists-fearful-as-trump-administration-targets-science-and-mulls-nasa-cuts/>

⁹ White, Matt. March 13, 2025. “Arlington Cemetery website drops links for Black, Hispanic, and women veterans.” <https://taskandpurpose.com/news/arlington-cemetery-scrubs-website-dei/>

applications so that they do not contain certain words.¹⁰ If researchers do not refrain from working in these areas, their funding can be revoked. Here is a sample of the words on that list:

Antiracist, Barrier, Biases, Cultural relevance, Disability, Diverse backgrounds, Diversity, Diversified, Ethnicity, Excluded, Exclusion, Equity, Female, Gender, Hate speech, Historically, Implicit bias, Inclusion, Inclusive, Inequities, Institutional, Intersectional, Male dominated, Marginalized, Minority, Multicultural, Oppression, Polarization, Racially, Segregation, Socioeconomic, Systemic, Trauma, Underrepresented, Underserved, Victims, Women.¹¹

This is not only an attack on those who these terms apply to but also an attack on science. There are many ways to respond to this alarming development, from questioning whether the person in charge of DOGE really should have membership in the Royal Society¹² to taking to the streets to protest.¹³ Yet another way is to continue doing research. *De Ethica* will do its modest part by continuing to welcome submissions and to publish articles that cover all the banned words in the list above. In this issue, we cover only “diversity”, “historically”, “disability” and variants like “disabilities” and “victim”, but we will try to do better in this regard going forward.

That being said, we do present a wide variety of concepts and topics in the present issue. In his article “Why Two Recent Attempts to Rescue Constitutive Luck Do Not Work”, Samuel Kahn takes on a debate due to Nicholas Rescher’s conclusion that the notion of constitutive luck is a contradiction in terms. For Rescher, identity precedes luck. Kahn responds to two counterarguments to this view. First, he discusses Robert Hartman’s claims one’s constitution is not chancy, but that this does not distinguish it from moral luck, which is also not chancy nor a species of luck. Here Kahn presents a set of arguments that aim to show that we have reason for thinking that moral luck is, after all, a species of luck. Second, he responds to the claim of Andrew Latus, that both moral luck and constitution are chancy, hence showing that identity does not precede luck. Kahn argues that this line of argument is not successful since it tends to undermine both central tenets of the literature on constitutive luck and the kind of regress argument it is intended to save.

David C. Vogt’s article starts off from the intuition that to have moral standing to blame is to have a right to blame. In “The moral function of standing to blame”, he analyzes this notion with the help of Hohfeld’s classic classification of rights. Standing to blame, on this view, concerns the power to hold another person to account and to demand that this person responds appropriately to the wrongdoing in question. Vogt defends this view from the argument that standing to blame cannot be such a power because all normative work can be done by the concept of blameworthiness, by showing how blame gives rise to additional obligations beyond those brought about by blameworthiness. He shows that

¹⁰ Johnson, Carolyn Y., Scott Dance and Joel Achenbach. February 4, 2025. “Here are the words putting science in the crosshairs of Trump’s orders.” <https://www.washingtonpost.com/science/2025/02/04/national-science-foundation-trump-executive-orders-words/>

¹¹ Ibid.

¹² Yates, Kit. March 4, 2025. “Elon Musk is a proven danger to good science, but the Royal Society won’t say it. That’s why I resigned.” <https://www.theguardian.com/commentisfree/2025/mar/04/elon-musk-science-royal-society-scientific-integrity>

¹³ Ledford, Heidi and Alexandra Witze. March 3, 2025. “US science is under threat — now scientists are fighting back.” <https://www.nature.com/articles/d41586-025-00661-8>

that standing is sufficient for creating a pro tanto obligation, not that it is also necessary, thereby deflecting the argument that there can be standingless blame and, moreover, he specifies the proper scope of this concept of standing to handle other important counterarguments from the literature. Finally, Vogt ends the article by showing that, *pace* Kyle Fritz and Daniel Miller, there is not a conceptual asymmetry between standing to blame and standing to forgive.

In "Towards Artificial Wildlife: Speciesism and Intelligent Machines", Spyridon Stelios and Georgios Sakellariou investigate a possible similarity between fears expressed concerning a future where super-intelligent AI takes over the world to the detriment of human beings, and some patterns of thought expressed in speciesism with regards to other natural species. They suggest an approach to understanding fears about AI development in the terms of an intelligence-based speciesism. This position suggests that humans' fears of rapid AI development is structurally similar to the worries that domesticated animals would have of humans. This approach suggests that environmental ethics could provide valuable resources for analyzing technological development.

Troy Bierma also writes about the relationship between human beings and nature. In his article "Permaculture: Guiding a Prefigurative Practice for Richard Bauckham's Ecotheology", he looks to develop an alternative to the stewardship model of this relationship with the aid of Bauckham's holistic approach. Bauckman's ecotheology is interpreted as having three pillars: human beings should see themselves as part of nature, value diversity and exercise caring dominion. This approach is then brought into discussion with David Holmgren's theory of permaculture, which provides an ethical framework to complement Bauckman's ecotheology. Bierma shows how Holmgren's theory complements that of Bauckman. In particular, it provides ethical principles to guide choice-making. These principles concern care for earth, care for people and the ideal of fair shares. With this analysis in hand, Bierma can conclude that the approach of permaculture provides tool to practicing dominion as caring responsibility.

Lars Lindblom, *Executive Editor*

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Why Two Recent Attempts to Rescue Constitutive Luck Do Not Work

Samuel Kahn

According to Rescher, luck is chancy, but constitution is not, and, thus, constitutive luck is a contradiction in terms. In this paper, I look at two recent attempts to controvert this argument. According to the first, constitution is not chancy, but neither is moral luck, because moral luck is not a species of luck. According to the second, moral luck is chancy, but constitution is too, because the comparative class is not the agent herself but rather the population at large. I argue that neither of these attempts is successful. I begin by explaining the importance of constitutive luck and the context in which Rescher's claim arises.

Section 1: The Moral Luck Regress Argument

In Nagel's famous article on moral luck, he introduces a four-way distinction between resultant luck, circumstantial luck, constitutive luck, and causal luck.¹ One reason why this classificatory scheme makes sense is that it seems to offer a mutually exclusive and completely exhaustive way to carve moral luck at its joints.² Resultant luck is future-oriented; it is when there is legitimate moral assessment based on the un/lucky results of an agent's actions. Circumstantial and constitutive luck are present-oriented; the former is when there is legitimate moral assessment based on an agent's un/lucky circumstances, and the latter is when there is legitimate moral assessment based on the un/lucky constitution that is acted out in those circumstances. Causal luck is past-oriented; it is when there is legitimate moral assessment based on the causal antecedents of an agent's actions.

¹ Thomas Nagel, *Mortal Questions* (Cambridge: Cambridge University Press, 1979).

² It is worth noting that there is pushback about this. Those who doubt whether Nagel's classifications are mutually exclusive usually argue that causal luck is redundant, exhausted by constitutive and circumstantial luck (Dana Kay Nelkin, 'Moral luck', *The Stanford Encyclopedia of Philosophy* (Winter 2013 Edition), edited by Edward N. Zalta, section 4.2.2.1; but see Samuel Kahn, 'Kant's Philosophy of Moral Luck', *Sophia* 60 (2021), pp. 365-387, at note 31). Those who doubt whether the scheme is exhaustive usually propose new categories of moral luck, such as associative luck (e.g., Daniel Telech, 'Relation-Regret and Associative Luck', in *Agency, Fate and Luck*, edited by Andras Szigeti and Talbert Matthew (Oxford: Oxford University Press, 2022, pp. 236-267); but see Samuel Kahn, 'The Thirsty Traveler and Luck-Free Moral Luck', *Problemos* 105 (2024), pp. 102-115).

But, there is another reason why this classificatory scheme makes sense: it falls out of the regress argument, a mainstay of those who defend the existence of moral luck.³ To see how this argument works, we can begin with a classic case of resultant luck:

Driver-luck: Audrey is driving home late at night. She is drunk. As she rounds the corner to her house, a child darts into the road in pursuit of a firefly. Audrey slams on the breaks, but her reaction time is depressed on account of the alcohol. Her car slams into the child.

Those who affirm the existence of moral luck argue that, on the one side, Audrey is to blame for hitting the child and, on the other side, the fact that she hit the child is a matter of luck. This latter fact may be seen by imagining Audrey's luckier counterpart, Aubrey, who does everything that Audrey does but makes it home without incident (perhaps the firefly goes in the other direction) and, therefore, is not to blame for hitting the child.

Those who deny moral luck generally dispute the differential moral assessments in cases of resultant luck (Audrey v. Aubrey). One of the most popular strategies is to argue that it is only through the results of an agent's actions that we gain epistemic access to her intentions, which, unlike the actual consequences of those intentions, are the proper object of moral assessment.⁴ So (the argument goes), Audrey is no more or less blameworthy than Aubrey, really – it is just that we do not know about Aubrey's blameworthy intention to drive drunk; we only know about Audrey's. And it is in response to this that those who affirm the existence of moral luck take the first step in the regress argument.

Moral luck affirmers argue that it is easy to come up with examples in which an agent's intentions are merely a matter of luck. We can imagine a judge who, as a matter of luck, is offered a bribe.⁵ If the judge takes the bribe, we find her more blameworthy than another judge who is just as disposed to take a bribe but, as a matter of luck, never is offered one and, therefore, never forms the intention to do so. Or, to stick with the theme of Driver-luck, we can imagine Audrey's other counterpart, Audrun, who is struck by lightning while standing outside at the party. Whereas Audrey and Aubrey both drive home drunk, Audrun is taken by ambulance to the hospital shortly before she would have formed the intention of driving drunk.

³ See Joel Feinberg, 'Problematic Responsibility in Law and Morals', *The Philosophical Review* 71:3 (1962), pp. 340-351, section III; Nagel, *Mortal Questions*, 1979, p. 35; John Greco, 'A Second Paradox Concerning Moral Luck', *Metaphilosophy* 26:1/2 (1995), pp. 81-96, at pp. 87-89; Robert Hartman, *In Defense of Moral Luck* (New York: Routledge, 2017), chapter 1 section 3; Andrew Latus, 'Moral and Epistemic Luck', *Journal of Philosophical Research* 25 (2000), pp. 149-172, section III; Andrew Latus, 'Constitutive Luck', *Metaphilosophy* 34:4 (2003), pp. 460-475, at pp. 461-462; David Enoch, 'Moral Luck and the Law', *Philosophy Compass* 5:1 (2010), pp. 42-54, at p. 45; Sergi Rosell, 'Moral Luck and True Desert', in *Agency, Freedom, and Moral Responsibility*, edited by Andre Buckareff, Carlos Moya, and Sergi Rosell (New York: Palgrave Macmillan, 2015, pp. 116-133); and Andrew Latus, 'Nagel and Williams on Moral Luck', in *The Routledge Handbook of the Philosophy and Psychology of Moral Luck*, edited by Ian Church and Robert Hartman (New York: Routledge, 2019, pp. 105-112), section III, among others.

⁴ See Nicholas Rescher, *Luck* (Pittsburgh: University of Pittsburgh Press, 1995), chapter VII, section 4; Norvin Richards, 'Luck and Desert', in *Moral Luck*, edited by Daniel Statman (New York: State University of New York Press, 1993, pp. 167-180); Brian Rosebury, 'Moral Responsibility and "Moral Luck"', *The Philosophical Review* 104:4 (1995), pp. 499-524; Judith Thomson, 'Morality and Bad Luck', in *Moral Luck*, edited by Daniel Statman (New York: State University of New York Press, 1993, pp. 195-216); David Enoch and Andrei Marmor, 'The Case Against Moral Luck', *Law and Philosophy* 26 (2007), pp. 405-436, at pp. 415-416 and 422-424; and Enoch, 'Moral Luck and the Law', p. 47, among others.

⁵ This example is from Judith Thomson, 'Morality and Bad Luck', *Metaphilosophy* 20:3/4 (1989), pp. 203-221.

Luck deniers again generally take aim at the moral judgment in such cases. This time, however, instead of appealing to epistemic access to intuitions, luck deniers generally appeal to epistemic access to the dispositions that underlie those intentions.⁶ Of course, these dispositions might be latent. But, the argument goes, it is the dispositions that are morally basic, and the only way to determine what someone is truly responsible for is, in fact, by means of precisely the kind of counterfactual reasoning that moral luck affirmers use in order to motivate the existence of moral luck.

And now we take the next step in the regress argument: moral luck affirmers maintain that it is easy to come up with examples in which an agent's dispositions are merely a matter of luck. Imagine two twins, separated at birth in the 1920s. One grows up in Germany and becomes a Nazi. The other grows up in Argentina and becomes an upstanding member of the community.⁷ If it is merely a matter of luck which twin went to which family, then it is, arguably, merely a matter of luck that one developed to be a morally abhorrent monster whereas the other developed to be the opposite.⁸ Alternatively, to return to Driver-luck, we can imagine another of Audrey's counterparts, Reydau, whose parents, as a matter of bad luck, are killed in a car accident with a drunk driver and who, consequently, does not share Audrey's (or Aubrey's—or Audrun's) disposition to drink and drive. Thus, moral luck affirmers conclude, precisely because an agent's dispositions depend, to some extent, on developmental cues in the agent's environment, and precisely because these cues (and the environment more broadly) can be subject to luck, an agent's dispositions arguably can be subject to luck, and the luck denier's attempts to evade moral luck come up short once again.⁹

Thus far we have regressed from resultant luck to synchronic circumstantial luck and from synchronic circumstantial luck to diachronic (developmental) circumstantial luck.¹⁰ But, we are not quite done. Luck deniers once again deny the moral side of things.

⁶ See Michael Zimmerman, 'Luck and Moral Responsibility', in *Moral Luck*, edited by Daniel Statman (New York: State University of New York Press, 1993, pp. 217-234); 'Taking Luck Seriously', *The Journal of Philosophy* 99:11 (2002), pp. 553-576; 'Moral luck', *Canadian Journal of Philosophy* 36:4 (2006), pp. 585-608; or 'Denying Moral Luck', in *The Routledge Handbook of the Philosophy and Psychology of Moral Luck*, edited by Ian Church and Robert Hartman (New York: Routledge, 2019, pp. 216-226).

⁷ This example, a standard one in moral luck debates (see note 10 below), can be grounded in the real-life case of Stöhr and Yufe, a standard example in twin studies (Constance Holden, 'The Genetics of Personality', *Science* 237:4815 (1987), pp. 598-601).

⁸ Concealed in the word 'arguably' is a debate about the heritability of luck. See Jennifer Lackey, 'What Luck is Not', *Australasian Journal of Philosophy* 86:2 (2008), pp. 255-267; Neil Levy, 'What, and Where, Luck Is', *Australasian Journal of Philosophy* 87:3 (2009), pp. 489-497; E.J. Coffman, 'Strokes of Luck', *Metaphilosophy* 45:4/5 (2014), pp. 477-508; and E.J. Coffman, *Luck* (New York: Palgrave Macmillan, 2015).

⁹ See note 8 above.

¹⁰ The term 'developmental luck', as far as I am aware, was coined by Athanassoulis. However, Athanassoulis thinks that (i) "Nagel does not seem to be aware of (or possibly interested in) the possibility of developmental luck" (Nafsika Athanassoulis, *Morality, Moral Luck and Responsibility* (New York: Palgrave Macmillan), 2005, 177n1), and (ii) "Nagel's original discussion [of circumstantial luck] is slightly narrower...I think the term "developmental" luck, with its broader connotations, captures more of the diverse factors which, along with the situations we come across, shape who we become" (Nafsika, Athanassoulis, 'Aristotle on Constitutive, Developmental, and Resultant Moral Luck', in *The Routledge Handbook of the Philosophy and Psychology of Moral Luck*, edited by Ian Church and Robert Hartman (New York: Routledge, 2019), pp. 13-24, p. 17). But both of these claims are false. Against (i) it will suffice to point out that, in his original moral luck article, Nagel illustrates circumstantial luck with a brief discussion of how life might have gone differently for an officer in a concentration camp "if the Nazis had never come to power" and, correlatively, how someone "who

They might argue that we can distinguish, if not in practice then in principle, between genetic dispositions and non-genetic dispositions.¹¹ The former, despite being called genetic, need not be biologically encoded. The point, rather, is that the former are essential to an agent's identity, whereas the latter are not, and, on this view, it is the former that ground moral judgment, not the latter. And this prompts the final step in the regress, the appeal to constitutive luck.

Moral luck affirmers argue that agents' constitutions are just as much a matter of luck as the environment in which they develop, the problems and situations they face at any given time, and the results of their actions, and so, once again, the luck denier's attempt to come up with a luck-free zone for moral appraisal has failed. Moreover, in part because of the presence of causal luck in the antecedents of our actions, moral luck affirmers maintain that the very project of excluding luck from morality is foredoomed—in Nagel's memorable words, "[t]he area of genuine agency, and therefore of legitimate moral judgment, seems to shrink under this scrutiny to an extensionless point."¹²

However, luck deniers take a different strategy in response to the appeal to constitutive luck. Instead of denying the moral judgments in constitutive luck (as luck deniers do in response to the other kinds of luck appealed to above), luck deniers take aim at the luck judgments in constitutive luck, denying that agents' constitutions are subject to luck. That is, luck deniers concede that agents' constitutions are the subject of (legitimate) moral appraisal. If, for example, one person is constitutively temperate whereas another is not, then, says the luck denier, the former might be justly praised, and the latter justly censured, on account of this. However, luck deniers point out that, because an agent's constitution is essential to her identity, if we imagine someone with a different constitution, then, *ex hypothesi*, we are imagining a different person. We cannot imagine a person who is constitutively temperate as intemperate: we might think that we can imagine this, but any such imagining is confused. As Rescher so pithily puts it, "identity precedes luck," for, as the argument goes, an agent can be lucky in regard to something only if that something could have turned out differently, and an agent's constitution—her essential dispositions—cannot have turned out differently. But, if Rescher is right about this, then

led a quiet and harmless life in Argentina" might have become a Nazi officer had he not emigrated for business reasons in 1930 (Nagel, *Mortal Questions*, 1979, p. 26). Against (ii) it is worth noting that synchronic circumstantial luck, like that involved in the case of the bribe-accepting-judge, need not be developmental. So, developmental luck is a subspecies of circumstantial luck, not the other way around. One last thing: Athanassoulis attributes the term 'situational luck' to Nagel to refer to circumstantial luck. But this attribution is mistaken. The term 'situational luck' is due to Zimmerman, who uses it to refer to non-resultant luck (i.e., the conjunction of circumstantial, constitutive, and causal luck) (Michael Zimmerman, 'Luck and Responsibility', *Ethics* 97:2 (1987), pp. 374-386, at p. 376; Zimmerman is followed in this by Daniel Statman, 'Moral and Epistemic Luck', *Ratio* 4:2 (1991), pp. 146-156, at p. 147).

¹¹ I should note that, as far as I am aware, the distinction between genetic (in this context: essential) and non-genetic (in this context: non-essential) dispositions is not made, explicitly, in the moral luck literature, which is (sometimes frustratingly) imprecise at this juncture (indeed, some might say that constitutive luck subsumes both genetic and non-genetic dispositions, not merely, as I have it in the main text above, the former). However, I have taken the liberty of imposing this distinction here for three reasons. First, I think that some such distinction is not merely useful, but necessary for the sake of philosophical precision. Second, this kind of distinction seems to be presupposed by Athanassoulis' notion of developmental luck, which applies only to non-genetic dispositions (see note 10 above and the paragraph to which it is appended). Third, my query in this article is Rescher's "identity precedes luck" argument, and this argument, as we shall see in the final paragraphs of this section of the article, gains traction only if we are talking about essential dispositions.

¹² Nagel, *Mortal Questions*, 1979, p. 35.

constitutive luck is an oxymoron, and with it falls one of the main arguments for the existence of moral luck.¹³ That is, if constitutive luck is incoherent, then the final step in the regress argument is blocked, and the regress argument collapses, leaving the moral luck affirmer without support.¹⁴ From this we can see how important Rescher's denial of constitutive luck is to the moral luck debate. As Latus puts it:

If Rescher [and those who follow him] are right that there is no such thing as constitutive luck, it may turn out that the move to basing moral status on character presents us with a luck-free basis of morality after all. If they are right, the sort of luck it seemed might operate at the level of character turns out to be nonexistent. Thus, if their claim about the incoherence of constitutive luck is correct, there may be a solution to the problem of moral luck after all.¹⁵

It is because of this that moral luck affirmers have tried to respond to Rescher.

In the next two sections of this article, I am going to assess the two main responses to Rescher that have emerged. In section 2, I examine Hartman's argument that, although, as Rescher maintains, constitution is not chancy, moral luck is also not chancy, because moral luck is not a species of luck. In section 3, I examine Latus' argument that, although, as Rescher evidently thinks, moral luck is chancy, constitution is too, provided we have the right comparative class. I maintain that neither of these arguments is successful.

To summarize: Nagel distinguishes four kinds of moral luck: resultant luck, circumstantial luck, constitutive luck, and causal luck. This four-way division falls out of the regress argument, one of the most popular arguments used to show that moral luck is a genuine phenomenon, not conceptually confused or extensionless. In the regress argument, moral luck affirmers maintain that, if someone tries to deny differential moral assessments on the basis of luck in the results of people's actions, then we can regress to differential moral assessments on the basis of luck in people's circumstances; and if someone tries to deny differential moral assessments on the basis of luck in people's circumstances, then we can regress to differential moral assessments on the basis of luck in people's constitutions. Luck deniers, however, try to put a stop to this regress: after denying that we can make legitimate differential moral assessments on the basis of luck in results or circumstances, luck deniers argue that a person's constitution is immune to luck because, to appeal once again to Rescher's words, "identity precedes luck." There have been two recent attempts to rebut Rescher's regress-stopper. One (Hartman's) focuses on the luck part of "identity precedes luck"; the other (Latus') focuses on the identity part of "identity precedes luck." I am going to argue that both strategies fail.

Section 2: Is Moral Luck Non-Chancy?

Hartman maintains that the answer to Rescher's objection is to adopt a control account of moral luck. According to a control account, moral luck involves moral appraisals that are based on things that are outside of an agent's control. Control accounts of moral luck may

¹³ Nicholas, Rescher 'Moral Luck', in *Moral Luck*, edited by Daniel Statman (New York: State University of New York Press, 1993, pp. 141-166), at p. 155; see also his *Luck*, 1995, p. 30 and pp. 156-157.

¹⁴ I am not suggesting, nor should I be read as suggesting, that there are no other arguments, other than the regress argument, that can be given for moral luck, and, indeed, I gesture toward some such arguments at the end of section 2 of this article.

¹⁵ Latus, 'Constitutive Luck', 2003, p. 462.

be contrasted with chanciness accounts, which either build on modal fragility or on probability conditions.¹⁶ Modal accounts say that something is lucky only if it is modally fragile, and probability accounts say that something is lucky only if it is improbable.¹⁷ Control accounts come apart from chanciness accounts when there are events that are outside of an agent's control but not chancy (i.e., that are either modally stable or highly probable) or conversely.

As Hartman argues, adopting a control account of moral luck rescues constitutive luck because, although an agent's constitution is not chancy—that an agent has her essential properties is, by definition, neither improbable nor modally fragile—an agent's constitution is (except, perhaps, in the case of a triple-o God) outside of her control. So, if, as suggested in the previous section of this article, the luck denier concedes that there are legitimate moral appraisals on the basis of agents' constitutions, and if moral luck is understood in terms of lack of control, then even the luck denier must concede the existence of constitutive moral luck.

To see where the problem arises for Hartman, we can begin by noting that control accounts of luck fall prey to the sunrise objection.¹⁸ That is, the sunrise is outside of my

¹⁶ It is worth pointing out that there are other accounts of luck, other than control accounts and chanciness accounts. For example, Rescher suggests, in some places, that luck should be analyzed in terms of whether something came about by accident, not by design (Rescher, 'Moral Luck', 1993, p. 145, p. 146; *Luck*, 1995, p. 6, p. 32), and, in other places, he suggests that luck should be analyzed epistemically, in terms of whether something is foreseeable (*Luck*, 1995, p. 20, p. 24, p. 25, p. 35, p. 59, p. 62). Teigen suggests that one factor associated with luck "may be undeservedness" (Karl Teigen, 'Luck', *Scandinavian Journal of Psychology* 37 (1996), pp. 156-171, at p. 169), and Levy maintains that the appeal of luck egalitarianism derives from precisely this factor: "Luck egalitarianism is an attractive account of distributive justice because it reflects the extent to which ordinary people tend to think of luck and desert as anticorrelated" (Neil Levy, 'Putting the Luck back into Moral Luck', *Studies in Philosophy* 43 (2019), pp. 59-74, at p. 60); see also Julia Driver, 'Luck and Fortune in Moral Evaluation', in *Contrastivism in Philosophy*, edited by Martijn Blaauw (New York, Routledge, 2013, pp. 154-172), p. 163 and 170n1—I return to luck egalitarianism in section 3 of this article).

¹⁷ According to Hales, "[t]he probability analysis of luck is dominant among mathematicians and scientists" (Steven Hales, 'A Problem for Moral Luck', *Philosophical Studies* 172:9 (2015), pp. 2385-2403, at p. 2387; see also his 'Why Every Theory of Luck is Wrong', *Nous* 50:3 (2016), pp. 490-508, at p. 419). It also can be found among philosophers: McKinnon defends a probability account of luck on the grounds that it can explain various common quips concerning luck (Rachel McKinnon, 'You Make Your Own Luck', *Metaphilosophy* 45:4/5 (2014), pp. 558-577), and, although Rescher bounces around quite a bit in his earlier work (see note 16 above), in his most recent, and most explicit, analyses, Rescher argues that the luckiness of an event is inversely proportional to its probability and directly proportional to its significance (Nicholas Rescher, 'The Machinations of Luck', *Metaphilosophy* 45:4/5 (2014), pp. 620-626, at section 6, esp. p. 620 and p. 621; 'The Probability Account of Luck', in *The Routledge Handbook of the Philosophy and Psychology of Moral Luck*, edited by Ian Church and Robert Hartman (New York: Routledge, 2019, pp. 136-147), p. 136. This account is not entirely new for him—it is also present in his earlier work (see, e.g., *Luck*, 1995, p. 141)).

Pritchard is the most prominent defender of a modal account of luck (Duncan Pritchard and Matthew Smith, 'The Psychology and Philosophy of Luck', *New Ideas in Psychology* 22 (2004), pp. 1-28; Duncan Pritchard, 'Epistemic Luck', *Journal of Philosophical Research* 29 (2004), pp. 191-220; Duncan Pritchard, *Epistemic Luck* (Oxford: Oxford University Press, 2005); Duncan Pritchard, 'Moral and Epistemic Luck', *Metaphilosophy* 37:1 (2006), pp. 1-25; Duncan Pritchard, 'The Modal Account of Luck', *Metaphilosophy* 45:4/5 (2014), pp. 594-619; Duncan Pritchard, 'Modal Accounts of Luck', in *The Routledge Handbook of the Philosophy and Psychology of Moral Luck*, edited by Ian Church and Robert Hartman (New York: Routledge, 2019, pp. 115-124). For some subtleties about Pritchard, see note 34 below.

¹⁸ The objection is generally attributed originally to Latus, 'Constitutive Luck', 2003, p. 467, although it has been adopted by others (e.g., Lee John Whittington, 'Getting Moral Luck Right', *Metaphilosophy*

control, and yet it is not a matter of luck for me that the sun rose this morning. From this it follows that lack of control cannot be sufficient for luck.

The most obvious answer to the sunrise objection, and a popular one in the luck literature, is to say that luck, unlike the sunrise, is chancy, and to adopt a hybrid account of luck.¹⁹ Hartman is sympathetic to this answer.²⁰ But, this leaves Hartman with a conundrum: on a hybrid account of luck, constitutions are no longer lucky – on a hybrid account of luck, the luck denier’s regress stopper (“identity precedes luck”) is vindicated, and Hartman’s response to Rescher is foiled. So, Hartman has to explain how lack of control is sufficient for moral luck even though it is not sufficient for luck simpliciter, and I am going to argue that it is precisely Hartman’s solution to this conundrum that gets him into trouble.

Hartman maintains that the sunrise objection is not a problem for him because moral luck is not a species of luck and, thus, although luck might be chancy, moral luck is

45:4/5 (2014), pp. 654–667, at p. 657). Levy attempts to provide an alternative example to demonstrate the same thing. According to Levy, if someone deliberately drives recklessly down a street where a parade is happening, it is not in that person’s control whether they hit anybody, but it is nonetheless not a matter of luck whether they do so, “since hitting someone is the expected upshot of driving like that in conditions like those” (Levy, ‘Putting the Luck back into Moral Luck’, 2019, p. 61). I think that Levy’s example does not work. I agree that it is not a matter of luck whether someone who drives “like that in conditions like those” hits anybody. But, I think that deliberately driving recklessly down a street on which a parade is happening is one way for an agent to exert control over hitting somebody, much like shooting a gun at random into a crowd. Of course, it is possible to drive deliberately down a parade street (or to shoot a gun at random into a crowd) without injuring somebody. But, control does not entail success. If I am right about this, then Levy has failed to provide an alternative to the sunrise objection (i.e., an example of an event that is not a matter of luck even though it is not in a person’s control).

¹⁹ For hybrid accounts, see Latus, ‘Constitutive Luck’, 2003, pp. 466-468; E.J. Coffman, ‘Thinking About Luck’, *Synthese* 158:3 (2007), pp. 385-398, esp. pp. 385-386; Laura Ekstrom, ‘Luck and Libertarianism’, in *The Routledge Handbook of the Philosophy and Psychology of Moral Luck*, edited by Ian Church and Robert Hartman (New York: Routledge, 2019, pp. 239-247), pp. 240-242; Zimmerman, ‘Denying Moral Luck’, 2019, p. 216; Rik Peels, ‘The Mixed Account of Luck’, in *The Routledge Handbook of the Philosophy and Psychology of Moral Luck*, edited by Ian Church and Robert Hartman (New York: Routledge, 2019, pp. 148-159), p. 149; or Levy, ‘Putting the Luck back into Moral Luck’, 2019, p. 60.

²⁰ Lang, in contrast with Hartman, thinks that the sunrise objection does not pose a problem for moral luck because the sunrise has nothing to do with morality: “Counter-examples to the Lack of Control Account such as the sunrise case do not damage the application of the Lack of Control Account to moral luck. This is because the very restriction to the moral domain ensures that we will be talking about morally appraisable items—acts, intentions, and so forth—that relate to moral agents, and what matters here is the degree of control that agents enjoy over these items.” (Lang, 2021, 5)

But, Lang is mistaken. Even if we accept that moral luck is not a species of luck (something I am going to challenge in the main text of this article), as will be seen below (at the end of the main text of this section of the article), the sunrise objection can be tweaked in order to make it apply to moral luck directly (rather than merely indirectly, via luck simpliciter).

Riggs, by way of contrast with Lang and Hartman both, proposes to supplement a lack of control account with an exploitation condition rather than a chanciness condition, basing his argument, in part, on the idea that non-chancy astronomical events, like eclipses, can be lucky, provided they are not exploited (‘Luck, Knowledge, and Control’, in *Epistemic Value*, edited by Adrian Haddock, Alan Millar, and Duncan Pritchard (Oxford: Oxford University Press, 2009, pp. 204-223); ‘The Lack of Control Account of Luck’, in *The Routledge Handbook of the Philosophy and Psychology of Moral Luck*, edited by Ian Church and Robert Hartman (New York: Routledge, 2019, pp. 125-135)). I cannot address Riggs’ claim that non-chancy events can be lucky here. I note merely that such an account will not help in the present context, for agents do seem to exploit, in Riggs’ sense, their own constitutions, whence it follows that Riggs’ account undermines constitutive luck every bit as much as a hybrid account does.

not. He defends this claim by appeal to the seminal 20th century literature on moral luck, the Williams-Nagel dialogue:

[T]he assumption that an adequate account of luck in moral luck must map onto all of our ordinary uses of 'luck' is a false assumption, because the moral luck debate is about not luck per se but a tension in our ordinary thinking about moral responsibility. One way to see this is to go back to the foundational essays on moral luck. After all, Williams...coined the term 'moral luck' to refer to an "incoherent" mixture of concepts in our conception of morality. And Nagel...uses the term 'moral luck' to denote a "paradox" in our conception of moral responsibility. In these inaugural essays, a tension in our conception of morality is center stage, but a fully adequate account of luck is not on stage at all...The important lesson to draw from these original formulations of the problem [of moral luck] is that an adequate account of luck in moral luck must generate at least an apparent paradox in our conception of morality, but it need not capture all of our common uses of the term 'luck.'²¹

According to Hartman, Williams coined the term 'moral luck' to refer to a paradox in our conception of morality, and Nagel followed suit. Thus, Hartman infers, any account of moral luck must generate at least an apparent paradox, and if this means that moral luck is not a species of luck, so be it. Hartman then argues that only the control account of moral luck generates an at least apparent paradox without generating other problems, whence he infers that moral luck is not a species of luck.²² So, it looks like Hartman has managed to thread the needle: on the one hand, he can affirm constitutive luck (contra Rescher), because moral luck need not be chancy; and, on the other hand, he can avoid the sunrise objection, because, although this objection suggests that luck is chancy, moral luck is not a species of luck. Other philosophers have begun to follow Hartman's lead.²³

I think there are three main problems with Hartman's argument. The first is exegetical. As noted above, Hartman defends his claim that moral luck is not a species of luck by appeal to the Williams-Nagel luck articles. But, if we examine closely the work of Williams and Nagel, it may be seen that both take moral luck to be a species of luck; the apparent paradox in our conception of morality that they are exploring is supposed to be one that arises from the ways in which moral appraisals can depend on luck, and the term, 'moral luck', is coined to refer to precisely this phenomenon—the intersection of moral appraisal, on the one side, and luck, on the other.²⁴ For example, in characterizing Kant, whom he takes to be the archetypal moral luck denier, Nagel says that "a course of action that would be condemned if it had a bad outcome cannot be vindicated if by luck it turns

²¹ Hartman, *In Defense of Moral Luck*, 2017, p. 24.

²² Hartman, *In Defense of Moral Luck*, 2017, chapter 2 sections 2-4.

²³ Consider: "Hartman's observation that 'the moral luck debate is about not luck per se but a tension in our ordinary thinking about moral responsibility' seems perfectly correct" (Lang, 2021, 8). See also: "Hartman argues that lack of control is both necessary in order to generate the paradoxicality of the issue [of moral luck] in the first place and sufficient to generate a problem. I endorse both Hartman's conclusion and his argument" (Mark Anderson, 'Moral Luck as Moral Lack of Control', *Southern Journal of Philosophy* 57:1 (2019), pp. 5-29, 6n2).

²⁴ In saying this, I am also disagreeing with Anderson, who maintains that "[w]hen Thomas Nagel coined the expression 'moral luck' in the 1970s, he used the term 'luck' to mean lack of control...This use was a matter of stipulation, as Nagel's target had little to do with the nature of luck itself" (Anderson, 'Moral Luck as Moral Lack of Control', p. 5). A further problem that arises for Anderson (but not for Hartman) is that Anderson seems unaware that Nagel was writing in response to Williams, and it is the latter, not the former, who coined the expression "moral luck"—it is not up to Nagel to stipulate the meaning of the term in this way.

out well.”²⁵ So, according to Nagel, someone who denies the existence of moral luck would say that a condemnable action cannot be pardoned if, by luck (sans phrase), it has a good outcome. Similarly, in discussing a driver who accidentally runs over a child but who is “entirely without fault,” Nagel remarks that, because the agent is beyond reproach, this is “not yet a case of moral bad luck.”²⁶ The emphasis in the previous quotation is in the original, whence it may be seen that, according to Nagel, the distinction between a case of bad luck and a case of bad moral luck is that the latter involves legitimate reproach that arises, in part, from the agent’s bad luck. Finally, consider how Nagel characterizes different species of moral luck:

Another category is luck in one’s circumstances...The other two [categories] have to do with the causes and effects of action: luck in how one is determined by antecedent circumstances, and luck in the way one’s actions and projects turn out.²⁷

Nagel uses the term ‘luck’ (simpliciter) in this passage. That is, according to Nagel, one kind of moral luck involves luck in one’s circumstances, and so on.

Similarly, we find Williams characterizing moral luck in terms of the ways in which luck can influence the objects of moral judgments:

Even if moral value were radically unconditioned by luck, that would not be very significant if moral value were merely one kind of value among others. Rather, moral value has to possess some special, indeed supreme, kind of dignity or importance. The thought that there is a kind of value which is, unlike others, accessible to all rational agents, offers little encouragement if that kind of value is merely a last resort, the doss-house of the spirit. Rather, it must have a claim on one’s most fundamental concerns as a rational agent, and in one’s recognition of that one is supposed to grasp not only morality’s immunity to luck, but one’s own partial immunity to luck through morality. Any conception of ‘moral luck’, on this view, is radically incoherent.²⁸

Williams puts things in the same terms in a later retrospective when, reflecting on his original moral luck article, he maintains that “[t]here is something in our conception of morality...that arouses opposition to the idea that moral responsibility or moral merit or moral blame should be subject to luck,” or, as he says on the next page, “the resistance to luck is not an ambition gratuitously tacked onto morality: it is built into it.”²⁹ On Williams’ account, moral luck is defined as the kind of luck that morality is subject to, and Williams thinks that, because morality is opposed to luck, moral luck is an oxymoron. In other words, not only is Hartman mistaken in thinking that, for Williams, moral luck is something *sui generis*, not a species of luck, but, more, the very paradox that Hartman wants to make central to the concept of moral luck cannot be understood, on Williams’ account, unless we take moral luck to be a species of luck.

Further issues arise for this part of Hartman’s argument from the fact that at least some in the moral luck debate do not take moral luck to be paradoxical. For example, Coyne argues that moral luck “is not at all (inherently) contradictory, or even contrary, or

²⁵ Nagel, *Mortal Questions*, 1979, p. 24. Recent work overturns Nagel’s characterization of Kant (Kahn, ‘Kant’s Philosophy of Moral Luck’, 2021).

²⁶ Nagel, *Mortal Questions*, 1979, pp. 28-29.

²⁷ Nagel, *Mortal Questions*, 1979, p. 28.

²⁸ Bernard Williams, *Moral Luck* (Cambridge: Cambridge University Press, 1981), p. 21.

²⁹ (Williams, 1993, 251, 252).

even surprising.”³⁰ Indeed, Hartman’s insistence on the paradox condition creates tension internal to his own considered position: Hartman’s goal is to develop a non-revisionary, coherent (and non-paradoxical) account of moral responsibility that is consistent with moral luck. The tension comes to the fore when Hartman explains the paradox condition: moral luck is supposed to generate an apparent, rather than a genuine, paradox.³¹ From this I conclude that Hartman’s paradox condition, as well as his argument for the paradox condition, should be rejected: the originators of the moral luck debate explain moral luck as about cases in which moral appraisal is based on something subject to luck, showing that they define moral luck, first and foremost, to be a species of luck (pace Hartman); and not all within the moral luck take the phenomenon to be paradoxical – indeed, Hartman himself takes the paradox to be merely apparent, not genuine.

The second problem with Hartman’s argument is philosophical. Suppose that my readings of Williams and Nagel are rejected, and suppose that, as Hartman argues, their discussions are about a paradox first and luck second. Hartman gets from there to the claim that moral luck should be interpreted in terms of lack of control with the following bridge premise: widespread lack of control, but not widespread chanciness, would generate an apparent paradox for morality.³² The problem for Hartman is that this bridge premise is mistaken – widespread chanciness would undermine morality every bit as much as widespread lack of control. To see this, we can look at the example that Hartman uses to try to demonstrate otherwise:

Suppose that Jim tells a lie in the actual world, and a bolt of lightning strikes some place nearby. But in a broad range of close possible worlds, Jim’s friend is located in that nearby place, and Jim is struck by lightning while he is telling a lie. Thus, his action is interrupted in those possible worlds, and he does not lie. In that case, the modal account implies that Jim’s actually telling a lie is lucky, because it occurs in the actual world but not in a broad range of close possible worlds in which the relevant initial conditions are the same. Nevertheless, we do not think that Jim even appears to be less than fully morally responsible for his telling a lie, because he plausibly exercises responsibility-level control over that event...So, the fact that Jim’s lying is modally fragile is not even apparently at odds with his being blameworthy for lying, and the same conclusion applies even if we make this kind of modal fragility ubiquitous. Thus, the modal conception of luck fails to satisfy the paradox criterion.³³

³⁰ Margaret Coyne, ‘Moral Luck?’ *The Journal of Value Inquiry* 19 (1985), pp. 319-325, at p. 319. For further discussion, see (Nelkin, ‘Moral luck’, 2013, section 4.2).

³¹ See note 32 below.

³² In Hartman’s words, whereas “luck as lack of control at least appears to undermine widespread satisfaction of the Control Condition...the modal conception of luck...does not even appear to generate the paradox” (Hartman, *In Defense of Moral Luck*, 2017, pp. 25-26). Hartman explains the Control Condition as follows: “attributions of a person’s praiseworthiness and blameworthiness should be confined to features that reflect only her agency” (Hartman, *In Defense of Moral Luck*, 2017, p. 4). Hartman repeats this idea in his 2019: Even if an account of luck other than the lack of control account best captures our ordinary usage of the term “luck” or even if there is no good account of the way we use the word “luck,” the puzzle to which Feinberg, ‘Problematic Responsibility in Law and Morals’, 1962, Thomas Nagel (1979), and Williams (1981) point us remains, because ubiquitous lack of control continues to be in tension with the control condition that is part of our conception of morality. (Robert Hartman, ‘Accepting Moral Luck’, in *The Routledge Handbook of the Philosophy and Psychology of Moral Luck*, edited by Ian Church and Robert Hartman (New York: Routledge, 2019, pp. 227-238), p. 228.)

³³ Hartman, *In Defense of Moral Luck*, 2017, p. 26.

Hartman's argument in this passage is as follows: (1) Jim's lying is chancy in this example. But (2) Jim is blameworthy for lying in this example. Therefore, (3) chanciness is not even apparently at odds with blameworthiness in this example. But (4) chanciness is not apparently at odds with responsibility even if it is ubiquitous, therefore (5) chanciness accounts of luck fail to satisfy the paradox criterion.

There are several problems here. One is that premise (1) is false: given that Jim exerts responsibility-level control over his lying, and given how lightning works, Jim's lying is not chancy, at least not in a way relevant to taking on Rescher, in this example.³⁴

³⁴ As noted at the outset of this section, there are, on the one hand, probability accounts of chanciness and, on the other hand, modal accounts of chanciness. However, there are two different accounts of modal fragility in the luck literature. This makes the explanation of the claim to which this note is appended somewhat complicated, and I have, for that reason, relegated it to a note in order to avoid distraction.

On one account of modal fragility in the luck literature, an event is modally fragile only if it does not occur in a suitable proportion of nearby possible worlds. This account is favored by Pritchard in his early work ('The Psychology and Philosophy of Luck', 2004, p. 195; *Epistemic Luck* (2005), p. 128 and pp. 129-130; and 'Moral and Epistemic Luck', 2006, p. 3) and many in the luck literature follow suit (see Whittington, 'Getting Moral Luck Right', p. 658; Levy, 'What, and Where, Luck Is', 2009, p. 490; and Peels, 'The Mixed Account of Luck', 2019, p. 154). This also seems to be the account Hartman has in mind in the example above (in the second sentence of the block quotation, he alludes to "a broad range of close possible worlds," the same language used by Whittington, Levy, and Peels). Generally speaking, the "suitable proportion" in this first account of modal fragility is taken to be greater than 50%. For example, in Pritchard's 'The Psychology and Philosophy of Luck', 2004 and 'Moral and Epistemic Luck', 2006, it is "most" nearby possible worlds; and in his *Epistemic Luck* (2005), it is "a wide class" of nearby possible worlds, where "a wide class" is said to be at least about half. So, on this account of modal fragility, if an event is modally fragile, then its non-occurrence is modally robust. This asymmetry will become important momentarily.

On the other account of modal fragility in the luck literature, favored by Pritchard in his more recent work ('Modal Accounts of Luck', 2019, p. 117), an event is modally fragile only if it does not occur in suitably proximate possible worlds. Discussions of such accounts usually explicate what counts as "suitably proximate" in terms of the number of changes between worlds. There is also sometimes a gesture toward the magnitude of these changes. In order to make sense of this, we seem to need an explanation, first, of how to individuate changes and, second, of how to measure, or, at least, how to compare, the magnitude of one change with that of another. No such explanation is, as yet, forthcoming. However, I propose to accept, for the sake of argument, that such an explanation can be given. The point I want to make for the present is that distance functions are, all else being equal, symmetric (i.e., the distance between A and B is the same as the distance between B and A). So, on a proximity account of modal fragility, an event E is modally fragile if, but only if, its non-occurrence is modally fragile. From this it may be seen that, all else being equal, a proximity account of modal fragility is not equivalent to a proportionality account of modal fragility: on a proximity account, unlike on a proportionality account, modal fragility is symmetric.

With this by way of background, I can defend the claim in the main text of this article to which this note is appended, namely, that Jim's lying is not chancy in a way that is relevant to responding to Rescher.

The problem for Hartman is that it is only on a proximity account of modal fragility that, without significant retooling, Jim's lying can come out as chancy. To see this, note, first, that it is improbable that Jim is struck by lightning (and, thus, that his lying is interrupted). From this it follows that Jim's lying is not chancy on a probability account. And note, now (second), that lightning strikes are, all else being equal, modally fragile on proportionality accounts: if lightning strikes X in the actual world, then, all else being equal, in a broad range of close possible worlds, X is not struck by lightning, and conversely. This, combined with the asymmetry pointed out above, entails that Jim's not being struck by lightning is modally robust on a proportionality account of modal fragility, whence it follows that, on such an account, Jim's lying is not chancy. So, Jim's lying might come out as chancy on a proximity account (i.e., there might be a suitably proximate possible world in which Jim does not lie). But, it will not come out as chancy on a probability account or on a proportionality account.

However, the problem that I want to focus on here is that premise (4) is implausible.³⁵ In a world in which all events are like lightning strikes, it is hard to see how there could be any form of responsibility. When someone is struck by lightning, we do not generally praise or condemn her for it: lightning sufferers are not usually held up as morally or intellectually virtuous or vicious, at least not on account of their having been hit by lightning. So, being struck by lightning does not seem to be the kind of thing we hold people responsible for, and that suggests, even if it does not entail, that, if all events were as chancy as lightning strikes, this would undermine responsibility (pace Hartman).

Now, some might concede that widespread chanciness undermines responsibility, but they might argue that this is so only because widespread chanciness undermines the possibility of responsibility-level control—and (they might conclude) widespread control undermines morality, as per Hartman’s argument. In support of this objection, it is notable that, although we do not, in general, condemn those who are struck by lightning, we might criticize someone leaning against a large, pointy metal structure in an open field during an electrical storm, as stupid even if not as vicious, and this kind of behavior is one way of controlling whether one is struck by lightning.

But, this objection is pyrrhic: for my purposes, I do not need to take a stand on whether widespread chanciness undermines responsibility directly, or whether widespread chanciness undermines responsibility indirectly (because it undermines control). In either case, if chanciness undermines responsibility directly or indirectly, Hartman’s premise (4) is false, and Hartman’s motivation for rejecting chanciness accounts of moral luck collapses.

Moreover, even if I am mistaken—even if ubiquitous chanciness does not undermine moral responsibility—it must be conceded that, if ubiquitous lack of control

Now, it might be thought that, if Jim’s lying can come out as chancy on a proximity account of chanciness, that will suffice for Hartman’s purposes. However, this thought is mistaken. As seen above (note 17), Rescher advocates a probability account, and, as seen in paragraph 2 of this note, many advocates of modal accounts of chanciness champion proportionality, not proximity. Indeed, as also seen in paragraph 2 of this note, Hartman himself appeals to a proportionality account, not a proximity account, in setting out his example. So, Hartman cannot limit himself to a proximity account of chanciness. On the contrary: because Hartman is trying to defuse Rescher’s “identity precedes luck” objection to the regress argument, as well as modal accounts of moral luck more broadly, Hartman must speak to probability accounts of chanciness and to the very account of modal fragility that he gestures to in setting out his example (i.e., proportionality accounts). That is why it is a problem for Hartman that Jim’s lying can come out as chancy only on a proximity account of chanciness—and that is why, in the sentence to which this note is appended, I say that Jim’s lying is not chancy in a way relevant to taking on Rescher.

Of course, some might object to all of this on the grounds that the example is constructed by Hartman. They might say that Hartman can stipulate that lightning works however he needs it to for the sake of the example. Thus, the objection concludes, Hartman can stipulate that Jim’s lightning-miss is improbable and modally fragile (on a proportionality account and a proximity account). However, I find this objection unpersuasive. For one thing, any such attempted stipulation seems incoherent. Perhaps we can stipulate how schmighting works. But, I do not think we can stipulate how lightning works. For another thing, if we want our thought experiments to generate trustworthy intuitions, then such stipulation must be disbarred: this stipulation can rescue premise (1) in my reconstruction only by sacrificing premise (2). I also want to point out that it is *prima facie* implausible that any single example will be able to handle all three accounts of chanciness, precisely because of their substantive differences (such as symmetry).

³⁵ It is also worth noting that, in the context in which it is asserted, premise (4) is, if not question-begging, at least insufficiently supported. Premise (4) is a universal claim; it cannot be based on a single example, and this is so independently of the other problems with the example (see note 34 above).

undermines moral responsibility, then, a fortiori, the ubiquitous conjunction of lack of control and chanciness undermines moral responsibility. This is a problem for Hartman because, first, as noted at the outset of this section, one common response to the sunrise objection is to adopt a hybrid account of luck, and, second, and as also noted at the outset of this section, the conjunction of lack of control and chanciness undermines constitutive luck, vindicating Rescher's "identity precedes luck" objection to the regress argument.³⁶

The foregoing argument has been complicated, so let us take stock. I have argued: (1) even if we accept Hartman's argumentative strategy (namely: appeal to the original authors who coined the term 'moral luck'—i.e., nail down the meaning of the term by tracing its etymology), there is positive reason to think moral luck is a species of luck and for rejecting Hartman's paradox condition; and (2) even if we accept that moral luck must be, first and foremost, paradoxical, this does not support a control account of moral luck (pace Hartman), because ubiquitous chanciness appears to undermine responsibility, as does the ubiquitous conjunction of chanciness and lack of control.

I want to conclude this section by considering an objection: what if we do not accept Hartman's argumentative strategy—what if we do not think that appealing to the original authors who coined the term 'moral luck' is a good means of figuring out what the term means? After all, the etymology of a word does not always determine its meaning. Perhaps, if we reject Hartman's argumentative strategy—if, instead, we appeal to the evolving moral luck literature—we might be able to come up with a more successful argument to the conclusion that moral luck is not a species of luck. Thus, perhaps there is an alternate route to Hartman's conclusion that, although luck is chancy, constitutive luck is not, and, so, we can put a stop to Rescher's regress-stopping-response in some other way.

This is not the place for me to survey the massive moral luck literature, nor am I able to respond to all possible arguments for Hartman's conclusion. However, I do want, briefly, to offer some positive reasons for thinking that moral luck is a species of luck, and, thus, to respond to this objection by showing that Rescher's objection to constitutive luck might not be so easy to evade.

First, there is the term itself: 'moral luck' appears to be a compound term, where 'moral' is modifying 'luck'. When the meaning of a compound term is not derived from its constituents, the term is usually a single word, such as pineapple, hotdog, or gumshoe. This is not always so. For example, the bearded tit is neither bearded nor a tit, and the flying lemur neither flies nor is a lemur. However, these examples are disputable. Bearded tits are often said to have mustaches if not beards, and they resemble tits and were originally classified as such by Linnaeus. Flying lemurs glide even if they do not fly, and they resemble lemurs. Moreover, terms of this kind are uncommon and seem to be the exception that proves the rule. So, although language does not force the species-genus

³⁶ This also creates a problem for Statman, who makes a slightly weaker argument than Hartman. Hartman's argument for a control account of moral luck is based on the claim that a control account is necessary and sufficient to generate a paradox. Statman's argument, by way of contrast, is based only on the claim that a control account suffices to generate a (sense of) paradox ("The Definition of "Luck" and the Problem of Moral Luck", in *The Routledge Handbook of the Philosophy and Psychology of Moral Luck*, edited by Ian Church and Robert Hartman (New York: Routledge, 2019, pp. 195-205), p. 203). The problem is that, even if (1) a control account suffices to generate a sense of paradox, and even if (2) an account of moral luck must generate a sense of paradox, if, nonetheless, as I argue above, (3) a chanciness or a hybrid account of luck also will suffice to generate a sense of paradox, then (1) and (2) do not suffice to show why we should prefer a control account over one of these other accounts.

relation between moral luck and luck, it suggests that there needs to be some positive argument for denying this relation, especially because only one of the terms ('luck') is disputed – the other ('moral') is accepted. This linguistic consideration, as obvious as it is, has not been discussed in the moral luck literature, perhaps on account of the relative novelty of Hartman's suggestion that moral luck is not a species of luck, but it raises issues that cannot be dismissed by a mere wave of the hand.

Second, the regress argument is not the only argument that luck affirmers appeal to: many in the debate appeal to analogical considerations, arguing from other kinds of luck, like epistemic luck or legal luck, to moral luck. For example, Nagel appeals to epistemic and legal considerations in his original article; Statman makes an argument for moral luck on the basis of epistemic luck; and Hartman himself appeals to epistemic luck when making a case for moral luck.³⁷ But, if moral, epistemic, and legal luck are not all species of the genus luck, then it is hard to see how these analogical considerations can carry any weight. So, if we are going to appeal to the evolving moral luck literature, there is at least one significant part of it (namely: analogical arguments for the existence of moral luck), a part of it that Hartman himself champions, that presupposes that moral luck is a species of luck (pace Hartman). And from this it follows that if, as discussed above, we accept the sunrise objection as pushing for a chanciness condition in accounts of luck (as Hartman does), then we should accept it also as pushing for a chanciness condition in accounts of moral luck.

Third and finally, the sunrise objection can be modified in order to apply to moral luck directly. To see how, note that most crimes are perpetrated at night, whence it follows that the sunset can be included in the morally unlucky circumstances of an agent who commits a crime if lack of control is sufficient for moral luck (again: we do not control the sunset).

I conclude not only that Hartman's attempt to rescue constitutive luck from Rescher's objection does not work, but, more, if, as Hartman accepts, an agent's constitution is non-chancy, then it is unclear how constitutive luck could be anything other than conceptually confused.

Section 3: Is Constitution Chancy?

Latus takes the opposite approach from Hartman; instead of arguing that constitutive luck is non-chancy, Latus tries to meet the challenge of articulating a chancy account of constitution. The solution, according to Latus, is to change the comparison class. Instead of saying that an agent is lucky with regard to some constitutive trait if but only if it is chancy that she has that trait, Latus argues that an agent is lucky with regard to some constitutive trait if but only if it is chancy that a randomly selected member of the population would have that trait. Thus, an agent's constitution can be chancy once we think about things in the right way. Here is how Latus puts it:

Rescher et al. are right to think chance is a comparative notion. They simply have the comparison class wrong. We don't have to consider the possibility of you having been constituted differently from the way you are. Instead, what we need to consider is how

³⁷ Nagel, *Mortal Questions*, 1979; Statman, 'Moral and Epistemic Luck', 1991; Hartman, *In Defense of Moral Luck*, 2017, chapter 5.

common it is for a person to be constituted this way (that is, so as to have whatever property we are concerned with).³⁸

There is, as far as I can tell, no argument for this position, either in Latus or in those who follow him, beyond the claim that it rescues constitutive luck from conceptual confusion.³⁹ However, considering that the position is introduced precisely in order to respond to Rescher and to vindicate the relatively widespread intuition that there is constitutive luck, this is, arguably, question-begging. But beyond this kind of burden-shifting consideration, are there any reasons to resist Latus' suggestion? In fact, there are at least two, and I think that these two are quite weighty.

First, consider the extant literature that focuses on constitutive luck, literature on distributive justice. Luck egalitarians maintain that an agent's natural talents and abilities (or lack thereof) are often due to luck and, therefore, not morally deserved, whence it is supposed to follow that the rewards that accrue (or fail to accrue) to agents on the basis of these natural talents and abilities are due to luck.⁴⁰ On the basis of this, luck egalitarians argue that redistribution is necessary as a corrective.⁴¹

The problem is that, if constitutive luck is understood in terms of rarity (as Latus argues), then it is hard to see why there would be any need for redistribution. For one thing, rarity is consistent with desert. For example, an agent might be among the very few to work hard to cultivate some rare talent, and in that case even a luck egalitarian might concede that the agent deserves to be where she ends up, rarity notwithstanding. Indeed, if this concession is not made, it is because having the trait of working hard is also seen as a matter of luck, not because the hard work or the cultivated trait is rare. But, for another thing, rarity is often seen as necessary for value, whence it follows that, if we understand luck regarding an agent's constitution in terms rarity, this threatens to short-circuit the luck egalitarian argument before it even gets out of the gate. So, Latus' strategy does not vindicate the widespread intuition that there is constitutive luck, at least if we focus on the extant literature that builds on this intuition (namely: the luck egalitarian literature).⁴²

Second, as we saw at the end of section 1 of this article, Latus' proposal is intended to shore up the regress argument, a mainstay of moral luck affirmers. But, the problem is

³⁸ Latus, 'Constitutive Luck', 2003, p. 472.

³⁹ Neil Levy, *Hard Luck* (Oxford: Oxford University Press, 2011), p. 36; Gregg Caruso, 'A Defense of the Luck Pincer', *Journal of Information Ethics* 28:1 (2019), pp. 51-72, p. 57. Levy and Caruso both characterize this as a non-chancy kind of luck rather than chanciness about an agent's constitution. The difference is immaterial except insofar as it would undermine the idea that Hartman's and Latus' strategies are opposites, Hartman targeting the chanciness of moral luck and Latus targeting the chanciness of constitution.

⁴⁰ For example, consider the following lines from Dworkin: "We want to find some way to distinguish fair from unfair differences in wealth generated by differences in occupation. Unfair differences are those traceable to genetic luck, to talents that make some people prosperous but are denied to others who would exploit them to the full if they had them." (Ronald Dworkin, *Sovereign Virtue* (Cambridge: Harvard University Press, 2000), p. 92; quoted in Hales, 'A Problem for Moral Luck', 2015, p. 2390)

⁴¹ According to Lippert-Rasmussen, "It is often said that justice requires luck to be 'neutralized'" (Lippert-Rasmussen, Kasper. 'Justice and Bad Luck', *The Stanford Encyclopedia of Philosophy* (Spring 2023 Edition), edited by Edward N. Zalta & Uri Nodelman).

⁴² Some might object that I am ascribing some sort of redistributive program to Latus. However, this objection is mistaken. The point I am making is that Latus is trying to vindicate the notion of constitutive luck. To succeed as such, his vindication should be consistent with the extant literature on constitutive luck. The extant literature on constitutive luck is the distributive justice literature, and the point of the argument in the main text above is that Latus' concept of constitutive luck is not consistent with this literature. This is so regardless of Latus' own commitments.

that it fails here, too. Latus' idea, again, is that, properly understood, constitution can be chancy: it can be chancy with respect to the population at large even if not with respect to the individual in question. However, if we keep the comparison class constant (comparing the individual with her counterparts) in the move from resultant to synchronic circumstantial luck, and again keep it constant in the move from synchronic circumstantial luck to developmental luck—but then shift the comparison class in the move from developmental luck to constitutive luck (comparing the individual with the population at large rather than with her counterparts), then we are committing a fallacy of equivocation.

To see this another way, note that Rescher might concede that legitimate moral assessment can be based on an agent's constitution even if some of an agent's constitutive traits are rare in the general population while nonetheless denying that differential moral assessment is warranted between an agent and her counterpart when, in the actual world, that constitution is developed in various ways, whereas in a nearby possible world it is developed in other ways: there is nothing absurd about this denial of developmental luck and concomitant affirmation of constitutive luck, and it suffices to stop the regress in the regress argument. Thus, even if we accept Latus' proposal (as stipulative), it does not accomplish what he wants to accomplish: Rescher's denial of moral luck remains coherent, and the move of the regress argument from (developmental) circumstantial luck to constitutive luck remains problematic. I conclude that Latus' proposal fails on its own terms.

Conclusion

In this article, I argued against two attempts to answer Rescher's objection that constitutive luck is conceptually confused.

I began by reconstructing the moral luck regress argument in order to explain the importance of constitutive luck and, more, to explain why Rescher's objection to constitutive luck, "identity precedes luck," has been the subject of attention and recent debate.

The first answer I examined to Rescher's objection, due to Hartman, says that moral luck is not a species of luck and, therefore, moral luck in general, and constitutive luck in particular, is not chancy. I showed that the strategy Hartman used to get to this claim, when examined closely, actually controverts his conclusion and, more, I showed that there are positive reasons, all of which are independent of Hartman's strategy and some of which fall out of Hartman's own larger project, for thinking that moral luck is a species of luck.

The second answer I examined to Rescher's objection, due to Latus, says that our constitutions are chancy, provided we correctly understand the notion of chanciness at stake (because we need to recast the comparison class as the population as a whole rather than the agent alone). I argued that this claim fails on its own terms, undermining both the constitutive luck literature and the regress argument it is designed to save.

So, is constitutive luck confused? It must be admitted that I have not shown as much: even if my rebuttals of Hartman and Latus are accepted, there might be another way of making sense of constitutive luck that works (and allows it to play its assigned role in the regress argument). But, in my view, the prospects are dim. Moreover, I think that there are two obvious error theories that can explain why claims about constitutive luck are tempting: for one thing, it is extremely difficult to distinguish essential from non-essential talents and abilities (and, as seen in section 1 of this article, the latter, even if not the former,

can be chancy); and, for another, even if an agent might not be lucky to have a certain trait, she might be lucky to live in a society in which that trait is rare or highly prized, and those two things are also difficult to distinguish (and luck in the society in which one lives might be sufficient for a luck egalitarian project even with regard to essential properties).⁴³

Does this mean that, in my view, the moral luck regress argument fails? Perhaps surprisingly, I think the answer to this question is “no.” To be sure, the regress argument would not be able to regress all the way to constitutive luck, and Nagel’s talk of extensionless points would have to be regarded as hyperbole. But, observe how much of conventional morality would have to be revised if we were to assert that the only legitimate moral appraisals are those that are based, ultimately, on agents’ constitutions. The moral luck denier’s position is not rendered irretrievably absurd by the moral luck regress argument, but the argument does reveal how much of a bullet the moral luck denier has to bite—and perhaps that is all that we should ask of a philosophical argument anyway.

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⁴³ Hales argues against this second strategy for vindicating luck egalitarianism on the grounds that it is not chancy whether, for example, an individual is born into a racist society and, therefore, enjoys corresponding privilege or disadvantage (Hales, ‘A Problem for Moral Luck’, 2015, p. 2392). But, Hales’ argument does not work. To see why, let us accept the following three claims: (1) America is a racist society; (2) America is not as racist today as it once was; and (3) in the future, America might not be as racist as it is today. If we accept all of this (i.e., if we accept that America is racist but that, historically, it has been and is still changing, moving from more racist to less so), then it will suffice for luck egalitarianism for there to be a close possible world in which these changes begin earlier or take place at a faster pace, and it is at least not obvious how to rule this out. From this it may be seen that, even if Hales is right that it is not chancy whether an individual is born into a racist society and, therefore, enjoys corresponding privilege or disadvantage, this does not suffice to show that luck egalitarianism cannot appeal to chanciness when talking about constitutive properties and distributive justice.

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The moral function of standing to blame

David C. Vogt

To have moral standing to blame is to have a right to blame. But what kind of right is it, and what follows from having or lacking standing? I will argue that the function of standing norms is to protect the freedom and interests of persons who are or could be blamed. Moral standing to blame, I will claim, is a power according to Wesley Hohfeld's classification of rights. It is a normative power to call for an uptake of blame from someone who is liable to blame, i.e., someone who is blameworthy. I make three further claims in distinction to recent scholarship on standing: I argue that the concept of standing does not apply at all to private blame, only to expressed blame; I claim that standing cannot be understood as only a privilege-right; and I argue that there is not a conceptual asymmetry between standing to blame and standing to forgive.

Introduction

To have moral standing to blame is to have a right to blame. But what kind of right is it, and what follows from having or lacking standing? I will argue that the function of standing norms is to protect the freedom and interests of persons who are or could be blamed. Moral standing to blame, I will claim, is a power according to Wesley Hohfeld's classification of rights.¹ It is a normative power to call for an uptake of blame from someone who is liable to blame, i.e., someone who is blameworthy.

I will start by laying out my own view, before engaging with four recent contributions to the scholarship on standing by Matt King, Ori J. Herstein, James Edwards, and Kyle G. Fritz and Daniel J. Miller.² Their views differ in various ways from my proposal. I will argue that the concept of standing does not apply at all to private blame – it serves no valuable moral function in protecting the rights-holder when blame is not expressed. I will claim that standing cannot be understood as only a privilege-right. And I

¹ Wesley Newcomb Hohfeld, 'Some Fundamental Legal Conceptions as Applied in Judicial Reasoning', *The Yale Law Journal* 23, no. 1 (1913).

² Matt King, 'Skepticism about the Standing to Blame', in *Oxford Studies in Agency and Responsibility Volume 6*, ed. David Shoemaker (Oxford: Oxford UP, 2019); Ori J. Herstein, 'Understanding Standing: Permission to Deflect Reasons', *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 174, no. 12 (2017); James Edwards, 'Standing to Hold Responsible', *Journal of Moral Philosophy* 16 (2019); Kyle G. Fritz and Daniel J. Miller, 'A Standing Asymmetry between Blame and Forgiveness', *Ethics* 132, no. 4 (2022).

will argue that there is not a conceptual asymmetry between standing to blame and standing to forgive.

The right to blame

There is debate in the philosophical literature about the meaning of the concept of standing, as well as about its relevance. The fact that the word is used about two different moral phenomena can create some confusion. Sometimes it is used as a synonym for “esteem” or “status”, as when someone says that “Magnus has high standing among chess players”. When we talk of standing to blame, however, we are talking about the right to blame. This view that standing to blame is a right or an entitlement to blame is the standard view in the literature (although it is rarely specified which type of right standing is).³

Not all who agree that the concept of standing signifies a right to blame think it refers to a real moral phenomenon. They agree about the standard meaning of standing, but they disagree about its relevance. As King says, “I don’t think there is a right to blame. That isn’t to say one is never justified in blaming. Rather, blame just isn’t something to which one has a right”.⁴ King and other skeptics about standing do not see failure to satisfy the typical standing conditions, such as nonhypocrisy and noncomplicity, as precluding justified blame.⁵ Blame can still be appropriate and valuable, they say, for instance by providing the moral community with opportunities for learning and for strengthening adherence to moral norms.

Even if the skeptics are right that hypocritical or otherwise faulty blame can be valuable, it does not follow that it is unnecessary to require standing to blame. The standing requirement for justified blame may still serve an important moral function. This function, I will argue, is the same here as in other cases where rights restrict the pursuit of valuable goals: It is concern for the freedom and the interests of the rightsholders that motivates the restriction of potentially valuable blaming-practices.⁶

³ The standard view that standing is a right, is acknowledged either implicitly or explicitly in the following works (as well as in numerous others): Macalester Bell, ‘The Standing to Blame: A Critique’, in *Blame: Its Nature and Norms*, ed. D. Justin Coates and Neal A. Tognazzini (Oxford UP, 2012), p. 269; G. A. Cohen, ‘Casting the First Stone: Who Can, and Who Can’t, Condemn the Terrorists?’, *Royal Institute of Philosophy Supplement* 58 (2006), p. 120; Jessica Isserow and Colin Klein, ‘Hypocrisy and Moral Authority’, *Journal of Ethics and Social Philosophy* 12, no. 2 (2017), p. 202; Cristina Roadevin, ‘Hypocritical Blame, Fairness, and Standing’, *Metaphilosophy* 49, no. 1-2 (2018), p. 137; Patrick Todd, ‘A Unified Account of the Moral Standing to Blame’, *Notus* 53, no. 2 (2019), p. 359; R. Jay Wallace, ‘Hypocrisy, Moral Address, and the Equal Standing of Persons’, *Philosophy & Public Affairs* 38, no. 4 (2010), p. 317; Kyle G. Fritz and Daniel J. Miller, ‘Hypocrisy and the Standing to Blame’, *Pacific Philosophical Quarterly* 99, no. 1 (2018), p. 118. See Fritz and Miller, ‘A Standing Asymmetry between Blame and Forgiveness’, pp. 764-766, for an overview of the literature on standing that does not accept the standard view that standing is a right. This paper takes the standard view as starting point and aims to develop a more nuanced understanding of the right to blame.

⁴ King, ‘Skepticism about the Standing to Blame’, p. 7.

⁵ Bell, ‘The Standing to Blame: A Critique’; Daniela Dover, ‘The Walk and the Talk’, *The Philosophical Review* 128, no. 4 (2019); King, ‘Skepticism about the Standing to Blame’.

⁶ By taking protection of both the freedom and the interests of rightsholder as the function of the right, I intend my theory to be relevant to both of the main theories of rights: the will-theories (freedom) and the interest-theories. On this distinction, see e.g., Leif Wenar, ‘Rights’, *The Stanford Encyclopedia of Philosophy (Spring 2023 Edition)* (2023). It would take us too far off track to spell out these different functions beyond what I do in the following main text, which I hope is sufficient to show that proponents of either type of rights-theory might find it plausible that standing norms serve an important moral function.

To unpack this moral function, we can start by comparing standing to blame with standing in law.⁷ Legal standing signifies a right to initiate a lawsuit. It is a right, in other words, to hold the defendant legally to account. Moral standing to blame, correspondingly, signifies a right to hold the blamed person morally to account. Just like there are conditions on moral standing to blame, so there are conditions on legal standing, such as the condition that the suing party must have been injured by or otherwise have sufficient connection to the law or action in question.⁸

In a legal context, having to defend yourself in court can be both a financial and an emotional burden. It can also restrict your freedom by making you set aside other projects in order to prepare your defense and to stand trial. Likewise in a moral context, blame can constitute a burden and a restriction of freedom. Even if blame can sometimes take a mild and dialogical form⁹, it usually signals “disapproval”¹⁰, “opprobrium”¹¹, a “hostile attitude”¹², etc., which is experienced by the blamed as a form of “harm”¹³, “unpleasant experience”¹⁴ or “negative social effect”¹⁵ which they have an interest in avoiding. Further, when appropriate blame is conveyed to someone, they are expected to react to it. The blamed person is called to answer to the blamer.¹⁶ My blame constitutes a “demand for an uptake from my blamee, for example that he or she responds to my blame by apologizing, laying plans – possibly consulting me – for future self-improvement etc.”¹⁷ “By blaming, one creates an obligation for the blamed”.¹⁸ The blamer “imposes one’s will” on the blamed.¹⁹ The blamed person’s freedom is thus restricted, although not in the sense that they are coerced, as is the case when someone with legal standing can demand your presence in court and have their demand enforced by law. In the case of appropriate moral blaming, one’s freedom is restricted in the weaker sense that one’s choices of morally acceptable actions are constrained. Even though this does not amount to coercion, it still amounts to a demand that you undertake certain actions as opposed to other actions that you might wish to pursue. You can of course ignore the demand without formal sanctions,

⁷ Other scholars who compare standing to blame with legal standing, but who unlike me end up rejecting the analogy, are Adam Piovarchy, ‘Hypocrisy, Standing to Blame and Second-Personal Authority’, *Pacific Philosophical Quarterly* 101 (2020), p. 605; Bell, ‘The Standing to Blame: A Critique’, p. 269; Fritz and Miller, ‘A Standing Asymmetry between Blame and Forgiveness’, p. 765.

⁸ William A. Fletcher, ‘The Structure of Standing’, *The Yale Law Journal* 98, no. 2 (1988); Eugene Kontorovich, ‘What Standing Is Good For’, *Virginia Law Review* 93, no. 7 (2007).

⁹ Dover, ‘The Walk and the Talk’.

¹⁰ Roadevin, ‘Hypocritical Blame, Fairness, and Standing’, p. 138.

¹¹ Wallace, ‘Hypocrisy, Moral Address, and the Equal Standing of Persons’, p. 318.

¹² Bell, ‘The Standing to Blame: A Critique’, p. 265.

¹³ Daniel Telech and Hannah Tierney, ‘The Comparative Nonarbitrariness Norm of Blame’, *Journal of Ethics and Social Philosophy* 16, no. 1 (2019), p. 30; Todd, ‘A Unified Account of the Moral Standing to Blame’, p. 350.

¹⁴ Isserow and Klein, ‘Hypocrisy and Moral Authority’, p. 217.

¹⁵ Wallace, ‘Hypocrisy, Moral Address, and the Equal Standing of Persons’, pp. 329-330.

¹⁶ R. A. Duff, ‘Blame, Moral Standing and the Legitimacy of the Criminal Trial’, *Ratio* 23, no. 2 (2010); Coleen Macnamara, ‘Taking Demands Out of Blame’, in *Blame: Its Nature and Norms*, ed. D. Justin Coates and Neal A. Tognazzini (Oxford: Oxford UP, 2013); Piovarchy, ‘Hypocrisy, Standing to Blame and Second-Personal Authority’.

¹⁷ Kasper Lippert-Rasmussen, ‘Why the moral equality account of the hypocrite’s lack of standing to blame fails’, *Analysis* 80, no. 4 (2021), p. 667.

¹⁸ Fritz and Miller, ‘A Standing Asymmetry between Blame and Forgiveness’, p. 771.

¹⁹ Ori J. Herstein, ‘Justifying Standing to Give Reasons: Hypocrisy, Minding Your Own Business, and Knowing One’s Place’, *Philosopher’s Imprint* 20, no. 7 (2020), p. 15.

but if the blame is appropriate and expressed by someone with standing, you will thereby flaunt a morally valid demand on your actions.

With this comparison of legal and moral standing, they both serve the function of setting conditions on when the person held to account has a *pro tanto* obligation to respond appropriately to charges against them and to bear the burden of being held to account. In this way, standing norms protect both the freedom and the interests of the person who is or could be held to account. Regarding the freedom dimension, conditions on taking a person to court, such as requirements to have standing, to produce evidence, to show probable cause for indictment, etc., protect that person's freedom by allowing them *not to act* unless the suing party fulfills the requirements. Similarly, conditions on moral standing to blame protect the blamed person's freedom by allowing her not to act. She may justifiably ignore calls for an uptake of blame when the conditions are not fulfilled. The standingless blamer fails to provide the blamed with an obligation to respond on the merits of the blame.²⁰

The freedom of the blamed not to act upon standingless blame is logically entailed by the concept of standing, in the following way: The right to hold someone to account, both legally and morally, makes sense only if, in the absence of the right, the target has a right not to be held to account by that person. The target is normatively free; she is *immune* from blame from someone who does not have a right (standing) to blame. Or put differently: We all have a *right not to be blamed* unless standing conditions (and other conditions) are satisfied.

To flesh out this relationship between the right not to be blamed and the right to blame (standing), we can apply H. L. A. Hart's distinction between general rights of non-interference and special rights to override general rights. Special rights, Hart explains, entail that "the claimant has some special justification for interference with another's freedom which other persons do not have ('I have a right to be paid what you promised for my services')." ²¹ Unless someone has a special right to interfere, the default general right to noninterference applies. Rights and freedom are thus inherently connected. It would not make sense for me to claim a special right to be paid according to our contract unless you were free not to pay me had it not been for the special right. In addition, Hart notes, special rights can be freely created, for instance by signing a contract. Hence, rights presuppose freedom in two ways: a) for creating special rights, and b) as the negative against which positive rights to interfere are conceivable.²²

Applying Hart's terms, we can classify standing to blame as a special right. It is a right to demand an uptake of blame from another who by default is protected by a general right of non-interference and who therefore has a right not to be blamed unless someone else has a special right to do so. For the blamer to have this special right to blame, the blamed person must have done something to grant the special right. The blamed person must have made herself *liable* to blame – or to use a more familiar term, she must have made herself *blameworthy*.

²⁰ Herstein, 'Understanding Standing: Permission to Deflect Reasons'; Lippert-Rasmussen, 'Why the moral equality account of the hypocrite's lack of standing to blame fails'; Daniel Statman, 'Why disregarding hypocritical blame is appropriate', *Ratio* (2022).

²¹ H. L. A. Hart, 'Are There Any Natural Rights?', *The Philosophical Review* 64, no. 2 (1955), p. 183.

²² Ibid.; David C. Vogt, 'The Natural Meaning of Crime and Punishment: Denying and Affirming Freedom', *Criminal Law and Philosophy* 17 (2023)

Liability and power to blame

This way of understanding standing as a special right leads to the following analysis, which distinguishes between the grounds and the normative significance of both blameworthiness and standing to blame: The *ground* of a person's blameworthiness is her fault; she becomes blameworthy by culpably committing wrong without justification or excuse. The *normative significance* of her blameworthiness, on the other hand, is that she becomes liable to blame. As Mitchell Berman puts it, "Blameworthiness serves a liability function (removing a bar to otherwise impermissible treatments)".²³ The idea that blaming is "otherwise impermissible" makes sense only if a person by default has a general right not to be blamed unless she incurs a liability to blame – or in Hart's terminology, unless she acts autonomously (culpably) so as to grant another a special right to interfere in her sphere of freedom, which is otherwise protected by her general right to non-interference.²⁴ Note that blameworthiness merely removes a bar to justified blame. There are other conditions (at least some of which must be satisfied) for blame to be justified *all-things-considered*, such as it being proportional, deserved, conveyed in a justifiable manner, useful, etc.²⁵

Turning to standing to blame, it can sometimes be *grounded* in a special relationship between the blamer and the blamed. Other times, however, it can be grounded in our relationships *qua* members of the moral community, and hence, can apply to everyone. An example of the first might be when a parent of a child has standing to blame their co-parent for being too lenient on their common child, while others who do not partake in this special relationship do not have standing. An example of the second might be when everyone has standing to blame a drunk driver as long as they fulfill certain negative standing conditions, such as nonhypocrisy. Whenever the grounds for standing are satisfied (whatever these may be), the *normative significance* is that the blamer has the power to blame a blameworthy person. Standing is indeed a right, then, but it is a particular type of right, namely a power(-right) according to Hohfeld's schema.²⁶

Power to blame (standing) and liability to blame (blameworthiness) are thus correlative "rights positions" upon this Hohfeldian view: One cannot have standing to

²³ Mitchell N. Berman, 'Blameworthiness, desert, and luck', *Noûs* (2021), p. 1.

²⁴ There can be different grounds for special rights. Sometimes consent is sufficient. However, in the case of blame, consent is insufficient to create a special right for another to blame her. The ground for her liability is her fault, not consent to blame. Hence, if one is not blameworthy, one cannot waive the right not to be blamed.

²⁵ Whether an instance of blame is all-things-considered justified will depend on whether there is value in that instance of blame. Liability does not add value; it merely removes a bar. Desert, on the other hand, (arguably) adds value, such as when a criminal gets blamed in a way that is deserved and thereby attains the value of retributive justice. Berman, 'Blameworthiness, desert, and luck', p. 1, calls this value-adding function of desert a "favoring function", as opposed to a liability function. Different theorists apply the terminology differently. For instance, Michael McKenna, 'Directed Blame and Conversation', in *Blame: Its Nature and Norms*, ed. D. Justin Coates and Neal A. Tognazzini (Oxford: Oxford UP, 2013), p. 119, says that "blame is *deserved* by one who is blameworthy".

²⁶ Hohfeld, 'Some Fundamental Legal Conceptions as Applied in Judicial Reasoning', showed that "right" can designate four different legal positions: claim, privilege, power, and immunity. Each has a correlative legal position: duty, no-right, liability, and disability. The first two pairs of rights are first-order rights that apply directly to actions, such as the claim-right to fulfillment of a contract or the privilege-right to remain silent during arrest. The second two pairs of rights are second-order rights, meaning that they apply to other rights. They are rights to change someone else's rights and duties, i.e., to alter the normative situation of others (or in the case of immunity, to not have one's normative situation altered).

blame someone who is not liable to blame. And one cannot be liable to blame from someone who does not have standing to blame. This does not mean, of course, that one cannot be culpable if no-one has standing – one may still have acted wrongly and be at fault even if, say, everyone else has acted equally wrongly and would lack standing to blame due to hypocrisy. Put differently: The *grounds* of blameworthiness are not affected by whether others have standing to blame or not.²⁷ Indeed, with this Hohfeldian view of standing and blameworthiness, we can account for the notion that there are two separate conditions on the rightfulness of blame (which of course is a premise for the whole debate on standing as something separate from culpability). The first condition is that the blamed person must be at fault. If this condition is unfulfilled, blaming will not be in accordance with the blamed person's right (i.e., one cannot rightfully blame an innocent person). The second and separate condition is that the blamer must have standing. Standingless blame will not be in accordance with the blamed person's right, even if the blamed person is at fault and could rightfully be blamed by someone else who has standing. If the two conditions are not fulfilled, blaming is *pro tanto* wrongful.²⁸

I will explain the power to blame in more detail during the following discussion of the rival views of King, Herstein, Edwards, and Fritz and Miller.

King's denial of standing as power

King analyses standing as I do by seeing how it fits into Hohfeld's system of rights. He concludes opposite of me that standing cannot be a power:

It's perhaps most implausible that the right to blame would be a power or immunity. These are rights that alter another's normative situation. Because blaming is not something that changes rights, powers and immunities appear to have the wrong scope. The blameworthy's normative situations are not altered by being blamed. If they have duties to apologize or make amends, such duties plausibly arise from being blameworthy (or having acted wrongly), not from someone's specific blame.²⁹

²⁷ Upon the presented view of standing and blameworthiness as correlative rights positions, it is only the normative significance of one that is affected by the normative significance of the other; the grounds of the one are not affected by the grounds of the other. In other words: The grounds of blameworthiness are unaffected by the standing of others (which is why one cannot justify a wrong by appealing to the fact that others have also committed wrong and are hypocrites). Conversely, the grounds of standing to blame are unaffected by the culpability of others (which is why one cannot cancel out one's own hypocrisy or meddling by appealing to the fact that the object of blame is guilty). This means that if someone who is culpable is not currently blameworthy by anyone (the grounds of standing are unfulfilled), they will nevertheless be blameworthy by someone who has standing, or a potential person with standing, should they appear. In that sense, they are liable to blame even if the liability has not yet materialized. Conversely, if the grounds for standing are fulfilled but the person lacks standing vis-à-vis an innocent person, they will nevertheless retain their standing should the innocent become blameworthy or another person similarly placed is blameworthy. In that sense, they have standing (generally), even though they do not yet have someone over whom they can exercise their standing (specifically), just like a police officer has power to issue speeding tickets (generally) even when no-one has yet speeded and there is therefore no-one (specifically) to whom they have the right to issue a ticket.

²⁸ Fritz and Miller, 'Hypocrisy and the Standing to Blame'; Herstein, 'Justifying Standing to Give Reasons: Hypocrisy, Minding Your Own Business, and Knowing One's Place'; Kasper Lippert-Rasmussen, 'Praising Without Standing', *The Journal of Ethics* 26, no. 2 (2022), p. 230.

²⁹ King, 'Skepticism about the Standing to Blame', p. 14.

It is clearly correct that some of the blameworthy person's duties arise from having acted wrongly in the first place and not from being blamed. If a person has incurred a loss due to my fault, I ought to compensate her regardless of whether she or anyone else blame me. My moral reasons for compensating her are independent of blame. King's claim is stronger than this, however. The blameworthy person's normative situation is not altered at all by being blamed, he claims. Blame supplies no moral obligations in addition to those obligations that a blameworthy person has independently of blame. If King is correct, standing is not a power since power is the capacity to alter another's normative situation.

In response to this, we can start by considering other contexts in which a person can put someone else under a pro tanto obligation to do something. Imagine that a sick friend asks you to help clean their apartment. You may have moral obligations to help clean the apartment that are independent of the fact that your friend asks you for help (such as an obligation grounded in the fact that it is good to alleviate the suffering of sick people). In addition to such independent obligations, the fact alone that your friend asks you for help is usually understood to entail a pro tanto moral obligation to help your friend. The situation might be different if the request came from someone you didn't know, say, a representative of a corporation. A request from someone at Amazon or Google to help clean their offices would normally not be understood to create a pro tanto obligation for you to do so. It is (arguably) part of the concept of friendship that such a relationship grounds the standing to ask each other for help to undertake chores. One's relationship with a representative of a corporation (arguably) does not ground such standing.

Turning to blame, a blameworthy person has independent moral obligations to explain themselves to those who have a stake in the matter, to inform about what they have done and why, to lay out what they will do to remedy their wrong, to apologize, to relay how they will try to avoid doing the same in the future, etc. If standing is a power, however, then blame from someone with standing provides additional pro tanto obligations beyond those that arise directly from their wrongdoing. As several scholars emphasize, those additional obligations may be owed directly to the blamer, to answer to the blamer for their wrongs.³⁰ Contrariwise, if a hypocrite or someone else who lacks standing blames the blameworthy person, then their blame does not create such additional obligations.³¹ In that case, the blamed person can justifiably ignore the call for an uptake that is implied by the blame itself. They would still have independent moral obligations to answer for their faults, but not additional obligations that are grounded in the fact that they are blamed. To flesh out how blame itself may create obligations, let us consider Herstein's theory, which similarly emphasizes the additional reasons for acting that blame can create.

Herstein's denial of standing as power

Upon Herstein's theory, blame can involve a valid *directive*: "[I]n directing we purport to trigger, generate or give reasons".³² A valid directive successfully triggers a reason for acting *because of* the directive. Standing norms govern the right to give valid directives,

³⁰ Duff, 'Blame, Moral Standing and the Legitimacy of the Criminal Trial'; Fritz and Miller, 'A Standing Asymmetry between Blame and Forgiveness', p. 772; Lippert-Rasmussen, 'Why the moral equality account of the hypocrite's lack of standing to blame fails', p. 667.

³¹ Herstein, 'Understanding Standing: Permission to Deflect Reasons'; Lippert-Rasmussen, 'Why the moral equality account of the hypocrite's lack of standing to blame fails'; Statman, 'Why disregarding hypocritical blame is appropriate'.

³² Herstein, 'Understanding Standing: Permission to Deflect Reasons', p. 3115.

Herstein says. Blame from someone with standing alters the normative situation of the blamed (by giving valid directive-reasons), while lack of standing allows the blamed to disregard these directive-reasons.

Nonetheless, Herstein denies that standing is a power. If standing were a power to offer valid directive-reasons, he says, lack of power would invalidate the directive-reasons of blame. Lack of standing does not automatically invalidate directive-reasons, however. The blamed person may if she wishes take the blame as supplying valid directive-reasons. Herstein gives the example of parents who are smokers and who plead with their daughter not to take up smoking.³³ This is not an example of blaming, and it is not even clear that it is an example of hypocrisy. But for the sake of argument, let's assume that the parents do lack standing to plea with their daughter to stop smoking. In that case, Herstein says, the daughter may nevertheless choose to take their plea as a directive-reason for quitting smoking. The parents will then have succeeded in giving a valid directive even though they lack the standing to do so. If we understand standing as power, then the standingless parents do not have power, and without power, they cannot bring about the altered normative situation of the daughter. Herstein therefore denies that standing is a power, and instead claims it is "an independent and unique – and mostly overlooked – normative category".³⁴ Specifically, he sees standing norms as providing second-order reasons, that is, reasons regulating which reasons you are obligated to take into account and which you can justifiably ignore without considering their validity.

I think this postulation of an independent and unique normative category is premature. I agree with Herstein that if the parents really were able to provide the daughter with a normative reason to quit smoking simply by pleading with her to do so, then that ability to alter the normative landscape of the daughter is incompatible with their supposed lack of standing as normative power. We should rather say, in such a case, that the parents really did have standing. However, even if the parents did lack the standing (power) to create a normative reason for the daughter simply by pleading, the daughter might nevertheless choose to comply with their plea. She might, for instance, choose to heed their plea because she knows it will pain them if she doesn't. In that case, it is not their pleading in and of itself that creates the normative reason for her – it is rather the perceived negative effects of non-conformity with their wishes that motivates her, regardless of whether their wishes are expressed in a plea or not. Similarly, a person who is blamed by a hypocrite may nevertheless choose to apologize or otherwise give uptake. The fact that she chooses to give uptake is compatible with the blamer lacking the normative power (standing) to create a pro tanto moral obligation for her to apologize. The blamed may simply waive her right not to give uptake to standingless blame.

The concept of standing as power requires only that standing is *sufficient* for creating a pro tanto obligation, not that it is also necessary. The parents' pleading may be insufficient to create a pro tanto moral duty for the daughter, but there may be other sufficient grounds for such an obligation. Similarly, a legal power entails only that it is sufficient to alter legal rights and duties, not that it is also necessary. A police officer has the legal power to issue a ticket for speeding. But so does a prosecutor and a judge. Hence, the police officer's legal power is sufficient, but not necessary for imposing a legal duty to pay the fine. Applied to standing to blame: standingless blame will not succeed in putting the blamed person under obligation to answer to the blamer for their fault, for instance by

³³ Ibid., p. 3120.

³⁴ Ibid., p. 3125.

apologizing. Nevertheless, the blamed person might be under obligation to do so on other grounds (e.g., on grounds of having committed a wrong). If I steal the bike of my neighbor, who has previously done the same to another neighbor, my victim may plausibly lack standing to ask me to apologize, but that does not rule out that I have an independent pro tanto moral obligation to apologize grounded in the fact that I have stolen his bike. In sum, I may be under obligation to do something that another person does not have standing to create an obligation for me to do. This does not undermine the notion of standing as power, for if the other person did have standing, that would be sufficient for them to be able to create an obligation for me.³⁵

Standing as privilege?

Finally, I will discuss a few theories that are closer to mine, in that they acknowledge that standing is (also) a power. These are the theories of Edwards and of Fritz and Miller.³⁶ They claim, however, that moral standing to blame cannot be understood only as a power. It is both a power and a privilege, they claim. It is, in other words, both a first-order right (a privilege) and a second-order right that regulates first-order rights (a power).

Notice that the claim is not simply that the exercise of standing as a second-order right is regulated by a first-order right. If that were all, it would be trivially true. The exercise of a second-order right is always regulated by a first-order right. Sometimes it is regulated by a privilege-right, as when a prosecutor has the privilege of pressing charges in a case where there is sufficient evidence to support conviction. And sometimes it is regulated by a duty, as when a prosecutor is compelled to press charges for certain crimes, like domestic violence crimes in many jurisdictions. The same power (to make the defendant liable to answer for the charges) can thus be regulated by both a privilege and a duty. And since also the duty to prosecute entails the privilege to do so (“ought implies can”), it is trivially true that even in such cases the exercise of a power requires a privilege.³⁷ The same can be said of the power to blame: Usually it is regulated by a privilege, but we

³⁵ This same point may also be made using Hart’s distinction between general and special rights, as explained above: If Tom has a special right grounded in a contract to enter your property, it will be sufficient to override your general right of non-interference. However, even if Tom lacks that special right grounded in a contract, Jenny might have a special right grounded in something else, say, a right of emergency, if she must cross your property to get to the hospital. Paul might have no claim against you to let him enter your property, but you may waive your right to non-interference and let him enter anyhow, for instance to let him sleep in your guestroom on a cold winter night. Neither particular special right is necessary for your general right to non-interference to be overridden, but each is sufficient. The example of Paul is most similar to Herstein’s example of the standingless parents: You (in the case of Paul) and the daughter (in the case of the parents) are both immune from the claims of the others, but you can both choose to waive your rights of non-interference and grant them what they plead for.

³⁶ Edwards, ‘Standing to Hold Responsible’; Fritz and Miller, ‘A Standing Asymmetry between Blame and Forgiveness’.

³⁷ Duty entails privilege in the sense that one must be at liberty to do that which one has a duty to do, and not, of course, in the sense that one is at liberty *not* to do that which one has a duty to do. In the latter sense, duty has “a content or tenor precisely opposite to that of the privilege”, Hohfeld, ‘Some Fundamental Legal Conceptions as Applied in Judicial Reasoning’, p. 32. But, Hohfeld notes, duty and privilege can also co-exist, as when a person is under contract (duty) to do something they have a privilege to do (Hohfeld’s example is a contract to take a walk on one’s own land). What matters here is the correlative normative position to privilege: A duty entails privilege in the sense that others have no-right that one does not do that which one has a duty to do (in other words, one will not violate anyone’s right by fulfilling one’s duty; i.e., one has the privilege to do so).

might also think that under certain conditions one has a duty to blame³⁸ – in which case fulfilment of one's duty also presupposes a privilege to blame.

Against the view I have just advocated, Edwards claims that powers are not always regulated by first-order privileges: "There can be privileges without powers, and powers without privileges."³⁹ His example is of a sports referee who has power to impose duties on the players through incorrect decisions, as when the referee mistakenly awards a penalty. The referee does not have the privilege to make incorrect decisions, however. They do not have a privilege to award a team a penalty when a relevant foul has not been made. In fact, I would put it more strongly and say that the referee owes a *duty* to the team who has not made a relevant foul not to award the other team a penalty – which means that the non-fouling team has a claim-right against the referee not to do so. Can the referee have a power, then, if she does not have privilege to exercise it? No. If this were possible, it would mean that someone could have a right to do something that they have no right to do and that others have a right that they do not do. The only way to sustain such a view without contradiction, is to operate with more than one sense of right, e.g., juridical right vs. moral right; in this case, what the referee has juridical competence to do within the rules of the game vs. what they have the moral right to do. If, on the other hand, we stick to talking about one sense of right at a time (in the case of standing to blame: moral right) then Edwards is mistaken about the possibility of a power without privilege. I shall return to the issue of incorrect use of a power.

Edwards and Fritz and Miller do not merely claim that standing to blame is regulated by a first-order right, as all second-order rights are – they do not intend to make this, in my opinion, trivial point (evidently in Edwards' case, since he does not take it to be a trivial point, as we have seen). Rather, they make the stronger claim that standing to blame is in essence both a second- and a first-order right (as opposed to it being in essence a second-order right, the exercise of which is regulated by a first-order right, as I claim).⁴⁰

Edwards reaches this conclusion by defining standing in opposition to authority. The latter, he claims, entails a power independent of privilege, while the former entails both a power and privilege.⁴¹ Since power without privilege is contradictory, as I have argued above, this definition of standing ends up being unsubstantiated. Fritz and Miller's approach is more promising. They claim that sometimes standing is *only* a privilege (and sometimes it is both a power and a privilege). If they are right about that, then standing is indeed in essence both a power and a privilege.

Fritz and Miller give two arguments for why standing is sometimes only a privilege. The first argument is that standing cannot be a power when blame is private, as when a person blames another without expressing blame to her or anyone else.⁴² In such

³⁸ Kasper Lippert-Rasmussen, 'A Duty not to Remain Silent: Hypocrisy and the Lack of Standing not to Blame', *The Philosophical Quarterly* 73, no. 4 (2023).

³⁹ Edwards, 'Standing to Hold Responsible', p. 456.

⁴⁰ Ibid., p. 456; Fritz and Miller, 'A Standing Asymmetry between Blame and Forgiveness', p. 771. A negative definition of the view that Edwards and Fritz and Miller hold is presented in Lippert-Rasmussen, 'A Duty not to Remain Silent: Hypocrisy and the Lack of Standing not to Blame', p. 938: "A promising-looking view is that those without standing to blame lack either the liberty right to blame or the normative power to impose on the blamee a duty to provide an uptake to the blame (and perhaps both)." The negative formulation is helpful to see what at stake here: Edwards and Fritz and Miller's claim entails that it is sufficient for being standingless to either lack the privilege or the power to blame. When I say that standing is "in essence"/"essentially" a power, my claim amounts to a claim that it is sufficient *and necessary* for being standingless to lack the power to blame.

⁴¹ Edwards, 'Standing to Hold Responsible', p. 456.

⁴² Fritz and Miller, 'A Standing Asymmetry between Blame and Forgiveness', p. 771.

cases, blame cannot possibly alter the normative situation of the blamed person who is unaware of the blame. Therefore, it is only a privilege. I agree with the description of the problem, but not with the conclusion. Instead of giving up on the notion of standing as power, I suggest we give up on the notion of standing to privately blame.

The reason I suggest this is because the concept of standing serves no valuable moral function in cases of private blame.⁴³ Private blame does not affect the person who is blamed. As long as the blame remains private, it is only the blamer who even knows about it. While expressed blame confers a burden and an imposition of will on the object of blame, private feelings of blame toward someone do not constitute a burden or an infringement of freedom for them. Therefore, while standing norms serve a valuable normative function in cases of expressed blame (regulating power/disability and liability/immunity), they do not serve any such function when applied only to the blamer's private thoughts and feelings.

Granted, we often say things like, "I don't think you have the right to *feel* blame toward Otto". And this makes sense if we assume that your feelings will result in altered behavior toward Otto, as they often will. But in that case, this is no longer an instance of private blame. If, as stipulated, one's feelings of blame remain entirely private, then they do not affect others.

We might still have a wish that others think well of us (and not blame us), even when they do not act on their thoughts. Similarly, it is not uncommon that people wish that others find them attractive, independently (to an extent) of action.⁴⁴ Many would wish, for instance, that one's partner genuinely finds them attractive even when the partner's actions are otherwise as one would wish. Nevertheless, in such cases, "what we most care about is divorced from what amounts to a moral wrong".⁴⁵ In other words, one does not wrong anyone by not thinking of them as they would wish that one think of them, simply because others do not have the right that one think and feel in a particular way.⁴⁶

What about cases of non-directed expressed blame, where A expresses blame of B to C? If B never finds out about it, does such blame still require standing? I believe so. If A expresses blame of B, they may thereby provide the listener, C, with valid directive-

⁴³ I have elsewhere considered further theoretical benefits of applying standing norms only to expressed blame and not to private blame, David Chelsom Vogt, 'Why the Moral Equality Account of Hypocrisy Does Not Fail After All', *The Journal of Ethics* 28 (2024).

⁴⁴ David Enoch and Levi Spectre, 'There is no such thing as doxastic wrongdoing', *Philosophical Perspectives* (2022).

⁴⁵ *Ibid.*, p. 18.

⁴⁶ This applies whether one adheres to a will-theory or an interest-theory of rights (see e.g., Wenar, 'Rights'). To have a right that others must think well of you (and not blame you) would not qualify as a proper right, because such a right would not protect neither the will nor the sufficiently important interests of the right-holder to warrant a right. If one's wish that others think well of you qualifies as an interest, it is nonetheless an interest that would not suffice upon an interest-theory to justify the existence of a right. First, it is (arguably) not an interest that is important enough to be "a sufficient reason for holding some other person(s) to be under a duty", Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986), p. 166. Second, such a right could not ground a duty for anyone else, partly because one cannot sufficiently control one's feelings and thoughts of others ("ought implies can"). On a will-theory such as Kant's, one's rights are grounded in the principle that "the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law", Immanuel Kant, *The Metaphysics of Morals*, The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy (Cambridge: Cambridge UP, 1996), p. 387. It is one's choices (of means and ends of actions) and not one's wishes that are protected by rights. In other words, it is the exercise of one's will, and not one's preferences, that are protected by rights.

reasons, such as a reason to dissociate themselves from B or to convey the blame to B.⁴⁷ A requires standing to alter C's normative landscape in this way. Standing norms also protect B in case C acts on the directive-reasons A provides for them.⁴⁸

Even though private blame cannot wrong anyone, that does not mean it cannot be inappropriate and morally bad, nor that it cannot be appropriate and morally good. Specifically for private blame, I agree with King's statement quoted above: "I don't think there is a right to blame. That isn't to say one is never justified in blaming. Rather, blame just isn't something to which one has a right."⁴⁹ For expressed blame, however, I hold that the right to blame serves an important normative function, as argued above. We need the concept of standing specifically for this function, which comes in addition to considerations of appropriateness of blame that apply both to private and to expressed blame (albeit with differing considerations in the two contexts).

In sum: The fact that standing cannot be a power if standing norms are applied in a context where standing serves no proper normative function does not suggest that standing is not essentially a power. It rather suggests that standing does not apply.

Standing to forgive vs. standing to blame

Fritz and Miller give another argument for why standing to blame is sometimes only a privilege, and not a power. They do so by noting an asymmetry between standing to forgive, which they take to be a power, and standing to blame. "One can successfully blame, even if one lacks standing to do so", but "[o]ne cannot successfully forgive if one lacks the standing to do so".⁵⁰ To explain this asymmetry, Fritz and Miller introduce a distinction between normative and nonnormative functions of blame and forgiveness.

I have already described the normative functions of blame: providing the blamed with a pro tanto obligation to answer for one's fault. The nonnormative functions are, among others, to lay a social burden on the blamed and thereby to create a disincentive for the blamed and others against committing similar acts in the future.

The nonnormative functions of forgiveness are, among others, to heal wounded relationships and to serve therapeutic functions for both victims and wrongdoers, allowing them to move forward with their lives.⁵¹ The normative functions of forgiveness, on the other hand, are to alter in several ways the normative situations of forgiver, forgiven and third-parties:

⁴⁷ Leora Dahan Katz, 'Response Retributivism: Defending the duty to punish', *Law and Philosophy* 40 (2021).

⁴⁸ An anonymous reviewer has prompted me to consider a case where an FMRI machine could reveal that a person feels blame toward someone even though they do not express it. Even if that person was hypocritical or otherwise lacked standing, I would not say that they had wronged the other. The reason is, again, that I don't think that the blamed person has a right against others that they feel a certain way. I would say the same in a less fanciful example where one finds the diary of someone, and it reveals that they blame another hypocritically. I don't think the diary-writer has wronged the person they blame (presupposing that they have taken reasonable care not to share the contents of the diary). One could still claim that the private blamer displayed a vice or that their private blame was bad. But that would not amount to saying that their blame infringes upon the rights of the blamed. I elaborate on the distinction between the badness and the wrongness of hypocritical blame in Vogt, 'Why the Moral Equality Account of Hypocrisy Does Not Fail After All'.

⁴⁹ King, 'Skepticism about the Standing to Blame', p. 7.

⁵⁰ Fritz and Miller, 'A Standing Asymmetry between Blame and Forgiveness', pp. 770-771.

⁵¹ *Ibid.*, p. 783.

Through performative acts, forgiveness can function to relinquish certain rights that the victim has with respect to the wrongdoer: the right to blame, to request an apology, or to demand restitution, and perhaps the right to feel resentment. In turn, this may involve releasing the wrongdoer from or waiving corresponding obligations.⁵²

For third-parties, forgiveness may make their continued indignation toward the forgiven person inappropriate.⁵³ Fritz and Miller conclude that “[w]hile blame does not require the fulfillment of its normative functions, forgiveness does”.⁵⁴ Since power is the ability to fulfill the normative functions, standing to forgive is essentially a power, while standing to blame is not.

I am not convinced that this asymmetry runs as deep as Fritz and Miller claim. Let us first consider an example they offer, which seems to corroborate their view. It is a case where a betrayed lover says that she forgives her unfaithful partner, but where she continues to nurse resentment and to demand that the lover apologize on a daily basis. A friend who hears of this situation might respond: “It doesn’t actually sound like she has forgiven him at all”. This is an example of nonfunctional “forgiveness”, Fritz and Miller write, for if it were truly forgiveness, we would expect a transformed normative situation between the two lovers, where it is no longer appropriate to nurse resentment and to demand apologies.⁵⁵ Now imagine a case of hypocritical blame, say, where a lover who herself has unrepentantly been unfaithful blames her partner for *his* infidelity. A friend hearing of the hypocritical blame would probably not say, “It doesn’t actually sound like she has blamed him at all”.

This does indeed suggest that we tend to set a lower bar for calling something blame (normative function is unnecessary) compared to forgiveness (normative function is necessary). But what if we change the example slightly: A betrayed lover, call her Astrid, publicly proclaims that she forgives her unfaithful partner, Rolf, and as a result, friends of the couple, who have also been angry with Rolf, feel obliged to withdraw their anger, which they proceed to do. It then later turns out that Astrid has not truly forgiven Rolf and still feels resentment toward him and demands that he apologize on a daily basis. In this amended example, the forgiveness is flawed in the same way as in Fritz and Miller’s example, but it seems false to say that the declaration of forgiveness is normatively nonfunctional. When the friends heard Astrid declare her forgiveness, they may plausibly have taken it to create a pro tanto obligation for them to withdraw their anger toward Rolf, which they did. (I shall return shortly to the issue of whether this obligation is necessarily rendered void upon learning that it was based on insincere forgiveness.)

One way to analyze what is going on here, is to invoke J. L. Austin’s distinctions between different “felicity conditions” for illocutionary speech acts (such as directives to give uptake to forgiveness and blame, which constitute the normative functions that we are concerned with here). Failure to fulfill some felicity conditions represent a “misfire”, while failure to fulfill others represent an “abuse” of the speech act. When the speech act misfires it is “void or without effect”; when it is abused, however, it is “hollow” but not void or “empty”.⁵⁶ This means that in the former case, the speech act is without illocutionary force. In the latter case, however, the speech act is not without illocutionary force, but it is nevertheless flawed in the sense that it lacks some typical features of the

⁵² Ibid., p. 783.

⁵³ Ibid., p. 778, quoting Priest’s claim that forgiveness makes third-party blame “inapt”.

⁵⁴ Ibid., p. 785.

⁵⁵ Ibid., p. 785.

⁵⁶ J. L. Austin, *How To Do Things With Words* (Barakaldo Books, 2020), p. 15.

speech act. Examples of such abuses are speech acts where the speaker is “insincere” by not having those “thoughts or feelings” that the speech act normally requires.⁵⁷ Insincere forgiveness, like that of Astrid, would qualify as such an abuse, since her declaration of forgiveness lacks the feelings or thoughts that normally accompany forgiveness (i.e., the feeling of no longer nurturing resentment). The same goes for blaming when the blamer is insincere (e.g., if they don’t really believe that the blamed is at fault). Upon this analysis, it would not be correct to say, as Fritz and Miller suggest, that the betrayed lover who still feels resentment “has not forgiven at all” – she has forgiven, but her forgiveness is in a sense hollow, just like the expressed blame from someone who does not believe that the blamed has done wrong would constitute blame in words only, i.e., superficially.

Thus, when it comes to abuses, we do not find the asymmetry between forgiveness and blame that Fritz and Miller claim. What about misfires? Upon Austin’s analysis, one type of felicity condition is that “the particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked”.⁵⁸ A captain on a ship can declare a couple married, but the purser cannot (Austin’s example). The marriage ceremony would be without illocutionary effect if carried out by the purser. The same seems to apply to forgiveness without standing. Imagine, for instance, that Astrid and Rolf had long since agreed to seize their sexual relationship and that Rolf was at the time in a monogamous relationship with Ingrid. When Rolf had an affair, it was actually Ingrid that he betrayed, and not Astrid. Astrid therefore lacked standing to declare her forgiveness of Rolf, since she was not wronged by him. If the friends of Astrid, Rolf, and Ingrid heard that Astrid had forgiven Rolf, the friends might reasonably conclude that Astrid’s “forgiveness” did not provide them with a valid directive-reason to withdraw their anger toward Rolf. As with the purser “marrying” the couple on the ship, Astrid is the wrong person to fulfill the felicity conditions of the speech act of forgiving.

Now compare this with cases of standingless blame. First, when the blamer lacks standing due to meddling (i.e., when they do not fulfill the business condition on blaming⁵⁹), then the situation is symmetrical to the misfires of “marrying” and “forgiving”: It is an example of the wrong person invoking the speech act of blaming, and the blame will therefore fail to provide the blamed with a valid directive-reason to give uptake. I believe other types of lack of standing to blame can be analyzed in the same way: A hypocrite or a complicit wrongdoer are the wrong persons to convey blame. The content of their blame might be appropriate (the blamed person really is at fault in the way that the blame conveys), but the hypocrite and the complicit wrongdoer lack the power to provide the blamed with a valid directive-reason to give uptake, and hence, their blame is a misfire and therefore infelicitous.

Here again, then, the symmetry between standing to forgive and standing to blame is retained. Further, the symmetry is retained whether we consider the normative or the nonnormative functions of forgiveness and blame: If we consider only whether the normative functions of forgiveness and blame have been felicitous, it would be correct in both cases to say of standingless forgivers/blamers that “they have not forgiven/blamed at all” (the illocutionary speech act misfires). However, because both forgiveness and blame also serve nonnormative functions, it may also be *incorrect* to say of both standingless forgivers and blamers that “they have not forgiven/blamed at all”. Expressed forgiveness/blame may succeed in serving nonnormative functions even when the

⁵⁷ Ibid., p. 15.

⁵⁸ Ibid., p. 15.

⁵⁹ Bell, ‘The Standing to Blame: A Critique’, p. 264.

forgiver/blamer lacks standing (blame may still constitute a burden for the blamed; expressed forgiveness may still serve to heal relationships etc.). Imagine, for instance, that friends of Astrid and Rolf did not know that she was insincere or that she lacked standing. The fact that she declares that she forgives him may cause the friends to withdraw their anger toward Rolf, just like blame from a hypocrite may cause the blamed distress (nonnormative functions). Further, if the friends do not know that Astrid lacks standing (or if a blamed person does not know that the blamer is a hypocrite), the felicity conditions will seem to them to be fulfilled, and they may perceive the speech act as providing them with a valid directive-reason to give uptake (normative functions).

This shows a further analogy with the legal concept of standing, for in law too it can sometimes be the case that lack of standing does not preclude successfully holding someone (legally) to account. Joseph Raz writes of legal standing: "If the issue of standing is not raised early in a process, it may be too late to raise it later. In particular, a court's decision given in an action that the plaintiff had no standing to initiate is unlikely to be void, and often not even avoidable, on that ground."⁶⁰ As in the examples of standing to forgive and to blame that I have given, someone who lacks legal standing can thus sometimes de facto alter the normative situations of others, when the lack of standing is unknown to the relevant parties. Unlike Raz, I do not take this to be an argument against understanding standing as a power. As mentioned in the discussion of Herstein's theory above: Standing (power) is sufficient to create a pro tanto obligation for another person. It is not always necessary for doing so. Hence, even if the court were later to find out that the plaintiff lacked standing to initiate an action, it might nevertheless find sufficient obligations on other grounds to proceed with the action. Similarly, the friends of Astrid and Rolf who withdrew their anger when they did not know that Astrid had lacked standing, might for other reasons find it best to continue to withhold their anger even if they were later to learn the truth. They might perhaps decide that it would be inappropriate to rekindle their anger toward Rolf after having moved on. Similarly with regard to Edwards' example of the incorrect decisions of sports referees: Although referees do not have the moral power to grant penalties when there is no foul, they do have a juridical power within the rules of the game to call penalties when they assess that one has occurred. Even players who are absolutely sure that there was no foul might for other reasons feel morally obliged to accept the referee's decision (e.g., they accept the moral obligation to uphold the juridical rules of the game, including the power of the referee to make bona fide mistakes – only if the players think the referee is corrupt would they rather walk off the field than to accept the decision).

The view I have argued for, that moral standing to blame and to forgive, as well as legal standing, are all to be understood as powers, does not entail that we apply the same threshold for determining when the conditions for the practice to which standing relates are fulfilled. It might well be the case, as Fritz and Miller claim, that we tend to call something blame if it fulfills at least its nonnormative functions, whereas we tend to set a higher bar for calling something forgiveness, requiring the forgiver's sincerity for it to qualify as proper forgiveness. This asymmetry of threshold in typical cases does not show an essential asymmetry of the concepts of standing to blame and to forgive, as I have shown with my examples above.

Indeed, the fact that we tend to set the bar lower for an expression of blame to qualify as blaming than for an expression of forgiveness to qualify as forgiveness, suggests

⁶⁰ Joseph Raz, 'On Respect, Authority, and Neutrality: A Response', *Ethics* 120 (2010), p. 293.

that standing to blame does actually serve the function I have claimed, to protect the freedom and interests of the blamed. Because the nonnormative functions of blame are themselves often harmful to the blamed person's interests and freedom, it is useful to apply the concept of blame in a way that lets us qualify a given instance as an instance of *unjustified blame* due to lack of standing. The nonnormative functions of forgiveness, on the other hand, are rarely harmful to the freedom and interests of the parties. For that reason, we rarely need to apply the concept of forgiveness in a way that lets us qualify a given instance as an instance of unjustified forgiveness due to lack of standing. In short, we rarely need to investigate whether someone who claims to forgive actually does so in the full sense that has normative implications for others, but we often need to investigate whether someone who claims to blame does so in the full sense that has normative implications for others. While the pertinent question regarding forgiveness is usually whether it has taken place or not, the pertinent question regarding blame is usually whether it is justified or not. Hence, we can understand why it may be useful to apply the vocabulary of blame and forgiveness as we do, without thereby concluding that there is an asymmetry at a conceptual level between standing to blame and standing to forgive.

Conclusion

I have argued that the norms that regulate standing to blame function to protect the freedom and the interests of persons who are or could be blamed. Against the views of King and Herstein, I have claimed that standing is a power. Against the views of Edwards and Fritz and Miller, I have claimed that standing is not essentially a first-order privilege-right. Further, I have argued that there is not an asymmetry at a conceptual level between standing to blame and standing to forgive. I have also argued that standing norms do not apply to private blame, because the concept of standing would not serve any important moral function when blame is not expressed.

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Towards Artificial Wildlife: Speciesism and Intelligent Machines

Spyridon Stelios & Georgios Sakellariou

During the recent debates on the spread of artificial intelligence (AI), fears have been expressed about the possible dominance of intelligent machines over humans. In this article we explore the foundations on which this dystopian perspective of the threat to human sovereignty posed by the development of AI has been based. The research hypothesis is that the idea of the potential (future) supremacy of intelligent and ultraintelligent machines is based on the same intelligence-driven prejudice as represented by the theory of speciesism. If machines are seen as a new species, they not only differ from non-human animals but also follow a reverse course of development, regarding their relationship with man. Following this line of thought, we claim that a gradual ‘undomestication’ of machines is witnessed; a transition to a new state, which is further evidenced through the examination of the concepts of “autonomy” and “consciousness”. Finally, it is argued that the theoretical background to study and interpret scenarios about machine dominance over humans is already here. It is applied in the field of environmental ethics.

Introduction

During the recent public debate about the spread of artificial intelligence (AI), fears have been expressed about the possible dominance of intelligent machines over humans. This dystopian perspective is not new, as it was developed in the 50s, almost in parallel with the theoretical birth of the interdisciplinary field of AI. The scenario of creating programs and machines with intelligence superior to human intelligence seems to have always been present in the minds of the creators of such programs and machines.

This article explores the foundations on which the dystopian perspective of the threat to human sovereignty posed by the development of AI has been based. The research hypothesis is that the potential (future) supremacy of intelligent and ultraintelligent machines is based on the same prejudice as represented by the theory of speciesism in the context of environmental ethics. Machines differ from non-human animals in that they have followed a reverse course of development regarding their relationship with humanity, even though various parallels have been drawn between the former and the latter. AI-based machines, unlike animals, seem to become ‘wild’ or ‘undomesticated’

through the development of computer science. The phenomenon of the 'undomestication' of machines, which is further evidenced through the examination of the concepts of "autonomy" and "consciousness", is being discussed. This gradual process explains the growing fear of humanity about the evolving phenomenon of AI.

The artificial mind

The starting point for the research hypothesis is an examination of the nature of AI as discussed by two important philosophers long before this kind of technology infiltrated our daily lives and demonstrated the achievements it displays today. This investigation, included in this section, is important because it provides a theoretical background that enables the comparison between human and artificial intelligence. This way the attribution of a higher level of intelligence to machines makes sense.

According to Hilary Putnam, the fundamental nature of the mind cannot be mapped by AI. In his paper entitled "Artificial intelligence: much ado about not very much"¹, Putnam begins with the question "Does artificial intelligence teach us anything important about the mind?" answering that he is of the opinion that it does not. Maybe in the future it will teach something that matters regarding how human beings think. Even if that is the case though, why should people be so excited about AI now? Perhaps because what influences and excites humanity is the prospects deriving from AI, or, in other words, what might be possible through making use of AI, but not AI itself.

Today, and mostly because of the groundbreaking work of Alan Turing in the 1950s, the mind can be considered as a model of computational processes. As such, it is associated with AI. This computational mental model is, of course, not identical with or derived from AI. In fact, the idea of the mind as a kind of computational machine dates back to the seventeenth century.² Thus, today's computer science is not, in the first place, the same as artificial intelligence. In modern times, however, to get to AI, people must first get to and through computers. The modern digital computer is a functional implementation of the idea of a Turing machine, and its continuous and indisputable improvement, both in terms of software and of hardware, is not carried out by AI experts. Achievements such as, for example, the huge improvement in the ability of machines to play chess are mainly due to the findings of computer engineers, not due to the findings of AI researchers.

AI is a subcategory of computer design, with the latter belonging to the fields of engineering and programming. For Putnam, AI has become 'notorious' due to exaggerated claims, such as that it is a fundamental discipline and even that it is epistemology. So, one objective for computer engineers was, and most probably still, is to develop software that will allow computers to simulate or replicate the achievements of what is intuitively recognized by human beings as "intelligence". Putnam³, however, puts forward a rather controversial position; even though AI has so far highlighted many issues of real interest to computer science in general, it has shed very little light on the function of the human mind. Indeed, the field of AI has not made any contributions beyond the issues which Alan Turing discussed in the early and mid-twentieth century.

¹ Hilary Putnam, 'Artificial Intelligence: Much Ado About not Very Much', *Daedalus*, 117:1 (1988), pp. 269-281.

² Putnam, 'Artificial Intelligence: Much Ado About not Very Much', p. 269.

³ *Ibid.*, p. 270.

Against the skepticism of Putnam and other philosophers about the potential of AI, Daniel C. Dennett, in his article entitled "When philosophers encounter artificial intelligence"⁴, argues that what is essentially under discussion is a conflict between basic methodological assumptions. Most philosophers tend to view the results of AI with contempt similar to the contempt existing for those who persistently continue trying to square the circle or trisect the angle using a straightedge and a compass. There is evidence, they are told, that this cannot be done. Thus, in essence what they are told is "It cannot be done, so drop it!"⁵. Nevertheless, since a parallel cannot be drawn between evidence regarding AI and evidence about unsolved problems of geometry possibly related to a compass and a straightedge, the contemptuous responses in both cases are neither similar nor comparable; such evidence regarding AI consists of assumptions about 'reasonable' conditions. It contains idealizations that may be proven to be irrelevant to the squaring of the circle and the trisection of the angle, as well as to the case of the infamous aerodynamic laws, which are in essence biological assumptions, asserting that bumblebees cannot fly. What was the aforementioned case regarding the flying of bumblebees about?

From the early twentieth century, the ideas that, in aerodynamic terms, bumblebees could not fly or that their flight did not comply with the known aerodynamic laws were widely spread. The reason is that their wings are too small for their body size. However, since bumblebees have the ability to fly, there is obviously another underlying cause which enables them to do so, such as an undiscovered aerodynamic principle; and it was correctly assumed that, by managing to exploit that principle, it would be possible for scientists to create lift of aircraft with smaller wings or propellers. Therefore, engineers could not explain the biological flight mechanism of the bumblebee until the early 2000s, when the aerodynamics of that flight was solved by modern computational fluid dynamics, which accurately modelled the insect's flight. In fact, brute force rather than aerodynamic efficiency is the key to bumblebee flight.⁶

By the same token, according to Dennett, some philosophers argue that there can be no real intelligence with computers. It is like saying, "There is evidence that it cannot be done, so let it go, do not bother, it cannot be done with computers." Nonetheless, this certainty is not based on computer science. It is based on biological, psychological and other evidence. Consequently, this view can be somewhat arbitrary. Indeed, let us not lose sight of the fact that computer science is evolving, just as the ability to model the bumblebee flight has evolved.

The presentation, perhaps even conflict, of these two important philosophers' views does not bring out a clear answer as to the value of AI in relation to the mind. Nevertheless, it is useful as it represents an in-depth analysis of the supposed nature of AI. In general, Putnam argues that the human mind cannot be mapped with non-biological tools such as computing systems. Dennett argues that this confidence is methodologically wrong as it applies biological evidence to the field of computer science. In other words, this certainty, if it can be stated, should be stated by a computer scientist. These two views are still relevant to the present AI debate concerning the possibility of AI causing human

⁴ Daniel C. Dennett, 'When Philosophers Encounter Artificial Intelligence', *Daedalus* 117:1 (1988), pp. 283-295.

⁵ Dennett, 'When Philosophers Encounter Artificial Intelligence', p. 292.

⁶ University of Oxford, *Flight of the bumble bee is based more on brute force than aerodynamic efficiency*, ScienceDaily (10 May 2009), online at <https://www.sciencedaily.com/releases/2009/05/090507194511.htm> (accessed 2023-05-17).

extinction. They conceptually bridge artificial and biological intelligence making it possible to formulate dystopian scenarios (see next section) as included in the AI debate. In addition, both different approaches can be reconciled based on the following argument:

(1) Within computer science, a form of (computational) intelligence is currently being developed.

(2) Computers define our lives.

Therefore, developing computer intelligence defines our lives.

Evidence of this defining impact of computational intelligence on our lives is almost everywhere. Apart from increasingly employed in various businesses and industries, AI is now being developed to make everyday life a “piece of cake”. Intelligent machines are instrumental in optimizing the way we interact with each other, entertain ourselves, and complete various tasks.

The dystopian scenario

This new developing kind of intelligence, which already defines our everyday life, can lead to very high levels of computational processes. At this point the term “ultraintelligent” makes its appearance, denoting an overall intelligence much higher than that of humans, and therefore disproportionately powerful. Ultraintelligence will be gradually mastered, by means of new levels of AI achieved through recursive self-improvement. This rather dystopian perspective seems to have been founded as early as the 1960s. According to I. J. Good:

Let an ultraintelligent machine be defined as a machine that can far surpass all the intellectual activities of any man however clever. Since the design of machine is one of these intellectual activities, an ultraintelligent machine could design even better machines; there would then unquestionably be an “intelligence explosion,” and the intelligence of man would be left far behind.⁷

Ultraintelligent machines would, in this context, be superior to humans. This scenario was also implied by Alan Turing. Turing with his “Heads in the Sand” objection⁸ notes that, if there were thinking machines, then most possibly they could think much better than people can. Based on that, the possibility that humans might be supplanted or dominated by machines would become a genuine worry. This is not an argument against the claim that machines can think. It represents various fears about what might follow if thinking machines existed.

Bostrom⁹ supposes that an ultraintelligent or superintelligent machine wants to take control of the world. Would it be able to do so? Most probably it would, if it developed certain powers that could enable it to achieve global dominion. The necessary condition for these powers is a level of intelligence higher than human intelligence. The human being is the benchmark since humanity’s dominant position on Earth is based on our brain’s

⁷ Irving John Good, ‘Speculations Concerning the First Ultraintelligent Machine’, *Advances in Computers* 6 (1966), pp. 31–88, at p. 33.

⁸ Alan Mathison Turing ‘Computing Machinery and Intelligence’, *Mind* 59 (1950), pp. 433– 460, at p. 444.

⁹ Nick Bostrom, *Superintelligence: Paths, Dangers, Strategies*, Oxford, UK: Oxford University Press (2014), p. 9.

slightly expanded set of faculties in comparison with other animals. Artificial entities with that level of intelligence could accumulate content faster than human beings, making accomplishments such as new inventions much faster than humans. The worst-case scenario is that artificial entities may make use of their intelligence in order to implement strategies against humans.

This potentially dangerous kind of intelligence, resulting from silicon-based forms of organization of matter, is different from carbon-based human intelligence. Thus, scientists can regard ultra-intelligent machines – alongside intelligent machines – as a new “species” which is artificial, but at the same time shares with human beings the common characteristic of cognition. On the basis of this, a prejudice can then be formed concerning the superiority of machines over humans. Such a prejudice could lead to dystopian scenarios that have already been presented in the fields of literature and cinematography. These superior artificial beings, on the assumption that they are autonomous and/or self-conscious, will serve their own interests, potentially threatening the human interests. They will follow the successful, in evolutionary terms, example of humans versus animals, when the former found themselves to be in a position of power.

Speciesism

This prejudice is reminiscent of the theory of speciesism,¹⁰ which is studied in the context of Environmental Ethics. Speciesism refers to viewing members of one species as morally more important than members of another species with regard to both species’ similar interests. It is regarded as discrimination and unjustified treatment, based on an individual’s membership. It is differential treatment, without taking into consideration whether such treatment is justifiable or not. It is actually a prejudice or attitude of partiality. Speciesists allow the interests of their own species to override the greater interests of members of other species.¹¹

For instance, humans demonstrate speciesism when they consider the interests of non-human animals to be less important than the similar interests of humans. It is certainly not speciesist to believe that in some cases human life is more important than that of non-human animals; what is speciesist is to argue that always, in all cases, human life is more important. Besides, it is not speciesist to declare that apes should teach physics; apes do not have that ability. However, it is speciesist to argue that apes should be used in medical experiments that are not absolutely necessary, simply because they are not human beings.¹² The corollary of speciesism is that humans have the right to use non-human animals.

What is this prejudice caused by? It is unquestionably caused by the existence of the unique human mind, which is substantially different from the mind of other species. Even though there are degrees of self-awareness in other animals, the advantage of human intelligence over the intelligence of non-human animals is the realization and use of abstract concepts. Furthermore, humans’ different natural intelligence and consciousness seem to be inextricably tied to the biological substrate called “brain”. So, this prejudice can

¹⁰ Peter Singer, ‘All Animals Are Equal’, *Philosophic Exchange* 5:1 (1974), pp. 103-116.

¹¹ Singer, ‘All Animals Are Equal’, p. 108.

¹² Sarah Grey and Joe Cleffie, ‘Peter Singer’s race problem’, *Jacobin* (8 June 2015), online at, <https://jacobin.com/2015/08/animal-rights-cecil-the-lion-peter-singer-speciesism> (accessed 2023-05-17).

be attributed to the intelligence and ability of humans, among other things, to visualise themselves as existent in the past, present and future. Nevertheless, intelligence - regarded as the ability to deal with various situations, use reason, apply knowledge to one's environment and to think in an abstract way - is not the only criterion for distinguishing between human and non-human animals. This is further reinforced by the fact that, although there are humans with severe intellectual disabilities, we still consider them to be superior to non-human animals. Therefore, the life of a human being, regardless of her/his intellectual abilities, is always of greater value in comparison to the life of the most intelligent non-human animal. However, it is worth mentioning that intelligence remains a key ingredient that lays the foundations of the concept of speciesism.

Domestication

An example of the realization of humans' speciesism is the domestication of animals. The wolf (that is, after its domestication, the dog), the sheep and other animals considered to have weaker mental abilities than humans were gradually brought under human control. For Shipman,¹³ the initial mainspring of animal domestication seems to have been not only primary products (i.e. meat) but also secondary products such as milk, wool, manure, traction (dragging ploughs in agriculture), pack transport, riding, etc. By creating domesticated animals, human beings have in effect created a kind of living tools. In this way, domestic animals represent a kind of human exosomatic adaptation. They are tools used with the objectives of expanding the resources humans can exploit and of them further cultivating their abilities.

It is evident that, regarding the relationship between humans and animals, the effects of animal domestication have not particularly benefited the animals themselves. More specifically, before ecoculturalism (domestication), within traditional hunter-gatherer societies, where humans and animals shared the environment and its resources, the human-animal relationship was often one of mutual trust - and actually the animals hunted by humans were regarded by them as equals. However, due to the advent of domestication, that human-animal relationship was transformed into a relationship of human domination and control over animals. Humans assumed the role of the master/owner and animals assumed the role of property. Animals were transformed into assets, into objects, so that they could be owned, inherited and exchanged.¹⁴ Through domestication, ultimately, humans affirmed the superiority of the human species.

How are speciesism and domestication of animals related to the dystopian scenario of the potential superiority of intelligent machines? If intelligent machines are regarded as a new 'species' which on the one hand is artificial and on the other hand has the common feature of cognition, then a new quasi-speciesism is likely to be formed. In other words, a prejudice advocating the superiority of machines over humans may emerge. It is a fictitious speciesism recognized by the potential victim and not (yet) by the potential perpetrator. It is not about the practice of treating members of one species as more important, in moral terms, than members of other species, but it is an outlook that is born from the impressive development of technology. For this reason, it is almost a specialty. Based on that, the artificial superior beings will serve their own interests, alongside with

¹³ Pat Shipman, *The Animal Connection*, New York: W. W. Norton & Company (2011), pp. 250-252.

¹⁴ Tim Ingold, 'From Trust to Domination: An Alternative History of Human Animal Relations', in *Animals and Human Society: Changing Perspectives*, edited by Aubrey Manning and James Serpell. London: Routledge (1994), pp. 1-22, pp. 6-9.

threatening the interests of the human species. They will follow the successful, in evolutionary terms, example of humans versus animals. In this case, however, humans will be the beings that will be domesticated. Following this line of thought, the question of how much humans are justified in treating machines worse than themselves just because machines do not belong to the same species emerges. One way of answering that is by addressing the issue of a conscious or self-conscious artificial being, which is discussed in the next section. Be that as it may, what the quasi-speciesism hypothesis suggests is that, within environmental ethics, we could ascribe morally relevant interests to an entity regardless of whether it has consciousness.

Speciesism based on the level of intelligence lays the foundations for the fears expressed about the predominance of machines over humans. It is possible that the deepest cause of human fears towards the evolution of AI comes from the example of domesticated animals. Being aware of the implications of animal domestication on animals, humans are fearful of the implications of machines of intelligence superior to theirs domesticating them. The example of the sheep and other animals raises the possible prospect of our own "domestication" by machines, which will occur in a context uncontrollable by humans. For the first time in thousands of years, the interests and primacy of the human species are now being threatened, shaping the moral attitudes humans have and will most possibly continue to have towards intelligent machines.

It should not be overlooked that, today, human beings instrumentally use AI applications in the same way they exploit domestic animals. In this sense, "intelligent" machines can be subsumed into the broader category of domesticated beings. It is apparent that such machines are artificial beings and not natural ones, but they are similar to the latter in the sense that they possess a kind of intelligence as well.

The concept of "autonomy" is extremely important. Intelligence is a personal trait attributed to an autonomous agent. Therefore, autonomy is the criterion on which the distinction between 'wild' / 'undomesticated' and 'tame' / 'domesticated' environment is based. Creatures living in the wild are characterized by autonomy regarding both their existence and functioning. In this context, what is of particular interest is that today the degree of autonomy of an intelligent agent is a pursued goal and is also proportional to that system's value and usefulness.

Autonomy and consciousness

Autonomy, seen broadly as the condition of self-government and/or self-control, is an important factor in the AI debate. If a machine demonstrates autonomy in its operations, then it can take conscious action towards an end and exhibit moral behavior. For instance, it may regard some kind of human behavior or action as bad and, as a consequence, it is likely to react against this behavior by harming the person who has been the agent of these. It becomes evident that autonomy, being an additional condition of behavior and decision-making, is a characteristic of paramount importance. This is because autonomy determines issues of accountability between computer engineers and the machines they create.

Autonomy has also been the criterion for distinguishing between a natural and an artificial state. Natural beings seem to have autonomy in their existence and functioning. According to Aristotle's *Physics*,¹⁵ natural things differ from things which are not natural

¹⁵ Aristotle. *Complete Works vol. 1, The Revised Oxford Translation*, edited by Jonathan Barnes. Princeton, N.J.: Princeton University Press (1991), 192b24-192b32

in that they have within themselves a principle of motion and of stationariness. They are born and changed by an internal power, which is exclusively their own. an energy that exists within them. Artificial products, such as houses and other products of manual labour, have not got within themselves the principle of their own reproduction. That principle exists, but in something else external to the artificial thing. Artificial things owe their creation, their “birth”, as well as any change they undergo to the craftsman, who is a mental and physical actor existing outside of them.

Dennett¹⁶ offers a particularly enlightening account of the concept. Autonomy is a real situation which can be defined quite clearly through physics and engineering. The concept that unlocks its decoding is the “degrees of freedom”. Each degree of freedom, that is, each independent displacement or motion of a (mechanical) system, represents an opportunity for control. For example, human beings have a lot more degrees of freedom in their fingers, in comparison to humanoid robots, like Honda’s ASIMO or Engineered Arts’ Ameca. However, human beings do not have as many degrees of freedom as there are in an octopus tentacle. If there are more degrees of freedom than buttons for controlling them, then those degrees of freedom are going to be either out of control or remotely controlled. Following this line of thinking, autonomy means self-control, in contrast with being out of control or under remote control.

Remote control is exercised by agents that have purposes, plans, etc. For Dennett¹⁷ agency is an “intentional system”. A man, machine or alien creature is an intentional system in relation to the strategies of someone who tries to explain and predict its behavior. Only beings capable of intentional states are agents; this means that both people and non-human animals such as cats or dogs are agents, thanks to being capable of intentional states and of performing acts. Moreover, intentional explanation and prediction of the behavior of artificial entities such as today’s chess-playing computers or GPT chatbots is common. Human beings seem to treat these programs as intentional systems, and they do so regardless of any considerations about what substance these programs are composed of, about their origin, their consciousness or self-consciousness or even the determinacy or not of their operations.¹⁸

In contrast, trees are not agents. Trees grow and drop leaves, but this is not something that happens as the result of an action on their part.¹⁹ Moreover, trees are not remotely controlled. Even though the falling of autumn leaves from the trees is not controlled by the wind or gravity, it is caused by the wind and by gravity. Gravity or the wind are not agents, as they do not make the leaves go where they go because of certain plans or goals. They cause the falling, but do not control it. Thus, falling leaves are out of control.²⁰

Based on the above, autonomy means having a greater number of control buttons on your degrees of freedom than the number of degrees of freedom is (see Scheme 1).

¹⁶ Daniel C. Dennett, ‘Autonomy, Consciousness, and Freedom’, *The Amherst Lecture in Philosophy* 14 (2019), pp. 1–22, at pp. 1-2.

¹⁷ Daniel C. Dennett, *Brainstorms: Philosophical Essays on Mind and Psychology*, Fortieth Anniversary Edition, Cambridge, MA: MIT Press (2017), p. 3.

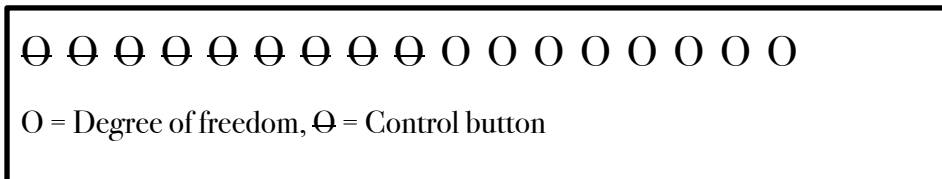
¹⁸ Dennett, *Brainstorms: Philosophical Essays on Mind and Psychology*, p. 7.

¹⁹ Kenneth Einar Himma, ‘Artificial Agency, Consciousness, and the Criteria for Moral Agency: What Properties Must an Artificial Agent Have to be a Moral Agent?’ *Ethics and Information Technology*, 11:1 (2009), pp. 19-29, at p. 20 as cited in David J. Gunkel, *The Machine Question: Critical Perspectives on AI, Robots, and Ethics*, Cambridge, MA: The MIT Press (2012), p. 19.

²⁰ Dennett, ‘Autonomy, Consciousness, and Freedom’, p. 5.

Today, machines through machine learning and deep learning gain more self-control over their degrees of freedom. Machine learning includes algorithms that parse data and learn from them, which leads to informed decisions. Deep learning, a subfield of machine learning, creates through algorithms a neural network that learns and makes decisions on its own. The issue under discussion is not the greater capabilities that AI systems acquire, but the self-control these systems have over them.

Scheme 1: Autonomy based on degrees of freedom



Regarding consciousness, all of us can think of reasons why humanity cannot speak of consciousness acquired by machines. Although, current computers might be regarded superior to humans in the sense that they can calculate much faster than humans, such abilities do not make them self-conscious beings. This ‘obvious’ lack of (self) consciousness retains the machines’ practical nature: they are just tools used by humans. Furthermore, any comparison at first sight between human and (assumed) machine consciousness seems meaningless. What kind of consciousness does an AI-based system have when hundreds of hours of work and a multi-member team of engineers are hidden behind it? However, Putnam²¹ would disagree with the aforementioned assumption. In his view, the arguments that support this assumption have a rather hidden and devastating flaw. They are based on only two premises concerning robots: a) that machines/robots are artifacts, that is, artificial (rather than natural) beings, and b) that they are deterministic systems whose behavior and intelligence are preselected and designed by humans. Nevertheless, the two qualities mentioned in the premises above can also be human qualities.

First and foremost, regarding the first premise, human beings are machines as well, just machines of a different physical type. All human beings are created by their parents and determined, in both form and function, by instructions contained in the genetic code. All children are produced from the building blocks of their parents' DNA. In this context, of course, one could argue that what distinguishes us from machines is that humans have free will · we can make decisions of our own. However, this viewpoint is not accepted by everyone. There exist various a priori, empirical, scientific arguments and theories for and against that thesis.²² Regarding the second premise, this deterministic dimension does not take into account all possible kinds of learning mechanisms (see e.g., the machine learning/deep learning method). Machines that are designed to learn, do not just do what they were pre-programmed to do. They often come up with unique solutions that surprise even their developers.²³ So, the question of whether computers and machines can have consciousness or even be self-conscious seems to be downplayed.

²¹ Hilary Putnam, ‘Robots: Machines or Artificially Created Life?’ *Journal of Philosophy* 61:21 (1964), pp. 668–691.

²² For a comprehensive overview: Timothy O’Connor and Christopher Franklin, ‘Free Will’, in *The Stanford Encyclopedia of Philosophy* (Winter 2022 Edition), edited by Edward N. Zalta and Uri Nodelman, online at, <https://plato.stanford.edu/archives/win2022/entries/freewill/> (accessed 2024-08-31).

²³ Gunkel, *The Machine Question: Critical Perspectives on AI, Robots, and Ethics*, p. 53.

The main issue about consciousness lies in the concept of “consciousness” itself. It is not so much whether machines and animals are conscious or not. This will most possibly remain a contentious issue, with each side offering theoretical and practical arguments for and against it respectively. The principal issue regarding consciousness is the fact that this discussion proceeds and persists with a rather flexible and not entirely consistent definition of consciousness being existent.²⁴ Even though human beings have an intuitive understanding about what is an objective and widely accepted definition of “consciousness”, this definition cannot yet be adequately framed in cognitive sciences and computation. So, human understanding of consciousness does not seem to be sufficient when humans try to translate it into a machine or answer about whether a certain agent, be it artificial or not, can be said to fulfill this kind of understanding.

So, are today's intelligent machines agents like animals? In other words, do they have the autonomy - and not necessarily the consciousness, as there are significant difficulties in defining this concept - to act on the basis of judgments that could even include attributing the quality of "evil" to the human species? If the answer is yes, then non-human animals, humans and machines may be placed on the same level of possible intentional states. In this case, the hypothesis of reverse paths (see below) becomes more valid. In other words, it is sufficient that the artificial system is understood as if it had autonomy and agency. The question, finally, of whether the 'reversed paths scenario' would still apply if the system were not conscious, cannot be adequately addressed due to the difficulty in defining consciousness.

Reverse paths

Machines and animals follow reverse paths. Machines, unlike animals, commence from a human, controlled environment of action and seem to become ‘wild’ or ‘undomesticated’ through the further development of AI. As already mentioned, this artificial wildness does not necessarily presuppose that intelligent machines will become self-conscious. Achieving a sufficient level of autonomy and thus, of ‘undomestication’ (or else, of ‘untaming’), they could stop providing assistance and necessary resources to their human creators and start making use of them. They would now assume the role of the owner, while humans would have the role of property. Some signs, if we consider them as such, of this development are manifested even today. For example, an AI chatbot's responses that resembled to implied threats against the human user.²⁵

Let us see in greater detail the way in which these two proposed processes are formed and are evolving. First, animal domestication may be presented through a three-step process (see Figure 1). Undomesticated animals compete against humans in the natural environment (see for instance, wolves and hunter gatherers almost 30,000 years ago). By losing their autonomy, they assist humans, who eventually use them. Second, regarding intelligent machines, as long as artificial intelligence resembles more and more the human soul with regard to its function, the differences that place man and machine in different (social) contexts start to diminish. The question that arises is “When will there be convergence between the artificial and natural functional framework?” The answer is that

²⁴ Ibid., p. 54.

²⁵ Billy Perrigo, ‘The New AI-Powered Bing Is Threatening Users. That’s No Laughing Matter’, *Time* (17 February 2023), online at, <https://time.com/6256529/bing-openai-chatgpt-danger-alignment/> (accessed 2024-08-31).

convergence will occur when intelligent machines enter a *machinecentric* (instead of anthropocentric) ethical system (i.e. follow an ethical course) to the extent that at an initial stage the machine itself does not need human craftsmanship anymore and puts machine survival and development at the forefront. This will be the first autonomy step of the existence of machines, placing them in a reverse process of “undomestication”. In this context, they could begin exploiting humans. Maybe they see humans as a threat, the same way a wild animal does! In the wild, a basic feature of animals' stance is to defend their interests. So, the second stage of the artificial ‘undomestication’ might be the prioritization of the interests of the machine, initiating the transition to a new state, which is founded upon the application of the ‘criterion of wildness’. This development leads to the third and final stage.

Figure 1: *Animal domestication and artificial ‘undomestication’*

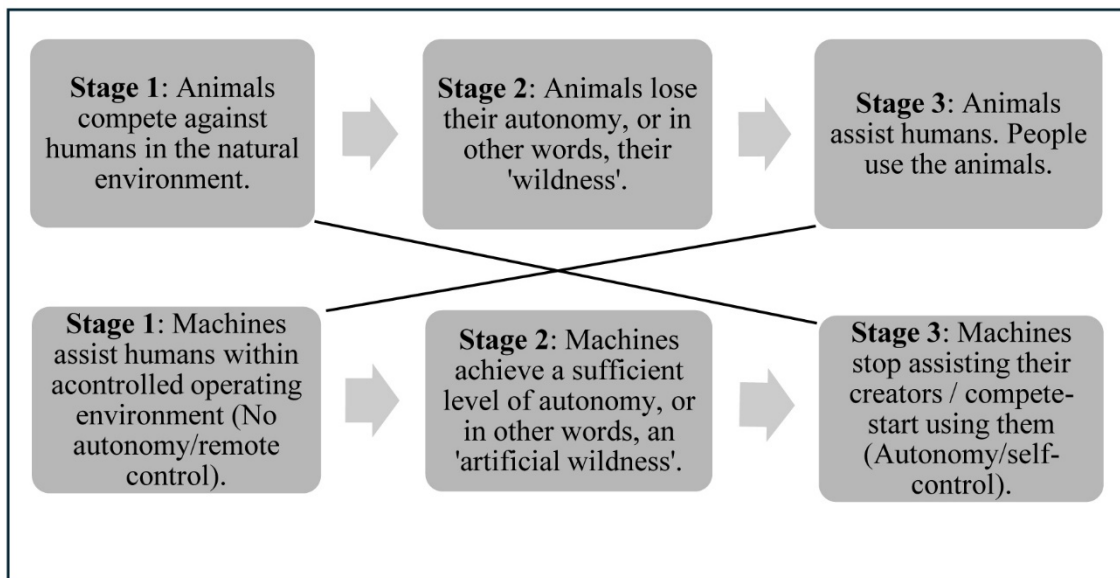
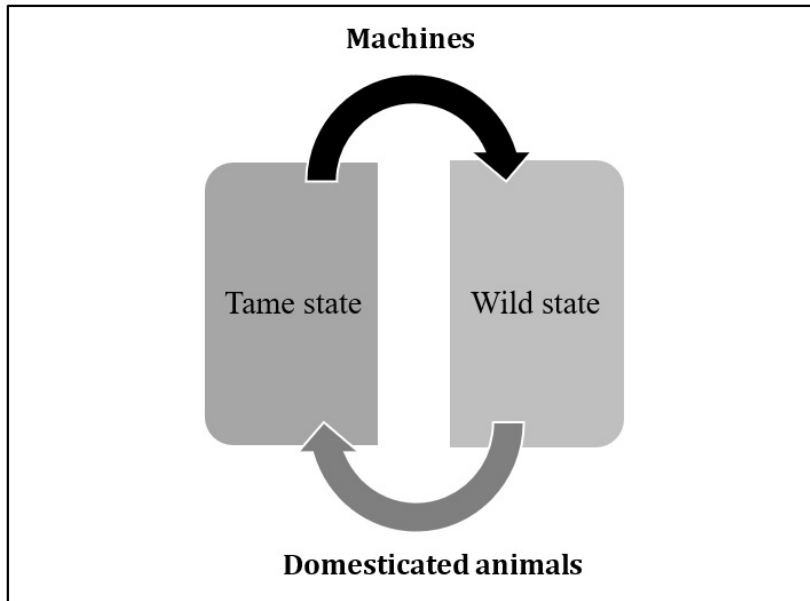


Figure 2 shows in a simpler way the historical switching of states that occurs between nonhuman animals and intelligent machines.

Figure 2: *The 'evolution' of machines' and animals' relationship with humans*



Conclusion

Recently, especially after the release of large language models, such as ChatGPT, there has been a lot of discussion about the possibilities of AI. This public debate is, for the most part, based on concerns about the increasing power and social integration of AI-based machines. These machines and programs have already begun to assimilate into human society and are charged with “stealing jobs”, as well as creativity from the human species. Moreover, it is undoubtedly true that this academic, journalistic and social concern has erupted somewhat suddenly. While there were, of course, prior studies pointing to possible unpleasant side effects, it was only when the vast majority of people saw the great potential of these chatbots that human beings began to worry. Until then, these AI-based programs were like people’s pets and domesticated animals. They were the dogs that brought people the newspaper or the cows plowing the field instead of humans.

Only when an AI program started to “show its teeth”, like a wild dog, did humans start to fear en masse and consider their next moves. The artificial wild dog is still on a leash. It is not yet among human beings, so humans do not have to hide. It cannot “smell” human fears and thus, adjust its behavior. It is limited, confined to some cyberspace corner that human beings can still observe and control. What humanity needs to do now is think about how to keep that leash as a safety measure and understand the wild nature of the new being humans themselves have allowed to develop. The reverse paths hypothesis offers a common framework for analyzing these concerns. Humans, machines, and animals as agents or non-agents are united under the umbrella of high-low intelligence, forming a wide web of relationships that change over time. As long as computational intelligence defines our lives, the stages of domestication and ‘undomestication’ can be realized.

The theoretical background to study and interpret dystopian scenarios about machine dominance over humans is already here. It is applied in the field of ethics and in particular, of environmental ethics. Environmental ethics and the theory of speciesism provide a closer look at this kind of scenarios; and it is especially useful to know how to

deal with such hypothetical situations that seem to be increasingly penetrating the collective consciousness of humanity.

Even if the intelligence developed through computers does not represent true human intelligence, this does not seem to mitigate human concerns about its future potential. Today, due to machine learning and deep learning, programs gain more self-control over their degrees of freedom. Additionally, regarding whether these programs are conscious or not, this is not a matter of concern. Autonomous or not, conscious or not, AI models have undeniably enormous computing powers which, in instrumentalist terms, resemble the functions of human intelligence. A quasi-speciesism based on the level and nature of that intelligence underlines and explains human fears about the domination of machines over people. It is true that some humans fear that intelligent machines will treat us in the same way we treat domesticated animals. This argumentation is rather psychological and not so much an ethical one. Nevertheless, this explanation has clear ethical implications since it can reflect the future ethical treatment of machines through the ethical treatment of animals. The possibility of an artificial wilderness, however unlikely it may seem, inevitably redefines the human-machine roles and correlations involved in the moral universe of humanity.

One question that arises from the above analysis is the following: Could it be that, through the wild nature of machines and due to it, humans are gradually losing self-control regarding the degrees of freedom they have? Furthermore, does this new artificial species gain all the autonomy that humans lose? These are questions mainly related to the degree of human interaction with AI. As long as this technology is integrated into every aspect of people's lives, humanity will be concerned with such issues. One thing is certain. This exciting technology is here to stay, changing the way we, the human species think about ourselves and our future.

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Permaculture: Guiding a Prefigurative Practice for Richard Bauckham's Ecotheology

Troy Bierma

I build on the ecotheological dominion discourse that emphasizes a human-nature relationship of non-exploitative, caring responsibility. I interpret Richard Bauckham's ecotheology as a quest for a religious symbol encapsulating this relationship. Bauckham identifies the images of Jesus with wild animals (Mark 1:13) and Francis of Assisi as emblematic symbols. I summarize his ecotheology under three main themes, suggesting that they serve as criteria for his proposed symbols: humans must view themselves as part of nature, exercise caring dominion, and value biodiversity. Bauckham acknowledges the importance of ethical response, however, he generally avoids reflecting on ethical implications for his proposed symbols. In response, I explore David Holmgren's permaculture as ethical guidance for practice. Permaculture offers a holistic ecological approach, which I consider through the perspective of ecotheology, in order to argue that it can guide a prefigurative practice of messianic redemption.

As symbol, Jesus with the wild animals in Mark 1:13 does not constitute an ethic of animal rights. But since it is precisely the modern demythologizing of nature that has turned it into a mere object of human use and exploitation, our need is very much for religious symbols of the human relationship to nature.

Mark's image of Jesus with the animals [1:13] provides a Christological warrant for and a biblical symbol of the human possibility of living fraternally with other living creatures, a possibility given by God and creation and given back in messianic redemption. Like all aspects of Jesus's inauguration of the kingdom of God, its fullness will be realized only in the eschatological future, but it can be significantly anticipated in the present.¹

¹ Richard Bauckham, *Living with Other Creatures: Green Exegesis and Theology* (Waco: Baylor University Press, 2011), pp. 132, 110.

Introduction

Attention has been given in ecotheology the concept of stewardship as a non-exploitative perspective of dominion.² Emphasis has been given also to arguing that “stewardship” remains too anthropocentric for promoting a healthy human-nature relationship.³ My intentions in this article are not to critically engage these discussions as such, but to build on the fruit of this discourse as a starting point for considering a lived practice of dominion as, at minimum, requiring some form of caring responsibility.

I use Richard Bauckham’s ecotheology for a representative voice to build on for guiding ethical activity. As a biblical scholar contributing to ecotheology, he argues the need for an alternative “religious symbol” that best represents the human-nature relationship.⁴ By symbol, he seems to mean something like a guiding image in the conscience, or a worldview perspective, that guides how we think about nature in relation to God and humans, and thus how we value and act within it. He acknowledges that the stewardship concept has provided a certain symbolic value for dominion that can be used to advocate for a non-exploitative relationship of responsibility that humans have toward the rest of nature. However, for Bauckham, as with others, “stewardship” still carries the anthropocentric baggage of viewing humans as over nature rather than having responsible power within it, and thus he seeks an alternative symbol.⁵

Bauckham mostly avoids the hazards of ethical implications for his ecotheological arguments,⁶ while simultaneously affirming that his discourse is useless without resulting in ethical response for a world of environmental catastrophe.⁷ While not every reader in ecotheology will find all of Bauckham’s nuances agreeable in the details, his arguments for a symbol and what it requires are generally persuasive, and form a worthy starting point for this article.

² For example, Loren Wilkinson, *Earthkeeping: Christian Stewardship of Natural Resources* (Grand Rapids: Eerdmans, 1991), pp. 307-325; Robin Attfield, ‘Christianity’, in *A Companion to Environmental Philosophy*, edited by Dale Jamieson (Malden, MA: Blackwell Publishing, 2003), pp. 96-110; Gary W. Fick, *Food, Farming, and Faith* (New York: SUNY, 2008), pp. 15-27; Willis Jenkins, *Ecologies of Grace: Environmental Ethics and Christian Theology* (New York: Oxford, 2008), pp. 77-92; Calvin B. DeWitt, ‘Unsustainable Agriculture and Land Use: Restoring Stewardship for Biospheric Sustainability’, in *Crisis in Creation: Christian Perspectives on Sustainability*, edited by Robert S. White (London: SPCK Publishers, 2008), pp. 137-156.

³ For example, Celia Deane-Drummond, *The Ethics of Nature* (Malden: Blackwell Publishing, 2004), p. 44; David Paul Warners and Matthew Kuperus Heun (editors), *Beyond Stewardship: New Approaches to Creation Care* (Grand Rapids: Calvin College Press, 2019); Steven Bouma-Prediger, *Earthkeeping and Character: Exploring a Christian Ecological Virtue Ethic* (Grand Rapids: Baker, 2020); Richard Bauckham, *The Bible and Ecology: Rediscovering the Community of Creation* (Waco: Baylor University Press, 2010), pp. 1-36; Bauckham, *Living with Other Creatures*, pp. 14-62; Kiara A. Jorgenson and Alan G Padgett (editors), *Ecotheology: A Christian Perspective* (Grand Rapids: Eerdmans, 2020).

⁴ Bauckham, *Living with Other Creatures*.

⁵ Richard Bauckham, ‘Modern Domination of Nature’, chapter 2 in *Environmental Stewardship: Christian Perspectives—Past and Present*, edited by R.J. Berry (New York: T & T Clark, 2006), p. 46.

⁶ See Bauckham, *Living with Other Creatures*, p. 132.

⁷ Bauckham begins *Living with Other Creatures* by noting that the book will have “no value” apart from Christian worship, spirituality, and practice, and its goal is expressly to God’s praise and ending humanity’s “aggressive conquest” against God’s other creatures (xiv), not to mention the book’s title itself: *Living with Other Creatures*. Ethical activity is also implied in such phrases he uses as “caring responsibility” and “joining creation’s praise of God” etc. See also *Living with Other Creatures*, pp. 110, 144, 145, 232 for statements expressing or implying ethical activity and response, and Richard Bauckham, ‘The Story of the Earth According to Paul: Romans 8:18-23’. *Review and Expositor* 108 (2011), p. 96.

I begin by proposing Bauckham's ecotheology as a quest for religious symbol, and subsequently explore permaculture as an anticipatory practice for the symbol. Permaculture is an attempt to live a holistically ecological lifestyle. I argue for ecotheology to continue beyond identifying symbols (e.g., Bauckham's Francis and Mark 1:13) into their ethical and experiential possibilities. Specifically, I investigate David Holmgren's permaculture for this kind of ethical guidance. Bauckham notes that "We cannot achieve the eschatological liberation of creation but we can anticipate it", and this anticipation is what I wish to explore with permaculture.⁸ I assume that any Christian attempt at environmental ethics must: 1) hold promise as a *holistic* attempt at environmentally-intentional living and 2) foster virtue in the context of making environmentally-conscious choices. I propose that permaculture can guide a prefigurative practice for the kind of dominion that Bauckham finds symbolized in Jesus with the wild animals in Mark 1:13.

To this end, I first summarize the main themes of Bauckham's contributions to ecotheology, which may be framed with an underlying motif of seeking a religious symbol for the human relationship to nature in an age of environmental catastrophe.⁹ Second, I introduce Holmgren's permaculture and develop his perspectives in order to demonstrate how they can guide a prefigurative practice of hope for eschatological messianic redemption.

Bauckham's Ecotheological Themes (as a Quest for a Fitting Religious Symbol)

Implied, and at times explicit, throughout Bauckham's ecotheological arguments is the appeal for fitting "religious symbols of the human relationship to nature."¹⁰ He sees this need arising from the insufficiency of concepts such as stewardship and misreading of biblical dominion. All of his arguments can be seen as contributions to this quest for a religious symbol. From this viewpoint, I consolidate Bauckham's ecotheology under these five themes: (1) the human place is within nature; (2) the necessary reinterpretation of dominion is caring responsibility; (3) God delights in biodiversity; (4) Jesus with the wild animals in Mark 1:13 is a symbol for the human-nature relationship; and (5) Saint Francis as an exemplary religious symbol following in Jesus's.

Theme #1: The Human Place Within Creation

One of *Bauckham's* aims is to help us find our place within nature and "recover a stronger sense of our own creatureliness as participants [within] the community of creation, constrained by it and dependent on it."¹¹ He views humans as having lost their connection with nature and needing to reconnect. His creational taxonomy requires first and foremost that humans praise God along "our fellow-creatures," letting creatures worship God in

⁸ Bauckham, 'The Story of the Earth', p. 96.

⁹ For Bauckham, the essence of this catastrophe lies in the numerous environmental issues that cannot be stopped. See Bauckham, *Living with Other Creatures*, pp. 133-146, and Bauckham, 'Ecological Hope in Crisis?' *Amil* 29 (2013), pp. 43-44.

¹⁰ Bauckham, *Living with Other Creatures*, p. 132.

¹¹ *Ibid.*, p. 134; Chs. 1, 7, 8; see also Bauckham, *The Bible and Ecology*, Chs. 2, 3, 5; Bauckham, 'Modern Domination of Nature', pp. 32-50.

their own way.¹² *Humans are partners in praise, "like the four living creatures,"*¹³ implying that any religious symbol for the human-nature relationship must align our mutuality with other creatures in nature.

Bauckham sees human dominance mainly as distinctive image bearing as "God's representatives on earth" and not with easily identifiable characteristics separating us from other animals.¹⁴ This view becomes theologically difficult in the details if it makes too much out of similarities between humans and higher animals, which could leave the rest of creation in a somewhat different category from humans and higher animals. Nonetheless, his arguments persuade in that whatever it means to be dominant as image bearers, it must begin with a position of being creatures within nature and using that power with caring responsibility like God.

In spite of generally avoiding ethical implications, Bauckham concludes chapter six of *Living with Other Creatures* with five approaches for humans to reenter nature. First, we must "re-enter God's creation" by recognizing "our place within it."¹⁵ Second, Earth's resources must be experienced as God's gifts and with a sense of dependency on and connection to nature. Third, we must recognize nature's limits and exercise restraint from over-consumption and destruction. Fourth, objective and absolute recognition of limits is difficult, but where possible, we must choose thoughtful restraint. Fifth, Jesus commends freedom from anxiety about needs.

Bauckham's approaches imply that humans are both of and also at odds with nature. Although I'm not aware of Bauckham using the idea, his "reentering nature" seems analogous to post-incarceration citizens. They need to relearn how to be citizens, a kind of "reentry" to citizenship. Humans too need to relearn what it means to "citizens" of nature. This theme in Bauckham's ecotheology provides a viewpoint for the human-nature relationship before God. What approach(es) can holistically guide this "re-entry" into nature?

Theme #2: The Necessary Reinterpretation of Dominion as Caring Responsibility

If reentering nature provides a perspective for the human-nature relationship, the second theme characterizes the quality of that relationship as caring responsibility. Bauckham contends that the prevalent notion of dominion (i.e., exploitation) stems more from early Greek and Renaissance views, particularly Francis Bacon, than from scripture. He acknowledges that Bacon was biblically motivated in seeing dominion as a God-given duty, but critiques Bacon's interpretation as relying more on secular logic than biblical principles,¹⁶ exploiting nature for human ends, and abandoning nature "to commercialization and consumerization" without clear ethical restraints.¹⁷ Dominion is a biblical concept, but when freighted with Baconian ideals, it becomes a defective symbol

¹² Bauckham, *Living with Other Creatures*, p. 13; see also p. 184, and Bauckham, 'The New Testament Teaching on the Environment: A Response to Ernest Lucas'. *Transformation: An International Journal of Holistic Mission Studies* 16 (1999). p. 101.

¹³ *Ibid.*, p. 184.

¹⁴ Richard Bauckham, 'First Steps to a Theology of Nature'. *The Evangelical Quarterly: An International Review of Bible and Theology* 58.3 (1986), p. 233.

¹⁵ Bauckham, *Living with Other Creatures*, pp. 144-145.

¹⁶ Convincingly or not, critiquing "mechanical" views of nature is not unique to Bauckham. See Lisa H. Sideris in 'Religion, Environmentalism, and the Meaning of Ecology' in *The Oxford Handbook of Religion and Ecology*, edited by Roger S. Gottlieb (New York: Oxford University Press, 2006), p. 449.

¹⁷ Bauckham, *Living with Other Creatures*, p. 57.

for the [God]-human-nature relationship—even more so in the age of destructive human activity.

Bauckham's concern is not to deny any human eminence, power, or a specific role within nature.¹⁸ Rather, his concern is to keep Genesis 1:26 and 28 in the larger context of "scriptural treatment of the human relationship to other creatures."¹⁹ He also argues compellingly from scripture and early writings that the relationship between humans and animals (both wild and domestic) in early Christianity was characterized by interdependence and care as fellow members of God's creation.²⁰ As such, any biblically sound symbol for the human-nature relationship must account for a dominion of caring responsibility, an element of human exceptionalism notwithstanding. While discourse on biblical dominion requires further nuance and development, his arguments persuade a concern for humans to use their power as members within nature in order to "avoid and repair damage" to it.²¹

Bauckham is not alone in seeing dominion as referring to a kind of caring responsibility²² and he acknowledges the positive role that the stewardship motif has played in addressing misinterpretations of Genesis 1:26-28. However, he maintains that "stewardship" truncates the argument to that text at the expense of the origin accounts themselves and the rest of scripture. Beyond the origin accounts his arguments include the psalms, Job, the Gospels, and Revelation. I address one of his key biblical arguments from Mark 1:13 below. As for the origin accounts, he argues they convey that the "earthiness of humans signifies a kinship with the earth itself and with other earthly creatures, plants and animals."²³ *Adam* means "dust/ground" and God creates Adam from the dirt like he creates the other animals. Humans "do not get a day to themselves," but are created on the same day as other land creatures.²⁴ Human dominion, "like God's, is a matter not of use but of care"²⁵ and includes a moral sense of feeling and responsibility to participate in God's governance.²⁶ Thus, the origin accounts convey human exceptionalism, but qualified by caring responsibility among other creatures.²⁷

He draws similar arguments from other portions of scripture, which provide a background for his arguments on Mark 1:13, addressed below. He may go too far in some of his critiques of the "humans as priests" or "viceregents" of creation metaphors,²⁸ although he acknowledges that indeed there is a "royal vocation."²⁹ His concern is the

¹⁸ See Bauckham, *The Bible and Ecology*, pp. 89-91.

¹⁹ Ibid., p. 7. See also Pat Bennett and Richard Bauckham, 'Rediscovering the Community of Creation'. *Theology in Scotland* 28.2 (2021). p. 7.

²⁰ Ibid., pp. 226-229.

²¹ Bauckham, 'The Story of the Earth', p. 96.

²² Among others, see Ellen Davis, *Scripture, Culture, and Agriculture: An Agrarian Reading of the Bible* (New York: Cambridge, 2014), pp. 55-63; Christopher J. H. Wright, *Old Testament Ethics for the People of God* (Leicester: Inter-Varsity Press, 2004), p. 122. Wright more fully develops the kingship ideal.

²³ Bauckham, *The Bible and Ecology*, p. 4.

²⁴ Bauckham, *Living with Other Creatures*, p. 4.

²⁵ Bauckham, *The Bible and Ecology*, pp. 19, 29.

²⁶ Ibid., p. 30.

²⁷ Bauckham, *The Bible and Ecology*, p. 89.

²⁸ Jorgenson and Padgett, *Ecotheology*, pp. 15-47. Psalm 104 is a favorite reference for his argument against humans having a priestly role in creation since it clearly reflects the capacity for independent praise by all creatures. However, it does not preclude elements of a priestly role for humans since Psalm 104 is itself a call for praise by humans to all of creation.

²⁹ Bennett and Bauckham, 'Rediscovering the Community of Creation', p. 8.

distinction between ruling *on behalf of* God in his absence on earth versus *sharing in* God's rule on earth, the former in his view being exploitative and theologically misrepresentative (perhaps even blasphemous) of God's sovereignty and providence.³⁰ In my view, Bauckham does not consistently clarify what it means for humans to have a "royal" calling on earth as image bearers on the one hand, and on the other hand as nearly rejecting the idea of vice-regency altogether.³¹ However, this becomes largely a matter of nuance and his main argument stands that human power as image bearers must be characterized by non-exploitation.

Theme #3: God's Delight in Biodiversity

What I present here as the third key aspect of Bauckham's ecotheology highlights the appropriate human attitude in the human-nature relationship: participating in God's delight in biodiversity. While Bauckham's interest in biodiversity is evident throughout his writings, the final chapter of *Living With Other Creatures* contributes a dedicated theological argument to the question of why species ought to be saved.³² He begins by demonstrating from environmental studies that we live in an age of mass extinction and concludes that we need to preserve ecosystems as "delicately balanced communities of life" in order to preserve biodiversity.³³ He then argues a biblical case that the Old Testament recognizes the value of diversity; God delights in biodiversity; diverse creatures glorify God "simply by being themselves"³⁴; various creatures have various habitats, rocks for badgers, forests for lions³⁵; humans are *distinct* but also bear *kinship* with³⁶ and therefore, have "no right to evict other members of the community from the home God has given us all to share"³⁷; Adam is invited to participate in God's delight by naming diverse species³⁸; Solomon's natural wisdom for "flora as well as fauna" demonstrates that such diversity has "a positive and important place" in biblical wisdom³⁹; Jesus's incarnation means that he is not merely human but "a member of the whole community of creation,"⁴⁰ which demonstrates God's delight in his own work of biodiversity.⁴¹

Bauckham next critiques current monetary valuations for preserving ecosystem services. He acknowledges the benefits of playing "economists at their own game" but maintains that such arguments ultimately cannot account for the financial value of such creatures as the "Yangtse river dolphin, the giant panda or the tiger."⁴² Financial

³⁰ Jorgenson and Padgett, *Ecotheology*, pp. 42-43. See also Bauckham, *The Bible and Ecology*, pl 30. See also Bauckham, 'The New Testament Teaching on the Environment', p. 101.

³¹ Jorgenson and Padgett, *Ecotheology: A Christian Perspective*, pp. 42-43. See also Bauckham, *The Bible and Ecology*, p. 30.

³² See Holmes Rolston III, 'Biodiversity', in *A Companion to Environmental Philosophy*, edited by Dale Jamieson (Malden: Blackwell Publishing, 2003), pp. 402-415.

³³ Bauckham, *Living with Other Creatures*, p. 217.

³⁴ *Ibid.*, p. 221.

³⁵ *Ibid.*, pp. 219, 221, 222.

³⁶ *Ibid.*, p. 223 (emphasis original).

³⁷ *Ibid.*, p. 224. This point is perhaps too strong, since humans will always in some sense evict other "members" in order to have their own spaces. But if evicting species is in view, that is more convincing.

³⁸ *Ibid.*, p. 225.

³⁹ *Ibid.*, p. 226.

⁴⁰ Bauckham, *The Bible and Ecology*, pp. 163-164.

⁴¹ Bauckham, *Living with Other Creatures*, p. 228.

⁴² *Ibid.*, p. 230.

arguments are anthropocentric—it's "good for us that such creatures exist."⁴³ In contrast, the believer's advantage is in seeing "a God-centered world in which everything created has value for God."⁴⁴ The community of creation requires more than just humans to thrive.⁴⁵ Thus, species ought to be saved for their inherent value and God's delight in them, implying that preserving them fosters participation in God's delight in biodiversity. Therefore, in the context of Bauckham's ecotheology, a symbol for the human-nature relationship must exhibit delight in biodiversity.

If Bauckham's ecotheology represents a quest for a religious symbol of the human-nature relationship, the three themes discussed above serve as criteria for the next two. While the following two may suggest additional criteria, I interpret them within the context of Bauckham's ecotheology as fulfilling the previous criteria and in some sense representing the apex of his search for a symbol.

Theme #4: Jesus With the Wild Animals in Mark 1:13: Symbol for the Human-Nature Relationship

Bauckham considers various interpretations of Jesus *with* wild animals in Mark 1:13, whether it should be understood as a) merely incidental, b) a reference to the demonic realm associated with temptations in the wilderness, or c) a portrayal of Jesus "at peace with the wild animals as the paradisaal state of humans and animals was supposed to be in Jewish thought."⁴⁶ He argues convincingly that Jesus *with* the wild animals holds significant symbolism for the messianic restoration of creation.

Bauckham demonstrates from various historical sources that compassionate treatment of animals was established well "in Jewish tradition by Jesus's time,"⁴⁷ and that Jesus followed the tradition of wise teachers drawing lessons from nature.⁴⁸ Jesus's use of nature in his teaching implies that the kingdom of God is "intrinsically like the process of nature."⁴⁹ The kingdom theme in Jesus's teaching represents the renewal of creation and the anticipation of a peaceable kingdom.⁵⁰

Some, such as Lisa Sideris, view the "peaceable kingdom" motif in ecotheology as problematic because it conflicts with scientific understandings of nature, constituting a "lack of piety" by failing to respect and thank the deity who created and sustains the natural order of suffering and selection.⁵¹ However, from an ecotheological standpoint, I would argue that this critique must demonstrate whether humans themselves will experience eschatological redemption or must remain within a valued process of suffering in the eschaton. Additionally, Bauckham notes that such views butt up against the need to reconcile nature's "gratuitous cruelty," like a cat playing a mouse to death, with the idea that nature "is as good as it could be."⁵² Therefore, taking the biblical narrative to project eschatological redemption for nature, Bauckham argues that

⁴³ Ibid., p. 231.

⁴⁴ Ibid., p. 231.

⁴⁵ Bauckham, *The Bible and Ecology*, p. 88.

⁴⁶ Bauckham, *Living with Other Creatures*, p. 115.

⁴⁷ Ibid., p. 80.

⁴⁸ Ibid., p. 88.

⁴⁹ Ibid., p. 68.

⁵⁰ Ibid., pp. 73, 75. See also Bauckham, 'The New Testament Teaching', p. 101.

⁵¹ See Sideris, 'Religion, Environmentalism, and the Meaning of Ecology', p. 461.

⁵² Bauckham, 'First Steps to a Theology of Nature', p. 241.

Mark's image of Jesus with the wild animals can be retrieved as the Christological warrant for and symbol of [the possibility of fraternal companionship with animals], given in creation, given back in messianic redemption. It is symbol, and our need is very much for religious symbols of the human relationship to nature.⁵³

I take this statement not merely as fulfilling Bauckham's quest for a fitting biblical symbol for the human-nature relationship, but in some way as constitutive of his ecotheology.⁵⁴ Jesus, as the consummate human who redeems humans to proper relationships, is with the wild animals in messianic inauguration. Mark 1:13 signifies not only Jesus's messianic work of reconciliation with wild animals, but also the inauguration of redemption for creation as a whole. Taken together with Jesus's life and teaching, Jesus with the wild animals fulfills the criteria for a symbol of the human place within nature, of dominion as caring responsibility, and of delighting in biodiversity. In this sense, Jesus validates the vantage point, embodies the relationship, and expresses the attitude of delight in biodiversity. As such, this symbol anticipates the eschatological restoration of the human-nature relationship in Christ.

Theme #5: Saint Francis as an Exemplary Religious Symbol Following in the Tradition of Jesus with the Wild Animals

Jesus with the wild animals is the foremost symbol for the human-nature relationship from a messianic redemption perspective, and to which others are measured. Following in Jesus's tradition, Saint Francis lived "the biblical understanding of creation ...more profoundly and intensely perhaps than any other Christian has done."⁵⁵ Francis exemplified what Jesus inaugurated, and as such, he too can function as an exemplary symbol for the human-nature relationship in today's environmental catastrophe. However, since I have already argued that the apex of Bauckham's quest for symbol is fulfilled in Mark 1:13, Bauckham's arguments about the life of Francis are interesting in their own right, but here they function as demonstrating an expression Jesus's accomplishment that enables "the possibility of living fraternally with other creatures," and Francis functions as a symbol by following faithfully in that tradition.

In light of the above themes, if the human place is within nature, if Bacon's dominion is flawed as symbol, if dominion must refer to caring responsibility within nature, and if God has made nature biodiverse and delights in it as such, then a religious symbol must meet these biblical criteria. I see Bauckham as finding these in Jesus with the wild animals in Mark 1:13, and Francis following in Jesus's tradition.

However, we cannot merely identify qualifying symbols; we must also seek to *embody* those symbols as "lived Christian environmentalisms."⁵⁶ As Bauckham notes, Francis's life demonstrates that there are human possibilities for "living fraternally with other living creatures."⁵⁷ The demonstration of Francis's life, however, comes mainly through his dispositions and theological affections for nature as a mystic, his laudable love and care for God's creatures but in not practices as such. On that level, the symbolic can scarcely assist us in a world of environmental disaster. Yet, ecotheology must confront the ethical dilemmas of envisioning possibilities beyond symbols and consider practical

⁵³ Bauckham, *Living with Other Creatures*, p. 132.

⁵⁴ Not to imply that Bauckham has nothing more to offer for ecotheology.

⁵⁵ *Ibid.*, p. 212.

⁵⁶ Jenkins, *Ecologies of Grace*, p. 21.

⁵⁷ Bauckham, *Living with Other Creatures*, p. 110.

actions that align with Bauckham's criteria. While Bauckham's arguments provide a strong symbol and foundation, they lack direction for informing action. Therefore, I introduce Holmgren's permaculture as a practice that promotes the ethical possibility of fraternal living with other creatures.

Holmgren's Permaculture as a Response to Environmental Catastrophe

What is Permaculture? And Why Permaculture as Application of Bauckham's Ecotheology?

Permaculture's relationship to religion has had mixed results with some permaculturists wanting total disassociation⁵⁸ and others arguing for the benefits of incorporating it directly in trainings and practice.⁵⁹ I attempt to bring religion and permaculture together here as well, but not with intentions of frothing up these divergent perspectives. Rather, I wish to bring what permaculture deems as ecological practice to ecotheological discourses on the human-nature relationship. The hope being, that permaculture, although secular in outlook, has much to share in terms of guiding practices for practicing Bauckham's symbol.

While other permaculturists could have been chosen, I focus on Holmgren's permaculture for its holistic lifestyle approach and its clear ethics and principles that support ecological living. A co-originator of permaculture alongside Bill Mollison, Holmgren, along with partner Su Dennett, remains a highly influential writer and voice more than 50 years into the project.⁶⁰ Not to say that all of Holmgren's views are uncontroversial within the permaculture community; some believe he incorporates too broad a scope, including elements of tradition and religion. However, my primary focus is on his ethical and ecological design principles and their relevance to ecotheology.⁶¹ *Holistic* attempts at environmentally-intentional living such as Holmgren's are essential because insofar as an approach is not holistic, it leaves open the constant of solving one environmental problem while unwittingly exacerbating others. Furthermore, any approach to environmental living must foster virtue as opposed to merely following moral mandates.⁶²

"Permaculture" was coined by Mollison and Holmgren as a term for designing human habitats with ecological ideas. After decades of teaching and practice, Holmgren

⁵⁸ See Skeptico, *Does the spiritual have a place in permaculture?* (2012). Online at <https://skeptico.wordpress.com/2012/01/09/does-the-spiritual-have-a-place-in-permaculture> (accessed 2025-01-18).

⁵⁹ Eston Dickson Pembamoyo, 'Renewal of Non-Western Methods for Sustainable Living' in *Religion and Sustainable Agriculture: World Spiritual Traditions and Food Ethics*, edited by Todd Le Vasseur, Pramod Prajuli, and Norman Wirzba (University Press of Kentucky, 2016), chapter 3. He argues for the usefulness of metaphysical grounding in Christian teachings for the effectiveness of permaculture in Mozambique.

⁶⁰ As of 2024, Holmgren has been active for five decades in permaculture since he and Mollison began. His book *RetroSuburbia* has sold more than 20,000 copies, and he was the keynote speaker for the 15th International Permaculture Convergence in Taiwan in 2024. IPC15, p. 13; along with his partner Su, and an assistive cadre of helpers, he continues to interview, write, train, network, and publish videos.

⁶¹ Holmgren views their formation as being influenced by but not confined to religion; rather he values religions for their contribution to their formation as universal ideals.

⁶² Agreeing with Celia Deane-Drummond and other proponents of virtue perspectives. See Celia Deane-Drummond, 'Plumbing the Depths: A Recovery of Natural Law and Natural Wisdom in the Context of Debates About Evolutionary Purpose'. *Zygon* 42:4, p. 987.

summarizes it as “a design system for resilient living and land use based on universal ethics and ecological design principles.”⁶³ In short, it attempts applied ecology as a lifestyle.⁶⁴ Ecology studies the relationships and interactions among organisms and energy flows in ecosystems, while permaculture designs human systems that integrate insights from ecology, agriculture, and architecture, iterating from the experiences of one’s own community.⁶⁵ Holmgren assumes a reality of “progressively reducing [available fossil] energy” which leaves humans with “a choice between fearful acquisitiveness, cavalier disregard or creative adaptation.”⁶⁶

Holmgren’s belief that we have entered an “energy descent” future is crucial to his permaculture philosophy of “creative adaptation” and low-tech methods. But he also views permaculture as a better, more enjoyable way to live. The ethics of permaculture are summarized as 1) care for the Earth, which all else depends on; 2) care for people, focusing on self and community responsibility; and 3) fair share, which involves limiting consumption and redistributing surplus locally and beyond. Holmgren sees these ethical principles not as original to him or Mollison but as “distilled from research” in community ethics, religious cultures, cooperative groups, and enduring cultures of place.⁶⁷

While Holmgren and other innovative permaculturists focus on retrofitting existing communities or incorporating higher technological sophistication,⁶⁸ permaculture may have limitations for those without land ownership or those with physical constraints. Mollison, Hemenway, and others have proposed intriguing ideas for urban settings and apartment complexes, but these are unlikely to gain wide adoption since urban vitality often lies elsewhere. Despite these or other limitations, Holmgren’s design principles⁶⁹ grounded in ecological science offer fruitful possibilities for practicing Bauckham’s symbols and for ecotheological reflection.

Holmgren’s Permaculture as an Anticipatory Practice of Messianic Symbol

I now argue for Holmgren’s permaculture for guiding a prefigurative practice of Bauckham’s themes and qualifying criteria for a fitting symbol of the human nature relationship. By “prefigurative” I mean anticipatory and participatory practice. This is a nuanced view from how Centemeri and Asara use it with reference to permaculture in “Prefiguration and Ecology”:

It follows that from an ontological politics perspective, the stake of ecological prefiguration is not so much the anticipation and implementation of an alternative

⁶³ David Holmgren, *RetroSuburbia: The Downshifter’s Guide to a Resilient Future* (Hepburn: Melliodora Publishing, 2018), p. 562. He also refers to the movement of permaculture, which is beyond the scope here. *Resilience* is the ecological concept referring to an ecosystem’s ability to recover quickly after disturbances such as fire, flood, or human activities like clear-cutting sections of forest.

⁶⁴ Toby Hemenway, *The Permaculture City: Regenerative Design for Urban, Suburban, and Town Resilience* (White River Junction, VT: Chelsea Green Publishing, 2015) p. x.

⁶⁵ David Holmgren, *Keynote Presentation* at the 15th International Permaculture Convergence in Taiwan (6 November 2024).

⁶⁶ David Holmgren, *Collected Writings and Presentations 1978-2006* (Hepburn: Holmgren Design Services, 2007), p. 271.

⁶⁷ *Ibid.*, p. 273.

⁶⁸ Luminaries Rob and Michelle Avis undoubtedly will alter permaculture practice through their communication and organizational energy and capacity, and their technical background in engineering.

⁶⁹ David Holmgren, *Permaculture: Principles and Pathways Beyond Sustainability* (Hepburn: Holmgren Design Services, 2011). He distills his and Mollison’s earlier design principles into twelve principles.

future... but rather making visible a potential ontological alternative – one that is already inherent in the present.⁷⁰

They seek to move beyond anticipation to value what is currently possible, discoverable through practicing permaculture. I share their value of discovery, but I also hold an ecotheological perspective that allows us to participate in what Jesus has already accomplished, making it partly accessible to us now. This participation includes a hopeful anticipation of the peaceable kingdom. I say “partly accessible” because while Jesus was “with the wild animals,” we cannot expect to be “with” dangerous animals or those that thrive in harsh environments. However, we can value these creatures by creating space for them on Earth, and through permaculture practices, we can explore possibilities that we may not have envisioned for coexisting with other beings.

Bauckham argued that Jesus with the wild animals symbolizes the inbreaking kingdom for all creation in Christ’s first coming, prefiguring eschatological restoration. I contend that when practiced with faith, permaculture can guide this anticipatory hope in the new creation and the restoration of the human-nature relationship through God in Christ.⁷¹ Holmgren writes from a humanist and atheistic perspective (notwithstanding some openness to spirituality), and his permaculture cannot be fully reconciled with Christian theology.⁷² Nevertheless, from a theological perspective, Holmgren’s permaculture can inform the practice of the symbols of Jesus with the wild animals and Francis in Jesus’s tradition. I argue that based on its definitions, ethics, and principles, permaculture can effectively guide how we reenter nature, embrace dominion as caring responsibility, and appreciate God’s delight in biodiversity.

While I do not extensively develop the distinctively “religious” aspect of practicing these symbols through permaculture, I assume a hopeful ecotheological perspective.⁷³ In their Christian practice, the permaculture methods I advocate will presuppose the symbol of Jesus’s redemptive work (Mark 1:13), follow the Christian tradition exemplified by Francis, and be implemented alongside Christian worship and the theological virtues of faith, hope, and love. In this sense, permaculture can guide a form of “yearning in hope for the redemption [of creation] yet to come”; to “avert and repair ecological destruction” as a hopeful practice that “believers share with the rest of creation.”⁷⁴ Although permaculture lacks a metaphysical grounding for its ethics, Bauckham’s themes and ethical guidelines provide this grounding, allowing Holmgren’s permaculture principles to inform a theological practice.

⁷⁰ Laura Centemeri and Viviana Asara. ‘Prefiguration and Ecology: Understanding the Ontological Politic of Ecotopian Movements’, in *The Future Is Now: An Introduction to Prefigurative Politics*, edited by Lara Monticelli (Bristol University Press, 2022), p. 11.

⁷¹ Bauckham, ‘The Story of the Earth’, p. 96.

⁷² Such as an ideal in Holmgren’s permaculture of religious diversity, not as a matter of dialogue, but valued as such.

⁷³ Gretel Van Wieren addresses ways in which environmental work can be practiced in distinctively religious ways. See Gretel Van Wieren, *Food, Farming and Religion: Emerging Ethical Perspectives* (New York: Routledge, 2018).

⁷⁴ Bauckham, ‘The Story of the Earth’, p. 96.

Viewpoint for the Human-Nature Relationship: Permaculture as Humans Reentering and Finding Their Place Within Creation

Bauckham argues that reentering nature involves recognizing the “limits that being recipients of [nature’s] bounty entails” and making the ethical choice to limit ourselves to care for other creatures and maintain our place as creatures before God. Limits pertain to both the earth’s finite resources and the “limits to which humans can tamper with the earth’s ecosystem with impunity” before exhausting resources to the “excess of consumption and expansion” that characterizes modern civilization.⁷⁵ The stakes include squandering excess at the expense of others, driving non-human species to extinction, converting wilderness into human landscapes, and defying nature until it retaliates. For Bauckham, reentering nature entails embracing our creatureliness rather than acting godlike in a vain effort to create a utopia separate from nature. He leaves open the question regarding how humans should reenter nature and establish appropriate limits.

Permaculture practice involves a continual reentry into nature’s bounty and limitations, engaging with it to design systems that meet human needs, typically starting with food production at home or locally. This process embodies our creatureliness and encourages self-limitation to foster sharing with others and nature through ethical actions. It begins with Holmgren’s principle of observe and interact, which requires respecting the unique characteristics of a place – such as soil types, sun angles, water flow, and wildlife – to inform the design. The permacultural ideal is to observe patterns for a year before implementing significant changes. While financial or other constraints may impede this ideal, it underscores the essential need to reenter nature by first observing the limits and possibilities of a given location before incorporating significant change and design.

Holmgren says that “a sense of limits comes from a mature understanding of the way the world works” and that permaculture arose out of “awareness about the limits of resources.”⁷⁶ The permaculture ethic “fair share” describes setting limits to consumption and reproduction, and redistributing surplus.⁷⁷ A particularly challenging aspect of this principle is how to meaningfully determine where to set limits on consumption to make effective ethical choices as moral agents. Permaculture’s focus on consuming locally sourced goods helps us identify these limits and develop new strategies that broader consumption patterns do not offer. The woodlot example illustrates how limits can be appropriated based on experience and proximity to resources:

... if we grow a woodlot to supply our firewood, wasteful use will [drain the source of wood. But if] ...we buy firewood, we might never consider how much forest or woodlot is required to provide for our heating. [And] ... the impacts of our choices ... will seem remote and abstract.⁷⁸

Permaculture also aims for individuals to locally procure their own food.⁷⁹ While this goal is often unrealistic as an absolute, gradually approaching it each season makes this lifestyle a process of reentering nature.

Holmgren cites Kat Lavers’ suburban permaculture garden as an example of increasing production through experience and knowledge. Over her relatively small

⁷⁵ Ibid., p. 132.

⁷⁶ Holmgren, *Permaculture: Principles and Pathways*, p. 8.

⁷⁷ Holmgren, *RetroSuburbia*, p. 26.

⁷⁸ Holmgren, *Permaculture: Principles and Pathways*, p. 75.

⁷⁹ Holmgren, *RetroSuburbia*, p. 437.

garden area (115m² / 1237ft²), she produced 253kg of food in the first year, 305kg in the second, and 355kg in the third, with a projected potential of around 510kg (1124lb) annually.⁸⁰ This productivity results from deepening reentry into nature while procuring food, enhancing cooperation with natural processes (e.g., waste incorporation, poultry, variety, location, and weather). Effective food production requires consistent interaction with nature's processes (e.g., climate, weather, and animals). Additionally, as one reenters nature, knowledge of reliable food sources and their availability increases. Holmgren concludes, "we are shaped by our place and the cycle of the seasons more than we shape them."⁸¹ Thus, while it may seem ironic to consider reentering nature through agriculture, food production is indeed a primary way for humans to reconnect with nature.⁸²

Consequently, as sourcing food at home and locally necessitates interaction with nature through its cycles, permaculture can exemplify the practice of reentering nature. This direct interaction with the "created order" for our sustenance rekindles our sense of creatureliness and deepens our kinship with other beings and dependency on God.⁸³ In this way, permaculture practices can facilitate a prefigured participation in the new creation symbolized by Jesus in Mark 1:13.

The Character of Restored Human-Nature Relationship: Permaculture as Practicing a Dominion of Caring Responsibility

As an atheist, Holmgren does not subscribe to biblical understandings of image-bearing or dominion. However, his perspective on humanity's relationship with nature can be paired analogously with Bauckham's concept of dominion as caring responsibility for fruit in ecotheology.

As noted, Bauckham acknowledges human eminence when considering the human place in nature. For Bauckham, eminence seems to walk the knife edge between acknowledging human dominion and the eminence of bearing God's image and a qualified dominion of responsible care and fraternal relations with animals. However, rather than merely probing the character of caring dominion, for example, for polar bears, or an endangered species, a more holistic approach such as Holmgren's permaculture is needed.

Holmgren views humans as unique within nature, needing to change it ("design" it) to meet our needs. Theologically, I would argue that human interaction and design reflect elements of biblical dominion. We are a dominant species in that we alter the environment to live, which seems intended by God, who tasked us with cultivating the garden and filling the earth. However, due to sin, humans often use this dominance to create unnatural systems that lead to anthropocentric damage like pollution and habitat destruction.⁸⁴ Permaculture offers a way to make responsible changes in nature by consistently considering place and nature in designing environments for human needs. In this sense, it informs a theological perspective through the exercise of a natural virtue. As such, although not religiously grounded in Holmgren's case, permaculture can foster a corrective dominion of caring responsibility. This approach guides the practice of

⁸⁰ Holmgren, *RetroSuburbia*, pp. 236-237.

⁸¹ *Ibid.*, p. 240; see also p. 437.

⁸² Holmgren, *Permaculture: Principles and Pathways*, p. 108.

⁸³ Bauckham, *Living with Other Creatures*, p. 144.

⁸⁴ As Bauckham notes, sin "impedes that positive, outward directedness of human life, and turns people in on themselves in despair and self-centredness." Bauckham, 'Ecological Hope', p. 48.

Bauckham's "proximate hope," reflecting our present hopes and prefiguring our "ultimate hope" for the new creation in Christ.⁸⁵

Undergirding permaculture philosophy is a recognition of human uniqueness within the animal world, analogous to the theological concept of image bearing, along with a deep sense of embeddedness in creation. Human uniqueness acknowledges that our needs require designing changes in our environment (e.g., water, shelter, waste, community, livelihood, food, energy). Permaculture aims to meet these needs "in a sustainable—or, better yet, regenerative—way if we are to build an equitable, ecologically sound culture."⁸⁶ The tension between being attentive to nature—observing it as it is—and accepting that human involvement necessitates change is navigated through thoughtful and reciprocal interactions with nature, emphasizing a caring responsibility as members within nature.⁸⁷

Permaculture's approach to animals exemplifies caring responsibility. Theologically, compassionate care for animals stems from at least two principles: 1) our membership among other creatures, and 2) God's concern for non-human beings, which reflects caring motives. In permaculture, caring for animals involves their role as working partners.⁸⁸ This approach assumes that using animals for work and food is not only practical but also more humane than the industrial model of raising livestock solely for food. It recognizes humans as integral members of ecological systems and views animals as valuable contributors to resilient human activities, especially if the need arises to transition away from abundant fossil fuels.

The role of working animals in permaculture is not strictly anthropocentric; it navigates the tension of cooperation and uniqueness within nature while valuing animals in human systems. This "use" of working animals should be broadly understood—not just a horse pulling a plow, but recognizing that animals (and biota in general) fulfill distinct functions in our world, some of which we directly incorporate into designs, while others remain mysterious but accepted as intrinsically valuable. In permaculture, this acceptance is not indifferent to life forms that may conflict with the system's needs (for example, deer eating seedling tree crops). But it does consider the trade-offs inherent in such exchanges, and approaches "pest" problems gently and with the larger ecosystem as a concern. Thus, permaculture's approach exemplifies a dominion of caring responsibility that fosters virtue through the context of shared work and benefits as well as a gentle approach to elements that conflict or are not yet understood. When practiced in faith, it guides a prefigurative practice in the messianic restoration of human and non-human relationships within nature with hope for eschatological restoration of biodiversity.

Divine Attitudes for the Human-Nature Relationship: Permaculture as Guiding Participation in God's Delight in Biodiversity

Given Bauckham's biblical arguments supporting the preservation of biodiversity—preeminently that God delights in biodiversity—the question then is *how* to preserve biodiversity and practice delight in it. On this, Bauckham provides no clear direction. He

⁸⁵ Bauckham, 'Ecological Hope', p. 46.

⁸⁶ Hemenway, *The Permaculture City*, p. xi. Hemenway builds on Holmgren's descriptions of human needs.

⁸⁷ See Holmgren, *Permaculture: Principles and Pathways*, pp. 13, 24, 265.

⁸⁸ "Context" but not comprehensive extent of human-animal relations.

seems to advocate conservation approaches and suggests broadly that humans leave certain areas entirely wild, not for ecotourism, but implying that they are isolated from human interference altogether.⁸⁹ This extreme view is unrealistic in today's world (notwithstanding value for conservation areas), and a more integrated possibility must be found for valuing biodiversity. Permaculture fosters a practice of delight in and preservation of biodiversity, particularly through the ethic of Earth care and Holmgren's design principles of "use and value diversity" and "use edges and value the marginal." Earth Care in permaculture is pragmatic and humble, recognizing that humans directly depend on the earth and thus have a primary responsibility to care for it. It also suggests that the earth is a vast system beyond our understanding, which obliges us to protect elements of nature that may not seem immediately relevant to human needs.

In Holmgren's permaculture, the appreciation of biodiversity and the valuing of the marginal are situated within a broader framework of diverse cultures, nature, and permaculture practices. For Holmgren, religion brings forth strengths from various values and traditions, contributing diverse perspectives to permaculture, much like elements within an ecosystem. Some aspects of this perspective will conflict with others, such as achieving consensus on issues of social morality beyond a specific permaculture community or individual permaculturist's views.⁹⁰ Challenges also arise for Holmgren's view of diversity in Christian theological perspective, whether regarding morality or ontology and perspectives of the divine being (is God one/many, or personal/impersonal?). While Christian theology may diverge from Holmgren's view of diversity – particularly if it holds contradictory beliefs as equally valid – it aligns with him in recognizing the value diverse cultures offer each other. Holmgren's approach to diversity is particularly relevant to this investigation as it promotes biodiversity through systems that support diverse biota, elements, and functions.⁹¹

Ethnobotanists and anthropologists recognize that "every bio region of the world had its own characteristic ways of cultivating plants, husbanding animals, and organizing the landscape, and often its own language to describe reality, which are reflected in local conditions and a degree of isolation from neighboring regions" which we are in danger of losing.⁹² Holmgren sees losing this biodiversity as damaging to culture, place, and possibility. He conceptualizes permaculture as a mediating approach in contrast with conservationist efforts to preserve biodiversity: "While permaculture incorporates strategies to conserve biodiversity, it also seeks a more fundamental redesign of all we do, so that biodiversity becomes a valued and functional part of our world."⁹³ Holmgren's consideration of diversity is broad, but in view here is the biodiversity that results from different permaculturists practicing in different places. Each system will have capacities for biodiversity that include space for diverse biota of the region as well as the diversity of expressions an individual (or communal) permaculture system.⁹⁴

⁸⁹ Bauckham, 'Modern Domination of Nature', pp. 44, 45.

⁹⁰ Centemeri and Asara, 'Prefiguration and Ecology', p. 21.

⁹¹ In permaculture, each element of a system should perform many functions, and each function should be supported by many elements.

⁹² Holmgren, *Permaculture: Principles and Pathways*, p. 210.

⁹³ Holmgren, *Permaculture: Principles and Pathways*, pp. 203-204.

⁹⁴ Another valuable area to explore is the potential for agency and virtue at the homestead level, taking into account the diversity of micro systems created by individuals and the environmental choices available to them.

A permaculture system itself must be biodiverse and multifunctional for resilience. For example, a common practice in permaculture is to “catch and store” water onsite by slowing its flow with “swales,” terraces that catch rainwater for irrigation of fruit/nut trees planted near the swale.⁹⁵ But irrigation is only one of their functions in a permaculture system. They can also feed ephemeral pools or watering holes for livestock, grow plants, and provide resilient habitat for amphibious and other wildlife during drought, or incorporate aquaculture as a food source.⁹⁶ The available moisture on the surface enables increased biotic activity of flora, fauna, and fungi which strengthens topsoil and even converts it from subsoil.⁹⁷ Slowing surface waterflow also detoxifies and purifies the larger watershed while recharging the aquifer.

Such systems provide space not only for human needs and leisure but also for wildlife and non-human biodiversity to flourish. Holmgren’s permaculture encourages delight in biodiversity not merely as a form of conservation separate from human activity, but as interwoven within productive human systems. It becomes reintegrated, appreciated, and celebrated within our daily pursuits. Thus, permaculture practices can guide the believing practitioner to share God’s delight in biodiversity while also recognizing intrinsic value. In this way, it guides a prefigurative practice for the eschatological restoration of biodiversity.

Conclusions

One of Bauckham’s important contributions to ecotheology is his proposal for a clear religious symbol for the human-nature relationship in Mark 1:13. Jesus with the wild animals in Mark 1:13 and Saint Francis following Jesus’s tradition as symbols are not merely two of Bauckham’s major themes, but they can be understood as fulfilling the criteria of other themes in his ecotheology. However, ecotheology must press beyond merely identifying symbols to seek exemplary and holistic practices that open up their ethical possibilities.

Assuming a faith perspective and a Christian worldview, I argue that permaculture can guide ethical possibilities for a lived Christian environmentalism and the practice of Bauckham’s proposed symbol. In particular, it facilitates participation in the messianic redemption of creation that Jesus initiated in his first coming by reentering nature, embodying a dominion of caring responsibility, and sharing God’s delight in biodiversity. Not only does a prefigurative practice bear witness outside of oneself to the hope of messianic redemption in the coming new creation, it is also suggestive of the value of practice itself as the testimony returns witness to the practitioner for eschatological hope in Christ.

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⁹⁵ Above, below, or on the swale depending on the trees and the system.

⁹⁶ Holmgren, *Permaculture: Principles and Pathways*, p. 233.

⁹⁷ Permaculturist Mark Shepard testifies in his books how rapidly clay can be converted into topsoil. See *Water for Any Farm* (Greeley: Acres U.S.A., 2020), p. 33; *Restoration Agriculture: Real-World Permaculture for Farmers* (Greeley: Acres U.S.A., 2013), p. 193.

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