

Symphony of Reason

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Table of Contents

Autobiographies

PNW authors introduce themselves	2
----------------------------------	---

Foreword

Dr. David J. Detmer	5
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In Solidarity with Ukraine

Student Voices

Aaron Lubert on Ukraine	8
Kathleen Nielsen: “Where are we?”	8
Kayla M. Vasilko: “The Game of War”	10

Faculty Voices

Dr. Sam Zinaich, Jr.: “John Locke on War”	13
Dr. David Detmer: “International Law and Wars of Aggression”	18
Dr. Deepa Majumdar: “Puppeteer Putin”	21

Reflections

Kayla M. Vasilko: “Choices” (on Abortion)	28
Kathleen Nielsen: “Just my Opinion” (on Abortion)	28
Michael L. Warren: “MLK’s Four Steps”	30

Long Essay

Dr. Renee M. Conroy: “Is <i>Hockey Seen</i> a Work of Dance Art?”	32
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Philosophical Poetry

Jadon H. Hearn	
“Little Caged Bird”	42
“Poem Explanation”	44

Autobiographies



STUDENT VOICES



Jadon H. Hearn

I am a junior majoring in biological science with a concentration in Health Sciences and I am also minoring in psychology. After graduating I plan to attend veterinary school in hope of becoming a certified DVM, with an aspiration of finding an interesting specialty in this field. When proposing the question of, who is my favorite philosopher, I would have to say, James Rachels. Professor Conroy and I spent a lot of time breaking down his ideas about “Killing vs Letting Die” and he made many arguable points that were not only straightforward but also sensible. He also touched on both sides of the argument in fairness and gave clear-cut examples of why he thought this way. Though basing my favorite philosopher on one argument may seem senseless, I learned a lot from that article and was able to further my understanding of philosophy and how it should be perceived.

Kathleen M. Nielsen

I am in my fourth year at PNW as an English major (Literature), with two minors: Psychology and Creative Writing as a career. I am a member of the Westville Warriors, S.H.I.N.E, and Sigma Tau Delta, Chapter Alpha Mu Pi. My political causes are voting rights, criminal justice reform, fighting political corruption, and advocating for new laws to protect our democracy. My career aspirations are to be a freelance writer and artist.

My favorite philosophers are Aristotle, Aldous Huxley, and I have developed an interest in Voltaire.

From Aristotle

- *“At his best, man is the noblest of all animals; separated from law and justice he is the worst.”*
- *“For what it lies in our power to do, it lies in our power not to do.”*
- *“The energy of the mind is the essence of life.”*

From Aldous Huxley

- "Facts do not cease to exist because they are ignored."
- "Dictators can always consolidate their tyranny by an appeal to patriotism."
- "But the nature of the universe is such that ends can never justify the means. On the contrary, the means always determine the end."

From Voltaire

- "Those who can make you believe absurdities can make you commit atrocities."
- "If God did not exist, it would be necessary to invent him."

Kayla M. Vasilko

I am just completing my first year as a PNW graduate student pursuing my Master's in Communication, and am a graduate teaching assistant for COM 114. I believe that kindness and positivity are directly correlated with success, and I promote these in the work I do for my class, for S.H.I.N.E (students helping ignite needed esteem), for the community, and for my writing. I write to better understand the world, and enjoy writing in all forms, especially research and poetry. I strive to make a positive difference in the world, and hope that I never stop standing beside those who may be standing all alone. Some of my favorite philosophers are Epictetus, Buddha, and Aristotle. I appreciate Aristotle's view of the ergon (work) of a human being, which, he argues, "consists in activity of the rational part of the soul in accordance with virtue."

Michael. L. Warren

"I am just a basic thirty-one year old with a beautiful fiancé named Sarah, 2 daughters named Freya and Rowan, and a baby son named Atticus. I enjoy gardening and spending time with my kids, and in my very rare free time I tend to do a lot of hiking and kayaking. My major is in Liberal Studies, this is my first year at PNW, and I am enjoying being back in school very much!"



FACULTY VOICES



Dr. David Detmer

David Detmer is a Professor of Philosophy at Purdue University Northwest. He is the author of seven books: Freedom as a Value, Challenging Postmodernism, Sartre Explained, Phenomenology Explained, Zinnophobia, Simply Sartre, and Renaissance.

Dr. Renee M. Conroy

Renee M. Conroy is a lover of dance, cats, nature, jazz music, Sondheim musicals, and coffee. She has degrees in dance, philosophy, and business, and her professional writing in aesthetics has been published in numerous journals and anthologies. She is also a Fulbright scholar and was an Associate Professor of Philosophy at PNW for 13 years. She has recently relocated with her husband and three kitties to her longtime home in the Pacific Northwest, thereby moving from one PNW to another!

Dr. Samuel Zinaich, Jr.

Dr. Zinaich is Associate Professor of Philosophy in the Department of History, Philosophy, Political Science and Economics at PNW. Dr. Zinaich's philosophical interests include Ancient Greek Philosophy, Modern Philosophy, Locke studies, Professional Ethics, Legal Theory, and Philosophical Counseling. Dr. Zinaich's most recent publication is Analytical Legal Naturalism published by Lexington Books in 2020.

Dr. Deepa Majumdar

Dr. Majumdar specializes in Neoplatonism (Plotinus). She has publications (books, papers, and reviews) in Neoplatonism and comparative wisdom (Plotinus' Enneads and Advaita Vedānta). She has also published essays on topics as diverse as technology and the pandemic. Her other interests in the western tradition include ancient philosophy, medieval Christian philosophy, and Descartes' meditations.

Dr. Majumdar also writes poetry. She has published one volume of philosophical poetry. In her spare time, she loves gardening, cooking, and listening to Indian music.

Foreword

Dr. David Detmer

This issue of *Symphony of Reason* (III.1) is dedicated to the people of Ukraine.

Philosophy is often thought to deal only with timeless, abstract questions, which stand far removed from the urgently pressing concerns of the present. But this issue of *Symphony of Reason*, Purdue University Northwest's philosophy magazine, convincingly refutes that popular caricature. Three current, ongoing crises – the Russian invasion of Ukraine, the raging battle over abortion set off by the recent U.S. Supreme Court decision, and the escalating threat of environmental catastrophe – are all addressed illuminatingly in these pages from a philosophical perspective.

Six voices – belonging to three PNW students and three PNW faculty – come together in expressing solidarity with Ukraine, albeit from different standpoints. The student essays, by Aaron Lubert, Kathleen Nielsen, and Kayla M. Vasilko, eloquently describe (and denounce) the horrors of war, discuss the historical background of the Russian invasion, and offer hope for the future. The faculty essays, by Drs. Sam Zinaich, Jr., David Detmer, and Deepa Majumdar, attempt to enlarge our understanding of the war by drawing on the works of John Locke, Plato, The Buddha, and Mohandas Gandhi.

Vasilko and Nielsen also offer thoughtful commentaries on abortion, with one of the essays offering a poetic and deeply philosophical perspective on this contentious issue, with the other providing powerful arguments based on considerations from ethics and political philosophy.

Jadon Hearn's contribution to the discussion of environmental concerns is startling and highly original, consisting not only of a literary treatment in the form of a poem, but also of an essay, immediately following the poem, explaining the poem's meaning – an explication of philosopher Rosalind Hursthouse's article, "Environmental Virtue Ethics."

The remaining essays, while not as directly focused on current events, are no less fascinating for that. Michael L. Warren's "MLK's Four Steps" provides a concise, insightful analysis of a neglected detail in Martin Luther King's famous "Letter from Birmingham Jail" – the four steps that King and his colleagues would take prior to engaging in a campaign of nonviolent civil disobedience.

And finally, we have the longest essay in this issue – Dr. Renee M. Conroy's "Is *Hockey Seen* a Work of Dance Art?" – a powerful piece of philosophical reasoning by one of the world's leading

experts on the aesthetics of dance. Dr. Conroy, who taught as an Associate Professor of Philosophy at PNW for thirteen years, has recently departed PNW to pursue other endeavors. She will be greatly missed by her many friends, colleagues, and students at PNW. But we are fortunate to have this splendid essay as her parting gift – an essay in philosophical aesthetics with the originality, rigorous scholarship, and originality of argument characteristic of a high-quality article in professional philosophy journal, but also one that achieves a level of clarity sufficient to render it accessible to undergraduate students.

There is ample material here to engage, provoke, and enlighten any thoughtful reader. Enjoy!



In Solidarity with UKRAINE



STUDENT VOICES



Aaron Lubert on Ukraine

There have been many different views about Putin invading Ukraine. I am disgusted with this invasion and my heart goes out to all the families in Ukraine and to the people in Russia who are against this war. Personally, I do not know enough about politics and what we can and cannot do to help Ukraine. As they are getting plenty of help from the world such as weapons, military equipment, and money, what more CAN be done? I question myself, "Why can't we send our military over there to help?" "Would things have been different if Trump was in office?" "If we did send military action, what would the consequences be?"

There is a feeling of being helpless. Who would have thought that war and criminal acts on civilians would still exist in today's world? I feel sad and devastated with what is going on. There is great hope for Ukraine and its people. The world will learn from this, and our future morals will prevail once more.

Kathleen Nielsen: "Where are we?"

I am so tired of hearing that we will not put boots on the ground or police airspace above Ukraine because we do not want to provoke Vladimir Putin into WWII. The entire world is against Putin's war, except China and Fox "news." So what are we afraid of? We, along with the rest of the world *sans* China, could have stopped this carnage before it started. Putting troops along Ukraine's border was provocation enough *from Putin*, not to mention the 8-year war that Ukraine has already been drawn into with Russia, and let's not forget the taking of Crimea with no consequences.

The U.S has often said that Ukraine must be supplied with weapons (which Ukraine has paid for – with money, and now blood) because they are all that separates the western world from an apocalyptic war with Russia. Why are they still not a buffer for us from Putin? Why

does their importance escape us now? That was surely a Putin idea. Who put Putin in charge? The West does every time they worry about what “escalation” means to him and not to us.

Putin only has power because we give it to him. We sit in our homes and watch Putin’s soldiers commit war crime after war crime. The ICC says it will “investigate.” The proof is on video for all to see. And when will this “investigation” be completed? After every last Ukrainian is dead and every home and relic is destroyed? There are reports the Russian soldiers roll in to loot the towns they have pummeled from the air, and before they abandon the town, they rape the women and children. Men are not immune to being rape victims either. However, there is more evidence of them being tortured and executed in front of their families. The rapes are done in front of family members as well. They are also finding burned bodies and mass graves everywhere the Russians have been.

Cities are being leveled and encircled so that civilians cannot escape to find food, heat, and water. The Russians repeatedly agree to a humanitarian corridor, then do not respect it. Ukrainians are throwing their own people into mass graves because there is no relief from the constant shelling to hold a proper funeral and burial.

Putin has been emboldened because he took Crimea and suffered no consequences. Then, he watched an American President break protocols and laws, suffering no consequences. Putin is similar to Trump in that they both use the same playbook – accuse others of doing what you are doing or plan to do; call real news fake news; use the government to go after your enemies and shake down other countries. It should not be lost on us what Trump’s first impeachment was about. Putin not only mirrors Trump, he has pushed the envelope off the table. While Trump was in office, he collaborated with Putin in his unrecorded conversations with him. I am sure he still has his phone number.

We should have fast-tracked Ukraine into NATO before they were invaded. Did we not do that because we knew they would be invaded? Maybe they would not have been if they were a member of NATO. We will never know. I will not even talk about all the non-NATO countries the U.S. has invaded. That is another conversation. Did we hastily, and with little thought given to logistics, get out of Afghanistan as a prequel to our non-involvement in Ukraine (or in other countries)? I seriously doubt we are now pacifists – not with the size of our war machine and the investment everyone has in it.

I am ashamed to be an American because I am sickened by our response to what we admit is a crisis of biblical proportions. Yes, we have armed the Ukrainians, but not with what they needed when they needed it – so worried have we been about Putin’s state of mind. What about the state of mind each Ukrainian is dealing with right now?

Prayers and thoughts? We can do better than that, and we should. The current damage cannot be reconciled, but we can stop further attacks. I wrote that in an earlier version of this essay. Things have gotten so much worse. Why? And for how much longer? Practically the whole country has been leveled, and thousands upon thousands (more like millions once they start counting the bodies hidden from us) of Ukrainians have died.

Putin has called our bluff, and for that he has already won the war. The rest of the world should be calling the shots, not one man who is a psychopath. Why is it that Putin can draw imaginary lines that we have to respect, yet we don’t throw our demands at him? I think a great arbitrary line we could have drawn would have been to not intentionally harm civilians. Putin broke that law (not just an arbitrary line) on day one of this conflict.

I thought that one day war would be obsolete. It’s just gotten uglier, with no rules for one side, and too many rules for the other side.

Kayla Vasilko: “The Game of War”

War is like a game of chess. Our focus lies on the two opponents, more or less in control of their patterns of movement, their strategies, and their actions. Few question the will of the pieces that are deprived of choice: the people called to battle or left unable to dodge the quake of the fallen pawns; the animals, never consulted on the question of what is their land too. They are represented in the game as fractions, or tools, but dealt the fullest level of destruction. Few consider the chess board – the environment – as anything more than a realm for the match.

My thoughts are with all who are affected by the war between Russia and Ukraine. I hope that the people of the world take this time to recognize the suffering war brings, not only to humans who initiate it or directly respond, but to people who have no choice at all but to be impacted, to animals who are killed in the crossfire, and to nature, which suffers long lasting turmoil as a result. May we take this time to recognize the price of destruction, not just in Ukraine, but in Tibet, Yemen, Iraq, Ethiopia and far too many places around the world; to

extend care and compassion to all who are impacted; and to call for peace and solidarity during these crises of war, morality, and the environment.



FACULTY VOICES



Dr. Sam Zinaich, Jr.: “John Locke on War”

Dr. David Detmer: “International Law and Wars of Aggression”

Dr. Deepa Majumdar: “Puppeteer Putin”

John Locke on War

Dr. Samuel Zinaich, Jr.

During his lifetime, John Locke (1632-1704) faced many political and social disasters that ultimately lead to war and to the formation of his political viewpoints. His views, recorded in the *Two Treatises of Government*, represent not merely his own intellectual energy dedicated to political theory.¹ His viewpoints are also founded upon the best teacher of all, viz., experience. Therefore, it is the aim of this paper to discuss Locke's view of war. Such a discussion is decidedly worthwhile for our time as it was for Locke's day. Having said this, although I offer some critical remarks, the emphasis of this paper is primarily exegetical and not so much a traditional philosophical critique, which no doubt will come later.

Locke on the State of War

Locke's chapter on war proceeds with a discussion of the nature of war (§16-§21). He brings up two issues: What is war? And how is a state of war initiated? I will be quite brief in discussing the first question. The second is the more important to understand.

War, or what Locke calls a "state of war," is a state of enmity and destruction. A state of war begins with the declaration of an intention by word or action to initiate a war. But such an intention must be specific. It is not a passionate or hasty declaration of one's intention to kill someone else; rather, the intention must indicate, what he calls, "a sedate settled Design" (§16). Locke's point refers to an individual's unswerving, steady, and permanent intention to kill someone else (whether articulated by word or action).

With this in mind, there are two implications. If an individual has such a design, his intention is to destroy the other's right to freedom and to enslave him (§17). And second, it is morally permissible to kill someone with such a design. The reason is that the offender has given up the common law of reason that states that since all people are free and equal, no one ought to harm another in Life, Health, Liberty, or Possessions (§6). And thus, he "may be treated as Beasts of

¹ John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1993). (Originally published in 1690). In this essay, references will be made primarily to the numbered sections of the *Second Treatise* unless I stipulate otherwise. So, for example, (§16) will refer to section 16 in the *Second Treatise* of the *Two Treatises of Government*. Unusual word spellings and italics in the quotes are in the text.

Prey, those dangerous and noxious Creatures, that will be sure to destroy him, whenever he falls into their Power” (§16).

There is one final point to note that signals the difference between Locke’s view of war and Thomas Hobbes’s view of war in the *Leviathan*.² Whereas Hobbes collapses the state of nature and the state of war together (I.xiii.8), Locke keeps them separate: “And here we have the plain *difference between the State of Nature, and the State of War*, which however some Men have confounded, are as far distant, as a State of Peace, Good Will, Mutual Assistance, and Preservation, and a State of Enmity, Malice, Violence, and Mutual Destruction are one from another” (§19).

War in the State of Nature

By far the most attention that Locke gives to the topic of war is when war takes place within the state of nature. I will summarize Locke’s thoughts on the state of nature and draw our attention again to his chapter on war.

Initially, Locke describes the state of nature as a time prior to the establishment of a civil society (§4). Specifically, it is a time where there is no legal system in place, including no impartial judges to hear cases, to make laws, or to enforce the laws. Although there is no civil society, contrary to Hobbes, the state of nature still has a law. It is not a state of unbridled liberty. The state of nature has a law of nature, which teaches each person that since all people are free and equal, “no one ought to harm another in his Life, Health, Liberty, or Possessions” (§6).

Since there are no judges in the state of nature to enforce the law of nature, the execution of the law of nature is given to every person in the state of nature (§7). This gives every person the right to punish the violators of the law of nature. But this does not mean we can do whatever we want to the violator. The right of punishment is constrained. Punishment must be curtailed by what calm reason and conscience dictate, and also one other element. The punishment must be proportionate to what will serve as the right of reparation and the right of restraint (§11).

Locke discusses the right of restraint first. The right of restraint in the state of nature may only be invoked under certain conditions. The offender must violate one of the precepts of the law of nature, and when this happens, Locke adds that “the Offender declares himself to live by another

² Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Indianapolis: Hackett Publishing Company, Inc., 1994). (Original work published 1651). Reference to the *Leviathan* will be made to the part, chapter, and paragraph. So, I.xiii.8 will mean part 1, chapter xiii, and paragraph 8.

Rule, than that of *reason* and common Equity” (§8). The other right is called the right of reparation. This right gives the victim the right to recover compensation from damages the offender created (§11).

The last point for war within the state of nature concerns the cessation of war. Locke states that in a civil society a war ends primarily when the violence stops (§20). Unfortunately, war does not end so easily in the state of nature. War in the state of nature is only ended when certain conditions are met. Once war begins, the innocent party may pursue the aggressor “until the aggressor offers Peace, and desires reconciliation on such Terms, as may repair any wrongs he has already done, and secure the innocent for the future” (§20). Thus, war does not end with just an offer of peace. In contrast, the offender must also be willing to make reparation for the destruction he caused, and he must demonstrate that he will not act like this in the future.

War and the Dissolution of Governments

The next discussion concerns Locke’s analysis of the dissolution of governments (§211-§243). Specifically, the context concerns just how secure the foundation of a government is when it is based upon the consent of its citizens. Locke considers whether such an arrangement will inevitably give way to frequent rebellion (§223). Locke’s crafts his answer in three replies, of which, the second and third add to our understanding of the state of war. What we see is that under certain circumstances, the actions of politicians and rebels may actually introduce a state of war, which unfortunately reintroduces the state of nature.

First, Locke makes clear that although civil society rests upon consent of its members, the citizens of this republic are not so easily persuaded to give in to the temptation of revolution or rebellion. Perhaps from his own experience, Locke remarks that citizens often put up with many abuses and mistakes with great patience (§223). However, he does mention that there are extreme conditions in which the citizens will not placidly bear the strain of a corrupt government. Instead, these same citizens will endeavor to put the rule of the government back into the proper hands of those who have the just authority to rule (§225).

Although in this reply Locke attempts to play down, so to speak, the potential for rebellion among the citizens of a government formed primarily by consent, in the next reply Locke makes the potential for rebellion a deep virtue for such a republic. Locke reasons that the leaders of such

a civil government will be reluctant to violate the trust placed in them because the citizens will “shew them the danger and injustice of it” (§226).

Locke’s discussion of the dissolution of governments starts at §212. A government can be dissolved from without by an invading force or dissolved from within by altering the legislative branch of a government. Although Locke mentions the former, he discusses the latter point at length. The main reason is that the legislative represents the thin line between a civil society and the state of nature. In fact, in the same paragraph, Locke makes clear that the legislative and its constitution are “. . . *the Soul that gives Form, Life, and Unity* to the Commonwealth.” (§212).

According to Locke, the legislative may be intentionally dissolved in one of the five following ways: First, in §214, if the prince sets up his own arbitrary will in place of the laws, “then the *Legislative is changed.*” Second, in §215, if the prince hinders the legislative from assembling or from acting freely, “the *Legislative is altered.*” Third, in §216, when the arbitrary power of the prince alters “the Electors, or ways of Election . . . without the Consent, and contrary to the common Interest of the People [then] the *Legislative is altered.*”³ Fourth, in §217, if the prince or legislative delivers people into foreign subjection, the obvious result will be in the dissolution of the government. Finally, in §219, a government is dissolved when the Supreme executive no longer enforces the laws.

Locke remarks that once one or more of these conditions are satisfied, the government is dissolved and the people of the former government may now erect a new legislative for their own safety and good (§220).

War between Nations

Like Thomas Hobbes, Locke employs the concept of the state of nature to explain why political societies form. It is an important tool employed by both because it illustrates plausibly (even if hypothetically) why people “joyn and unite into a Community, for their comfortable, safe, and peaceable living” (§95).

Is there any evidence in favor of the existence of the state of nature? Locke thought so. He explains that the world never was, nor ever will be, without a state of nature because, *in reference to one another*, all independent governments are in a state of nature (§14 and §183). Of course, one objection emerges. How can a state of nature exist between independent countries? Doesn’t

³ Locke elaborates this point at length in §222.

every country have some sort of alliance with another country? Locke was aware of this objection: Not every compact or alliance ends the state of nature. A state of nature is ended only when there is a mutual agreement “to enter into one Community, and make one Body Politick” (§14).

But what kind of body politic is needed to end the state of nature between nations? I imagine that we are talking about a one-world government. Unfortunately, until something like that comes about, each nation remains in a state of nature with each other. This means that each nation has two distinct rights, the one of punishing to restrain other nations, which violate the law of nature; the other of taking reparations. Of course, although the execution of these rights must be constrained by the law of nature, we are still left with the question of who or what is going to make sure that a nation will stay within those boundaries and who or what will make sure that the requirements for peace will be followed.

In conclusion, what I attempted to accomplish in this essay was to give a glimpse of Locke’s views about war and the conditions under which, war is started and ended. No doubt, his views are much more complex and complicated. That said, there is enough detail to show that Locke’s views about war and the dissolution of governments are still relevant today.

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International Law and Wars of Aggression

Dr. David Detmer

Article 2(4) of the United Nations Charter requires UN member states to refrain from the “use of force against the territorial integrity or political independence of any state.”¹ And the International Military Tribunal at Nuremberg, conducted in the aftermath of World War II, declared the initiation of a war of aggression to be “not only an international crime,” but “the supreme international crime, differing only from other war crimes in that it contains within itself the accumulated evil of the whole.”²

Russia’s invasion of Ukraine thus clearly qualifies as a violation of international law, and, indeed, as an instance of “the supreme international crime.” As such, it is important to criticize it, to oppose it, and to render appropriate aid to Ukraine in resisting it.

But criticizing the misdeeds of official enemies is easy. It imposes no costs or risks. Moreover, it is difficult to see how ordinary citizens in the United States bear responsibility for, or can exert any influence on, the actions of the political leaders of foreign governments.

When it comes to the misdeeds of the political leaders in one’s own country, however, matters stand otherwise. In the United States, while the government’s responsiveness to its citizenry is often slow and unsteady, widespread resistance to governmental policies—especially when those policies are violent and illegal, and the objections to them are moral—can be effective in leading to the abandonment of those policies.

In that light, the level of tolerance for American war crimes, and the intolerance of criticism of those war crimes, is highly disturbing. As a case in point, consider the outrage expressed by several U.S. senators during the recent Supreme Court confirmation hearings of Judge Ketanji Brown Jackson concerning the claim that she had in a legal brief called former President George W. Bush and former Secretary of Defense Donald Rumsfeld “war criminals.” Well, President Bush authorized the use of torture, cleverly re-named “enhanced interrogation techniques,” in violation of several international laws. When the torture photos from the Abu Ghraib prison in Iraq were published in 2004, documenting that members of the U.S. Army and the CIA had committed war

¹ <https://www.un.org/en/about-us/un-charter/chapter-1>

² <https://avalon.law.yale.edu/imt/judnazi.asp#common>

crimes against detainees in that prison—crimes including a wide variety of techniques of torture, in addition to rape—the worldwide reaction of shock and outrage was widespread. And yet, Bush remains a respected figure in mainstream American political circles, in spite of the fact that multiple human rights organizations, including Amnesty International, the Red Cross, Human Rights Watch, and Physicians for Human Rights, have documented that the events of Abu Ghraib were not isolated incidents at odds with official U.S. policy, but rather part of a consistent pattern of conduct at American detention centers in Iraq, Afghanistan, and Guantanamo Bay.³ As if that were not bad enough, many detainees were sent to horrific “black sites” as part of the U.S. policy of “extraordinary rendition”—the practice of sending detainees covertly to be interrogated in countries with less constrained regulations for the humane treatment of prisoners.⁴

That the Bush administration authorized such conduct became clear with the release of the now infamous “Torture Memos,” prepared by the U.S. Department of Justice in advance of the 2003 invasion of Iraq, which argued that international humanitarian laws, such as the Geneva Conventions, did not apply to interrogations conducted by or for Americans overseas. When these memos came to light, the torturous legal “reasoning” they contained was widely condemned by lawyers and law professors across the spectrum of political opinion.⁵

Moreover, the invasion of Iraq was itself, on its face, an instance of the supreme crime against humanity, that is, an illegal war of aggression against a sovereign nation. As Benjamin B. Ferencz, a chief prosecutor for the U.S. at the Nuremberg trials and a former law professor, explained, “The United Nations charter has a provision which was agreed to by the United States,

³ Ederne Rubio, “UN calls on the US to stop all forms of torture now!” (May 2006): <https://www.amnesty.org/en/wp-content/uploads/2021/08/amr510822006en.pdf>; H. C. Kelman, “The policy context of torture: a social-psychological analysis,” *International Review of the Red Cross* Vol. 87 (2005), 123-134; R. Brody, “The Road to Abu Ghraib,” *Human Rights Watch* (June, 2004): <https://www.hrw.org/report/2004/06/08/road-abu-ghraib>; J. Sifton, “No Blood, No Foul”: Soldiers’ Accounts of Detainee Abuse in Iraq,” *Human Rights Watch* (July 2006): <https://www.hrw.org/sites/default/files/reports/us0706web.pdf>; Gretchen Borchelt, “Break Them Down: Systematic Use of Psychological Torture by US Forces,” Physicians for Human Rights (May 2005): <https://phr.org/our-work/resources/break-them-down/>; Scott A. Allen, “Leave No Marks: Enhanced Interrogation Techniques and the Risk of Criminality,” Physicians for Human Rights (August 2007): <https://phr.org/our-work/resources/leave-no-marks/>

⁴ Jane Mayer, “Outsourcing Torture,” *The New Yorker* (February 2005): <https://www.newyorker.com/magazine/2005/02/14/outsourcing-torture>; Jason Leopold, “Senate Panel’s Report Links Detainees’ Murders to Bush’s Torture Policy” (April 2009): <https://www.opednews.com/articles/Senate-Panel-s-Report-Link-by-Jason-Leopold-090501-67.html>

⁵ For example, in his 2005 testimony to Congress, Harold Hongju Koh, Dean of the Yale Law School, called one of the memos “perhaps the most clearly erroneous legal opinion I have ever read” (Testimony of Professor Harold Hongju Koh, January 6, 2005: https://www.judiciary.senate.gov/imo/media/doc/koh_testimony_01_06_05.pdf).

formulated by the United States, in fact, after World War II. It says that from now on, no nation can use armed force without the permission of the U.N. Security Council. They can use force in connection with self-defense, but a country can't use force in anticipation of self-defense... [But the U.S.] decided to invade Iraq—which was all pre-arranged of course. So, the United States went to war, in violation of the charter.”⁶ The same conclusion has been reached by the International Commission of Jurists in Geneva,⁷ as well as by many other experts on international law around the world.⁸

None of this in any way excuses the crimes of Russia in invading Ukraine. Nor is it to deny the real differences between the Russian invasion of Ukraine and the American invasion of Iraq. But when the United States violates international law, it makes it easier for other nations to do so, and makes the U.S. less credible (and thus less effective) in opposing it. As American citizens, we must stand ready to resist patriotic propaganda, see the world with clear eyes, and do what we can to prevent our own country from continuing in its habit (and yes, it is a habit, though I have given only one example of it) of committing unlawful acts of violence around the world. And we should stop coddling our war criminals.

⁶ Jan Frel, “Could Bush Be Prosecuted for War Crimes? A former chief prosecutor of Nazis says yes,” AlterNet.org (August 2006): <https://theyee.ca/Views/2006/08/02/WarCrimes/>

⁷ International Commission of Jurists, “Iraq - ICJ Deplores Moves Toward a War of Aggression on Iraq” (March 2003): https://web.archive.org/web/20030407232423/http://www.icj.org/news.php3?id_article=2770&lang=en

⁸ Peter Schwarz, “International legal experts regard Iraq war as illegal” (March 2003): <https://www.wsws.org/en/articles/2003/03/ilaw-m26.html>

Puppeteer Putin

Dr. Deepa Majumdar

In his *Allegory of the Cave* (*Republic*, Book VII, 514a-521d), Plato's puppeteers deceive the prisoners into believing that the shadows they cast on the underground cave wall constitute full reality.¹ They do not use fiction for this deception. For, even shadows come with a trace of truth or reality. The laws of physics command shadows to mimic their originals, in two instead of three dimensions. The puppeteers, therefore, cannot contort shadows to create fiction as an alternative "reality." The fiction lies in their letting the prisoners interpret shadows to be the fullest reality. A far more sinister puppeteer, Mr. Putin is imposing on Ukraine, through the violence of a hi-tech war, a total fiction – his unreal revanchist worldview.

His barbaric invasion of a sovereign nation like Ukraine proves that the temptation of power continues to plague politics, as it has, since time immemorial. For all our technological advancements and the *hubris* of the twenty-first century, we remain susceptible to this primitive temptation, perhaps because it is inherent in politics. If free-will comes with the risk of evil, then politics comes with that of power. Whether protest-politics, or statecraft, politics comes with an inherent thirst to rule. Unlike good forms of power, which are vested with responsibility, and hence, with legitimate authority, the raw desire to rule is an evil form of power that comes with *illegitimate* authority. Sometimes legitimate power is dispensed with illegitimate authority, when a person in a position of power bullies those over whom he has legitimate authority. Although always violent, bad power reaches its zenith when sadistic – as in torture, or invasion of a militarily weaker "enemy." All wars are cruel. But the twenty-first century hi-tech war is unique in the malevolence of its weapons. If nuclear weapons are catastrophic, then drone attacks – a result of blind utilitarian reasoning – represent the quintessence of cowardice. War becomes pure evil when the perceived enemy is innocent and the war unprovoked.

The complete contrary of a just war, Mr. Putin's sadistic invasion of Ukraine qualifies as among the most unjust of wars – all the more, given his irrational justification – a mix of hypocrisy and revanchist ideologies. As BBC News reports:

¹ Plato, "The Allegory of the Cave," in *Greek Philosophy Thales to Aristotle*, ed. R. E. Allen (New York: The Free Press, 1991), 224-245.

Many of President Putin's arguments were false or irrational. He claimed his goal was to protect people subjected to bullying and genocide and aim for the “demilitarisation and de-Nazification” of Ukraine. There has been no genocide in Ukraine: it is a vibrant democracy, led by a president who is Jewish.²

One wonders if Mr. Putin drew inspiration for his hypocritical justification of war and regime change from America’s multiple instances of regime change in so-called “third world” nations – using the most undemocratic means (the hi-tech war) ever, to bring about “democracy” and “freedom”! Here it helps to evoke Gandhi’s basic dictum – that the means used determine the moral worth of the ends sought and reached.³

Many experts have analyzed Mr. Putin’s invasion – their reasoning ranging from blaming him without context, to blaming the west using historical context, but no free-will. While there is, of course, the broader precipitating context of the history of Russia and Ukraine, plus many other factors – like Europe’s need for Russian gas, the economics of it all, the role of the oligarchs, etc. – the fact remains that it was Mr. Putin who pulled the trigger to this fratricidal war – nobody else. As the immediate cause of this collective violence against a sovereign nation (Ukraine), he alone is culpable, to a degree nobody else is. The individual and his free-will therefore matter. While it is true that we are each both a courier and puppet of History, some individuals, like Mr. Putin, play greater roles than others. Moreover, while Mr. Putin is a puppeteer of History, he is, in a way, also a puppet of History. This does not absolve him of moral culpability, which comes with our innate God-given free-will – even if he has long lost touch with it. For, History works by a combination of the divine and human will – the two together forging the myriad destinies of individuals and nations.

Ukraine would have been spared the heartache of this war, if Mr. Putin had heeded this wrathful warning from the otherwise gentle Buddha:

He who harms the harmless or hurts the innocent, ten times shall he fall – into torment or infirmity, injury or disease or madness, persecution or fearful accusation, loss of family, loss of fortune. Fire from heaven shall strike his house and when his body has been struck down, he shall rise in hell.⁴

² <https://www.bbc.com/news/world-europe-56720589>

³ Gandhi said, “As the means so the end” (74) and “Impure means result in an impure end” (76) – meaning, the means used determine the moral quality of the ends reached. See M. K. Gandhi, *All Men are Brothers: Autobiographical Reflections*, ed. K. Kripalani (New York: Continuum, 2004), 74, 76.

⁴ Buddha, “Violence,” in *Dhammapada*, trans. T. Byrom (Boston & London: Shambala Publications, Inc., 1993), 36-39.

Like all bullies, Mr. Putin expected little to no resistance from Ukraine. All he expected was a swift conquest – reminiscent of America’s shock and awe subjugation of Iraq – an overthrow of Ukraine’s democratically-elected government, followed by regime change. But the modern hi-tech war is contingent in a way no other product is. Yes, war too is a product – one that reifies violence. One humdrum aspect of modern technological production is the mechanical certitude of its products, and hence, the utterly predictable character of their performance. Not so the modern hi-tech war, which draws its contingency, not from mechanical failures, but from unforeseen historical happenings. The courageous resistance of the Ukrainian people has taken Mr. Putin by surprise. Perhaps so have protests from Russian citizens (including some top billionaires) and from other nations, especially those in the global north, united against him. Western sanctions, even if weak, will hopefully cripple Mr. Putin’s ability to afford this war. Moreover, thanks to technological advancements, like the smart phone, etc., his atrocities in Ukraine are being documented – unlike those of the People’s Republic of China (PRC) in Tibet. Based on this documentation, Mr. Putin should face the fullest prosecution for war crimes.

The tragedy unfolding in Ukraine raises many questions. First, while it is wonderful that many nations did chorus against Mr. Putin, why is the world still so lacking in cosmopolitanism, empathy, and true brotherhood? Why did the west not protest other invasions, atrocities, genocides, and tragedies from the twentieth and twenty-first centuries – like the bombing of Yemen by US-backed Saudi forces, America’s hi-tech wars in Afghanistan and Iraq, PRC’s invasion of Tibet, the ongoing conflict in Ethiopia, etc.? Why did racism raise its ugly head even in the refugee situation in Ukraine – despite the fact that Ukraine’s multi-ethnic citizens include Afro-Ukrainians? There are perhaps four aspects to this schism between the west and non-west – preferential treatment for white Ukrainian refugees, prejudice against people of color fleeing Ukraine, prejudice against refugees fleeing non-western nations to the west, and the nonchalance of some Asian and African nations (former European colonies), with respect to Russia’s invasion of Ukraine. Regarding people of color fleeing Ukraine, the Nigerian government has condemned discrimination against thousands of its citizens at the Ukraine-Poland border.⁵ Moreover, Polish nationalists have attacked people of African, South Asian, and Middle Eastern origin fleeing

⁵ <https://www.theguardian.com/world/2022/feb/28/nigeria-condemns-treatment-africans-trying-to-flee-ukraine-government-poland-discrimination>

Ukraine.⁶ These examples prove how much the west continues to fall short of the universal ideal of genuine cosmopolitanism – despite the historically unprecedented interconnectedness of the world today:

... CBS News senior foreign correspondent Charlie D’Agata stated last week that Ukraine “isn’t a place, with all due respect, like Iraq or Afghanistan, that has seen conflict raging for decades. This is a relatively civilized, relatively European – I have to choose those words carefully, too – city, one where you wouldn’t expect that, or hope that it’s going to happen”... The BBC interviewed a former deputy prosecutor general of Ukraine, who told the network: “It’s very emotional for me because I see European people with blue eyes and blond hair ... being killed every day.” Rather than question or challenge the comment, the BBC host flatly replied, “I understand and respect the emotion.” On France’s BFM TV, journalist Phillipe Corbé stated this about Ukraine: “We’re not talking here about Syrians fleeing the bombing of the Syrian regime backed by Putin. We’re talking about Europeans leaving in cars that look like ours to save their lives.”... An ITV journalist reporting from Poland said: “Now the unthinkable has happened to them. And this is not a developing, third world nation. This is Europe!”⁷

The contrast between the west’s exemplary and worthy welcome of white Ukrainian refugees – and its racist treatment of refugees of color in Calais, or at the Poland-Belarus border, where they have been subjected to strip searches – even forcible sedation – could not be more stark or tragic.⁸

Finally, it is equally sad to see Europe’s former colonies in Asia and Africa bear colonial grudges enough, to have refrained from condemning Mr. Putin and his armed forces, without distinguishing between those European countries that engaged in colonialism and those that did not. Moreover, from a human rights standpoint, these former colonies should have protested, even if Mr. Putin had invaded a former European colonizer instead of Ukraine. This proves that anti-colonialism, unless rooted in human rights, becomes unjust – even reverse-racist.

Second, why do armed forces obey the whims of an autocrat? Their need for discipline is understandable. So is the need to subordinate them below a head of state (to prevent military coups and takeovers). But when does the relationship of the armed forces with their commander-in-chief become so cultish that they obey blindly the insane orders of an “aging autocrat” (as *The Guardian* called Mr. Putin)?

⁶ <https://www.theguardian.com/global-development/2022/mar/02/people-of-colour-fleeing-ukraine-attacked-by-polish-nationalists>

⁷ <https://www.theguardian.com/commentisfree/2022/mar/02/civilised-european-look-like-us-racist-coverage-ukraine>

⁸ <https://www.amnesty.org/en/latest/news/2022/04/poland-belarus-new-evidence-of-abuses-highlights-hypocrisy-of-unequal-treatment-of-asylum-seekers/>

Third, how do we prevent a revanchist, delusional, megalomaniacal sadist like Mr. Putin – to whom, Ukraine is not even a nation – from occupying positions of power? How do we sublimate the dictator’s thirst for power, to a spirit of service? For Plato, the solution lay in cultivating the ideal leader, who, having glimpsed the numinous glory of the Form of Goodness, would be fit to act with wisdom in statecraft.⁹ By implication, he would no longer be interested in power. This, perhaps, is the highest solution to the problem of power in politics. But only a rare few reach this consummate ideal. What the rest of us need, is – not merely the structured democracy, which, in its western forms, has been no less war-prone – but a *moral* democracy – with checks and balances, strict term limits for heads of state, plus mature disciplined citizens who are capable of following democratically-created, morally sound rules.

Ukraine proves that for at least two reasons, non-violence, although the highest ideal, is not an absolute moral virtue – meaning, it does not apply everywhere, always. First, not everyone is morally capable of facing violence with non-violence. To force a person to do so would be violent. Second, non-violence is not feasible in all empirical situations. Ukraine cannot afford non-violence before Russian armed forces (one of the largest military forces in the world). Like the Tibetans (towards PRC’s invading soldiers), the Ukrainians have been brave, cheeky, and resilient (towards Russia’s invading soldiers). While this is praiseworthy, they also need weapons, which, for them, are as essential to life, as food and water! Moreover, Ukraine proves that like non-violence – patriotism, defiance, and even war itself – cannot be absolute in their moral character, or lack thereof. In some contexts they are virtuous, while in others, they are vices. Thus the same attribute of patriotism, which, in Ukraine, is a virtue, becomes a vice in the blind nationalism of Mr. Putin and his followers in Russia. Moreover, the attribute of defiance, which is a virtue in the indomitable spirit of the Ukrainians, becomes a vice in Mr. Putin’s defiance of the west. Finally, in the invader, war is sadistic, unjust, and morally wrong. But in the nation attacked, a war of defense, while still violent, is a just war – or a necessary evil.

That many prosperous nations have slapped sanctions on Russia, proves that we are moving away from the subjective ethics of moral relativism towards the objective ethics of Conscience. The tragedy of Ukraine adds to the turmoil that defines this extraordinary historical moment – one that presages the next macro-cycle of History. In the end, despite free-will and personal agency,

⁹ Plato, *Allegory*, 226.

formidable autocrats are no more than couriers of History. Puppeteer Putin would do well to remember that he is no more than a puppet of History!

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REFLECTIONS

Kayla M. Vasilko: “Choices” (on Abortion)

There are challenges, there are choices; there are the steps *before, after,* and *during* choosing, but solutions are mirages as long as the world continues to turn. Life is a maze with endless beginnings; there is no one absolute context for truth. The only finality is that nothing has been completed. We are each connected by a thread that spans so far, we feel so alone that we hear only the echoes of our own hearts, complicating the clarity of the path ahead, calling to question if we should look up, and if we would see anyone *really* there. We are fragments of all shapes, pieces of a kaleidoscope, each one of instrumental purpose. The wind shatters a spider’s web if one part of the lace is torn. We can try to reach out, attempt to mend it, but we may fail. We may know nothing about securing it, we may only understand how to tear it farther apart. What matters is that we never stop seeking the knowledge we need to make our fragments as full as possible; that we accept that others will take the steps they understand to be best for them; that we never stop moving away from hatred, and towards a peace and care that promote the beauty of the world in all of its complexities. We are different, fragile pieces of the world, but we are all covered by the same moonbeams, star fall, and rays of the sun. Gifted only all the space in the universe to interpret what that means for ourselves.

Kathleen Nielsen: “Just my Opinion” (on Abortion)

Overturing *Roe v. Wade* isn’t just about aborting a woman’s *and girl’s* right to an abortion. It is an assault on a woman’s *and girl’s* right to privacy regarding her healthcare.

Ultimately, this is a medical issue for a woman or, in the case of a child, her parents or guardians to make decisions about. No level of government or the judicial system should have the right to breach HIPAA only in the case of women and girls, and to steal their agency over their own bodies.

The overwhelming gender of the people in government, who take it upon themselves to make intimate decisions only a woman and her doctor should be privy to, are men, and they are not even doctors, let alone the doctor of any of these women *and girls* they seek to control.

A good number of these men are immoral or amoral concerning their own lives. So who gives them the moral authority to dictate to the female population what qualifies as immoral or amoral in their lives? They give that power to themselves.

They not only want to make decisions they have no right to make, they want to criminalize women who dare to make their own personal decisions. This is not just about abortion, these men intend to extend their power over women to include birth control; they want unlimited access to any woman's *or girl's* reproductive history; and they want the power to decide whether a woman has orchestrated her own miscarriage or tubal pregnancy. This is how ignorant these men are, and an example of why they have no business intruding where they do not belong. Comments from men who might be in the position of making these decisions are not just ignorant. They are offensive and disgusting. In the case of rape, "a woman should lie back and enjoy it" (Robert Regan-R and Clayton Williams-R);" and, "legitimate rape rarely leads to pregnancy" (Todd Akin-R).

It is especially cruel to make no exceptions for women *and girls* who have been raped by strangers or family members; for the age of a girl; for a non-viable pregnancy; or for a severely deformed fetus.

Finally, where is the gestapo-like intrusion and enforcement of reproductive rights regarding the men who impregnate women *and girls*? Why do we not hear about criminalizing men who get vasectomies; use products such as Viagra; use condoms and throw them away with viable sperm in them; donate sperm to a sperm clinic; or provide sperm for IVF (in-vitro-fertilization) that may fail?

This is why I call the overturning of *Roe v. Wade*, the trigger-laws salivating to take effect, and the existing laws in Texas, that include vigilantism (thanks to the Supreme Court), an assault on the privacy of women *and girls*. Not just their privacy, but their freedom as well.

Michael L. Warren: “MLK’s Four Steps” (In Dr. King’s “Letter from Birmingham Jail”)

The first step in a nonviolent campaign, as described by King, would be to assess the situation by gathering facts to determine if it is actually unjust. I’d like to reflect on this first step, because in almost every part of life it can be very helpful to actually organize thoughts and gather facts on what you are campaigning for. The second step would then be negotiation. I also like this second step because it strengthens the great principle of cooperation and working with others instead of fighting against them. The third step stated by King would be self-purification. I look at self-purification when applied here as a very important part that ultimately makes a nonviolent campaign actually nonviolent. This, to me, means you have gathered facts and know the law is unjust, you have brought up negotiations to relinquish the unjust law – but negotiations have failed – and now, before you take *direct action* (the fourth step), you need to let go of your anger at the unjust law, or at the creators of the unjust law. Or, more so, you must even forgive the law that was established in the first place, and forego your anger against it. Not doing the self-purification step, I believe, would just always lead to a violent campaign. Lastly, *direct action* is the fourth step – the ability to fight for change *directly*, in the open, lovingly, and with full willingness to accept the penalty for defying the unjust law.

LONG ESSAY

Is *Hockey Seen* a Work of Dance Art?

Dr. Renee Conroy

Hockey Seen

In 1972, Nelson Goodman presented his first multimedia art project, *Hockey Seen: A Nightmare in Three Periods and Sudden Death*, to Harvard audiences. The piece was the product of creative work undertaken by director-producer and script-writer Goodman, choreographer Martha Armstrong Gray, composer John C. Adams, visual artist Katharine Sturgis, media artist Gerd Stern, and mask-maker Ernie Higgins of the Boston Bruins. Program notes describe *Hockey Seen* as follows:

On three huge screens, projected calligraphic drawings of hockey skaters interact with dancers [in] hockey-like attire, who explore the gestures and rhythms of the sport with the vocabulary of modern dance. This curious drama is impelled by a contrapuntal musical score played on the electronic ARP synthesizer, and follows the basic structure of the hockey game which ends unexpectedly in ‘Sudden Death’ (Howard quoted in Carter, 2009; 62).

Further details are provided in the guide for a 2006 exhibition at Marquette University celebrating the work, according to which *Hockey Seen* is an

. . . innovative experiment . . . showing the interplay between the dancer’s movements and large-scale media projections. These large multi-screen projections incorporate the drawings of hockey players in motion and crowd scenes at a hockey game to create the ambience of an actual hockey event (Carter, 2006; 1).

Despite the fact that professional dancers performing modern dance choreography crafted by a well-recognized choreographer is an essential feature of this work-for-performance, the piece is a “dance art outlier” or borderline case for several reasons. First, *Hockey Seen* was the artistic brainchild of an analytic philosopher who was not a dancer and did not create any of its choreographic elements. Second, it was billed as a piece of experimental theater rather than as a dancework. Third, it has not achieved standing in the pantheon of American avant-garde dance creations from the 1960’s and 70’s. I will argue that, despite its unusual history, nothing bars *Hockey Seen* from being regarded correctly as work of dance art by defusing three sources of skepticism about its ability to possess this status.

Two brief comments about *Hockey Seen* are helpful to frame my project, which paves the way for further arguments defending its claim to be a work of dance art. First, the calligraphic images used in all presentations of the piece during its decade-long performance history were derived from live-action sketches Goodman's wife, Katharine Sturgis, drew while watching hockey on their home TV in an attempt to "capture motion and energy rather than a representation of the game" (Carter, 2006; 1). These hasty doodles became the inspiration for the work because, as Curtis Carter reports, "the drawings suggested *choreography* to Goodman" (Carter, 2009; 61, emphasis mine) in virtue of their kinetic character. Hence, *Hockey Seen*'s generative idea was unequivocally related to dance and dance-salient movement qualities.

Second, Goodman's overarching motive was to create a performative experience that could illustrate his influential theories about symbol-making and the cognitive potential of art as articulated in *Languages of Art* (1968) and *Ways of Worldmaking* (1978) by

. . . demonstrat[ing] how our whole perception and conception of the game alters drastically by association with the distilled dynamism of the drawing, dance and music, while these take on new characteristics and intelligibility in relation to the familiar subject-matter as it is also being transformed (Goodman unpublished manuscript quoted in Carter 2006; 4).

Thus, the multi-faceted artistic character of *Hockey Seen* was central to Goodman's project since he intended to create a performable that could denote, exemplify, and express features of a hockey match while also bridging appreciative chasms between fine art and sports and between art-enthusiasts and those who "won't be seen dead looking at drawings or *going to modern dance* of all things" (Goodman quoted in Carter 2006; 1, emphasis mine). The hybrid character of the finished work, however, does not impugn its ability to enjoy dance art status since many danceworks have as essential features things other than designed movement structures (see Conroy 2019 and Pakes 2020 for more on this point).

Three Worries

One might be skeptical about whether *Hockey Seen* could qualify as a work of dance art though its appreciative focus is human bodies in motion and the commissioned choreography serves a variety of Goodmanian symbolic aims, some of which implicate dance directly. Three facts about *Hockey Seen* generate skepticism about its potential to be a bona fide work of *dance art*.

First, *Hockey Seen* is not referenced in dance history or dance studies texts and is not taught as part of the standard curriculum educating dance majors and MFA candidates about 20th century American dance history. Its notable absence from the accepted academic canon of danceworks, and from presentations on danceworld stages, could suggest that *Hockey Seen* is not regarded by insiders as a dance art creation. Hence, one might argue that because it has not been “taken up” by those with a serious stake in dance art it is not appropriately related to the relevant community’s appreciative practices. Call this the Canon Concern.

Second, *Hockey Seen* is referred to by Goodman and others who have a vested interest in it, including philosopher of dance Curtis Carter, as a “multimedia art work,” a “multi-level work of art,” a “multimedia performance project,” or a “theatrical collaboration.” Goodman employs other carefully qualified locutions, as when he describes *Hockey Seen* as “a particular theatre piece involving dance” (Goodman, 1983; 80, emphasis mine) and writes that “the work exemplifies, as does a purely abstract dance, certain movements and patterns of movement, changes of pace and direction, configurations and rhythms” (Goodman, 1983: 81, emphasis mine). In public records, he never calls the piece a dance(work), nor does he draw direct appreciative comparisons between *Hockey Seen* and other paradigm cases of dance art. So, if one expands Kendall Walton’s “Categories of Art” thesis and urges that authorial intentions carry weight in establishing art-category membership in virtue of their role in establishing correct category perception, then *Hockey Seen* appears to be some kind of non-dance work-for-performance that utilizes dancing.¹ Call this the Classification Concern.

Third, if Goodman is its author in the sense of being the generative artist who bears creative responsibility for the finished offering’s beauties and blemishes, then it might seem *Hockey Seen* could not be a work of dance art because it was authored by a person who was not embedded appropriately in the dance artworld. Furthermore, *Hockey Seen* could be argued to lack a relational property necessary for any creation made in the medium of human movement to qualify as a work of dance art: being created by an agent who *generates* novel movement sequences for dancers to perform. Call this the Choreographic Concern.

¹ Theoretical expansion is required because, as Walton reminds readers in a recent symposium on “Categories of Art”: “What matters for Walton⁷⁰ is which categories works are correctly perceived in, not which ones they belong to. A work might be perceived correctly in categories to which it does not belong, or belong to categories it is not correctly perceived in” (Walton, 2020: 80).

Three Worries Alleviated

The Canon Concern is the weakest of these skeptical challenges because canons are ever-evolving and notoriously problematic indicators of value. First, the mere fact that an artwork featuring human movement does not appear in academic dance texts – or is not discussed in dance history classes or anthologies of dance criticism – is not, by itself, evidence that the danceworld rejects it as a member of some recognized dance art genre. Many works accepted unequivocally as dance art creations do not appear in the “historical canon” because they have been effectively lost due to the passage of time. While in the process of reemerging from the shadows of dance history, some garner the attention of a small subset of dance practitioners who *might* agitate publicly on behalf of their artistic significance. As a result, a few “lucky ones” eventually become part of the accepted canon. But their dance-art status is not granted retroactively, i.e., when they become familiar to a sufficient number of dance insiders. Instead, reconstructive efforts presuppose that such “lost” creative products already enjoy dance-art status, though epistemic limitations prevent them from being the subject of most forms of dance analysis and keep them from being instantiated in live performances. So, absence from danceworld discussions or performance activities does not necessarily indicate a lack of dance-art status.

Second, canons are by nature selective. Thousands of pieces for performance regarded uncontroversially as works of dance art have been created in America in the last century, but only a handful are referenced regularly by those who pursue dance studies. Indeed, even for iconic choreographers such as George Balanchine, Trisha Brown, or Mark Morris, only a relatively small percentage of their dance art oeuvre is immortalized through repeated textual analyses and on-going restagings. For every famous choreographer, there is a litany of lost works. And for every publicly revered dancemaker, there are hundreds more whose creations never receive widespread attention: it is a danceworld reality that most pieces of dance art are known by only a small set of audience members and a select group of performers. But this unfortunate fact never jeopardizes the average choreographic creation’s *status* as a work of dance art provided other factors bind it to the relevant appreciative practices.

Finally, even the total absence of a movement-based work from dance texts, academic curricula, and the contemporary stage is not evidence that the danceworld *would* reject the creation as a paradigm case of dance art if confronted with the question. In fact, if today’s dance insiders were asked to classify Goodman’s *Hockey Seen*, it is probable that they would regard it as

appropriately located in some category of dance art. Were it performed on a program alongside other canonical modernist or postmodern danceworks of the period, *Hockey Seen* would not seem at all out of place. After all, the 1960's and '70's American dance scene was dominated by an array of theatrical experiments that explored minimalism, improvisation, multimedia presentations, and the relationships between art and everyday life. Thus, even the savvy dance aficionado who attended such a retrospective performance event might be surprised to learn that *Hockey Seen* was the creative progeny of a famous analytic philosopher rather than a relatively unknown work by David Gordon, Ralph Lemon, or some forgotten Judsonite.

In addition, it is not difficult to construct a historical narrative of the kind recommended by Noël Carroll for identifying art, one that describes *Hockey Seen*'s genealogy as “an intelligible contribution to an evolving [dance] artworld project” (Carroll, 2008; 448). The most challenging part might be determining where the story should begin. Given that Goodman had significant ties to the American danceworld – he served as the Director of the Dance Center at Harvard from 1971-1977 and was instrumental in the formation of the Harvard Summer School Dance Program – one could construct a narrative that highlights his non-philosophical preoccupations with the creative work of his dance art contemporaries, including icons such as Merce Cunningham who was also exploring the intersection of dance and video technology at the time. Alternatively, one might reach back a bit further and emphasize an artistic link between Goodman's symbolic aims and those of earlier modern choreographers who sought to transform dancers' representational capacities through the use of sculptured masks and costumes (e.g., Mary Wigman's *Hexentanz* (1914/1926) or Alwin Nikolais' *Masks, Props, and Mobiles* (1953)) as well as through projected images (e.g., Loïe Fuller's developments of *Serpentine Dance* (1892)). Which narrative is most accurate or illustrative is a matter for dance historians to decide; however, several plausible artistic stories could be told that bind *Hockey Seen* to both antecedent and contemporaneous dance art projects. Thus, there is a theoretical basis for countenancing it as a work of dance art, as well as a practical reason to believe that members of the 21st century dance community might do so if, as Dominic McIver Lopes would advise, the “buck were passed” to them (see Lopes 2014).

With respect to the Classification Concern, Walton's well-known theses in “Categories” – suitably expanded to include art-category membership – pave the way for a response. He famously argues that the generative artist's intentions about correct category perception are informative but not decisive, as they are one factor to consider against others: (1) whether the work has a

preponderance of features standard with respect to a given category; (2) whether the work is “better, or more interesting or pleasing aesthetically, or more worth experiencing when perceived” in a given category; and (3) whether the relevant category “is well established in and recognized by the society in which W [the work] was produced” (Walton, 2008; 531). Goodman’s intentions can, thus, be sidelined because *Hockey Seen* appears to satisfy the last three conditions with respect to dance art categories.

First, *Hockey Seen* has an abundance of properties standard for the categories “work of dance art,” “work of modern dance art,” and “work of experimental dance art.” These include things such as: being a presentation in which human movement is the obvious appreciative focus; being a presentation in which artistic content depends on the movements of dancing persons; and being a presentation in which kinetic, aesthetic, and representational features are determined by *how* people dance. The fact that its symbolic content is enhanced by projected paintings and other images endows it with a property that dance practice confirms is *variable* for all the aforementioned categories. Thus, the only contra-standard properties *Hockey Seen* might have, which are historical rather than perceptible and do not seem to hold much disqualifying weight, are that Goodman was not a recognized dance artist and he did not call the work “a dance.”

Second, although difficult to validate without mounting a reconstruction, it is credible that *Hockey Seen* is more interesting, aesthetically pleasing, or worth experiencing when perceived as being related to the array of dance art creations cultivated by the first wave of postmodernism in American dance – or as artistically linked to earlier experiments by modern dance pioneers – than it would be if perceived in some nondescript categorial catch-all bucket designed for wrangling potential free agents, such as “multimedia performance” or “theatrical collaboration.” If experienced *in a dance art category*, its associations are, to borrow from Jorge Luis Borges, “almost infinitely richer.” For one thing, the set of relevant artistic projects with which to make perceptual and conceptual connections is vastly *clearer*. For another, all the members of this set will draw attention to the uncontested appreciative foci of Goodman’s artwork: the *movements* of actual dancers, of fictive sports players, and of humans in action forging meaningful connections between the manufactured worlds of art and sports.

Third, the three dance-related art categories noted above were all well-established in mid-twentieth century America when *Hockey Seen* premiered, as were many others that might be more intriguing (e.g., the category of sports dances or mask dances). Thus, whatever Goodman might

have intended, a suitable appeal to Waltonian basics can defuse the Classification Concern. This leaves us with the Choreographic Concern and the following question: can non-dancers who are also not choreographers *author* works of dance art?

Complete treatment of this issue is beyond the scope of this essay, but I maintain the answer is “yes.” To clear the path for defense of this claim, several points about the present case deserve mention. First, although it might be tempting to regard it as contra-standard relative to dance art categories for a dancework to have the historical property of being credited to someone who did not choreograph it, this feature is actually variable if one considers both traditional ballet practices and the projects of some contemporary dancemakers. In older balletic traditions, the choreographer was a menial worker-for-hire paid to design spectacles to showcase the idiosyncratic talents of star ballerinas; thus, choreography was expected to change from cast to cast. As a result, the person who typically receives creative credit for authoring works from 19th century romantic and classical dance art traditions is the original scenarist or librettist, which is precisely what Goodman was in the case of *Hockey Seen*.²

Second, this historical practice has colored the danceworld’s perspective on Serge Diaghilev’s Ballets Russes to some degree, so that while the infamous impresario never created a movement sequence and rarely authored scenarios, he is frequently credited *artistically* (not just causally) for the existence of the ground-breaking danceworks his company performed. It is worth noting that Goodman’s relationship to *Hockey Seen* was much more authorially robust than Diaghilev’s was to any of the works he produced. However, the cases are not dissimilar insofar as both men labored to convene the most talented group of available visual artists, musicians, and choreographers to bring their artistic visions to life on stage, and both oversaw their productions with a heavy directorial hand.

Finally, in contemporary dance the “rise of the choreographer-auteur” that took place in the early 20th century, and has become entrenched in some areas of dance art practice, is both highlighted and problematized by works such as Jérôme Bel’s *Xavier Le Roy* (2000), whose official description on Bel’s website reads as follows: “He [Bel] asked his colleague Xavier Le Roy to develop a choreography in his vein and with his dancers, which he then signed, the way an artist signs a painting. The choreography is called Xavier Le Roy — the name of the artist who

² For an illustrative and in-depth treatment of these and related issues, see Chapters 1-4 of Anna Pakes, *Choreography Invisible: The Disappearing Work of Dance* (Oxford University Press, 2020).

has been appropriated, and who has carried out another's concept. But it is Jérôme Bel who claims authorship" (<http://www.xavierleroy.com/>, accessed 1/14/21). If Bel's attempted appropriation is successful as an ironic commentary on dance art history or current dance practices, this is only because it is not an isolated case of someone being granted authorial credit for a dancework (s)he did not choreograph. Hence, there is danceworld precedent for regarding dancework authors as numerically distinct from danceworld choreographers. As a result, it could be argued that Goodman authored *Hockey Seen* insofar as he was *an* author of *the work*, even if he might not have been its sole author and Gray was its only choreographer. Thus, typical sources of skepticism about *Hockey Seen*'s potential to be a work of dance art can be allayed, and the conceptual path is cleared for a positive case in defense of the claim that *Hockey Seen* is *correctly regarded* as a dance art creation.

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PHILOSOPHICAL POETRY



Little Caged Bird



Jadon Hearn

*A caged bird will never learn to fly.
Such an ignorant creature
Will never understand the reason why
Enslavement by its own obliviousness
Must truly be bliss,
Upon knowledge of its destructive nature –
A purpose that no longer exists.*

*Never once looked outside
To the world that is set ablaze.
Such an insensitive creature –
One that is unfazed.*

*A pridefully caged bird
Blinded by the thoughts of dominance
And ancient old ways,
Watching as the free birds fly.
Such short-sighted thought,
Such naïve eyes,
Showered by treats and gifts.
Never has it crossed the little bird's mind
What if...*

*A wondering caged bird,
Pondering a purpose more than this.
A compassionate little bird that doesn't need gifts.
No greedy desire to have all that it can see.
Just the wonder of the power to stop its cruel deeds
A selfless urge to learn to fly
Entrapped by its own question of why.*

*A cowardly caged bird
Afraid of what the other little birds may say.
Watching the world burn
From its little gray cage.
Envisioning a dream as frightening as this.
Maybe the little bird is delusional
And thinks the problem outside doesn't exist.*

*What changes would the little bird make
If it were to learn to fly?
Such a pridefully delusional bird
At fault for its own end.
Had the chance to save the world
But chose to stay sheltered.
Shackled to the chains of denial and greed,
Such a beautiful little bird
That will never be free.*

Poem Explanation

Jadon Hearn

The poem, “Little Caged Bird,” was created to represent the thoughts and arguments presented by Rosalind Hursthouse in her article, “Environmental Virtue Ethics.” In this article, she presents the argument that humans are enveloped in vices such as greed, short-sightedness, self-indulgence, dishonesty, and self-deception, which have caused the continuation of ecological disasters such as global warming. However, one would think that humans would acknowledge their destructive nature and cease their selfish actions. But alas, past teachings and vices of pride and vanity have blinded the majority of the human population and have caused numerous cases of ecological disasters to be increasingly worse – to the point of irreversibility. Additionally, with respect to these vices, the majority of the human population accepts the deviance from these aspects and uses them as an excuse to continue their selfish ways regardless of the clear and relevant facts that are inexcusable. With the mention of selfish ways, there are a handful of people who know the severity of the ecological disasters. Unfortunately, they refuse to speak because of cowardliness.

However, there is a difference between not speaking because of a fear of what others may say, and not speaking due to short-sightedness. To elaborate, if one does not know what is going on in the world and is oblivious of every ecological issue, one cannot be a coward, since one cannot speak on the subject. However, if one does know what’s going on in the world and chooses not to speak – this is where the term cowardice can be used. In addition to the previous statement, there are some vices that cannot co-exist. For example, short-sightedness cannot co-exist with cowardice. Moreover, examples such as this cause the issues of resolving the ecological disasters, to become much more complicated.

Hursthouse did mention a solution for humans, to change their familiar ways and prevent them from committing new vices – a solution that can empower humans to become more compassionate, benevolent, unselfish, honest, unmaterialistic, and long-sighted, thus enabling them to have the mindset and power to resolve ecological issues. This solution revolves around the concept of changing the way humans think and view the world. For example, instead of viewing the world in a corrupt evil manner, humans should take the extra step to see the beauty of it. When referencing back to the vices that cannot co-exist, Hursthouse never stated that this solution was an easy one or that it would be a quick fix. Instead she implies that this solution is one for fresh untainted minds

of the children of the future – children who have not been taught the familiar greedy ways of humans of today. Though, the last portion of this insight was not mentioned in the poem, it will be discussed in the following statement concerning the details of the poem.

With respect to the given insight about Hursthouse’s article, we will now reference the entirety of my poem. For starters, with the creation of this poem, I wanted the human species to represent itself by a simple creature with the ability to learn and achieve things of its nature – such as a little bird and its ability to learn to fly. Additionally, given the terms of Hursthouse’s arguments, I wanted the view of the little bird to be one that is oblivious of the world, greedy, selfish and sheltered within a comfort zone. This last was created by the reference to a *caged* little bird. As you read the poem, the caged little bird goes from an oblivious state of short-sightedness, to an un-oblivious state of pride and wonder, to a final state of cowardice. This was meant to represent a selfish human being, blinded by its greed, and not once thinking about the ecological disasters it is contributing to. Upon knowledge of these deeds, the human being chooses to assert its dominance and prideful ways of flaunting its gifts and materialistic things. However, after thinking about its purpose and the damage it has caused, the human being questions itself, and wonders if it should make a change. Nonetheless, the human being chooses to stay within its comfort zone, deceiving itself that the environmental issues do not exist. The entirety of this poem represents more of the negative side of the argument presented in Hursthouse's insight, rather than the solution side, because I wanted to capture the mindset of human beings who are self-centered, greedy, and refuse to make a change because of fear of what others may say.

