Discomfort and Moral Impediment

The Human Situation, Radical Bioethics and Procreation

Julio Cabrera

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CONTENTS

PREFACE

My main goal in this book is to connect two things usually separated in books on ethics: the hard situation of human beings in the world–as described in previous books like *Critique of Affirmative Morality* and other writings of mine–and the very possibility of morality and of a morality of procreation in particular. One of my explicit intentions is to contribute to removing procreation from its usual position as a mere "natural act", or as an obviously ethical act, or even as the most ethical of all acts.

In the first part of the book, I discuss "human situation" (as different from "human condition", the term usually employed in some lines of thought from which I prefer to distance myself), in terms of sensible and moral "frictions" or disturbances regularly affecting human beings, questioning thereby the usual idea of human life as obviously "valuable". The notion of a profound "discomfort" in the mere fact of existing, provoked by these frictions, is crucial to a structural assessment of the value of human life and its impact on many moral (or mortal, in Thomas Nagel's terms) questions like preserving one's own life, taking life from others and giving life.

The book also illustrates the way positive values that we enjoy–with some luck in the social lottery–in our lives, are hard human constructions operating without guarantees, as a defence against the advances of the discomfort of being. In more technical terms, I will refer to this structural discomfort as the "terminality of being", a much more abstract philosophical category than mere "mortality" as we shall see. This basic human situation (composed of discomfort due to the frictions of terminality and the reactive construction of positive values) is essential to a structural–not merely sociological or empirical–assessment of the "value of human life". This is a very primitive situation in which we are already immersed long before we begin to think about it.

In the second part of the book, such a structural dimension of the "human situation" will play a fundamental role in reflecting the amazing lack of ethical care in the act of procreation, where new human beings are thrown into a situation of discomfort and into the field of the arduous creation of positive values. But the profound discomfort argument is not the starting point for the antinatalist argumentation that the reader will find

in the second part of this book. The crucial argument is grounded in the ethical demand of not manipulating other human beings, an attitude that is apparent in any act of procreation.

The arguments concerning the profound discomfort of the "terminality of being" serve to successfully answer the usual argument that manipulation in procreation is morally admissible in virtue of the "great value" of the life offered to the unborn. The double ethical demand of not manipulating and of not giving anyone something that we know to be problematic constitute the two components of the antinatalist argumentation presented minutely in the second part of the book. This line of argument departs from many usual antinatalist argumentations, especially concerning the relations between manipulation and harm and its impact on the morality of abortion.

Most assuredly, a philosophical reflection on birth cannot concentrate exclusively on the issue of procreation. In the last chapters of the book, three further bioethical questions will be advanced in relation to the emergence of discomfort-in-the-world: abortion, sexual morality and education. I illustrate how an anti-abortion argument can emerge within an antinatalist context without producing paradoxes or incongruence. I argue that the ethical problems that procreation has to face are much more serious than those that human sexuality, however heterodox, has to cope with. Lastly, the structural unhappiness of the child, despite his or her empirical "joyfulness", is exposed in connection to the patterns of domination in education and training, giving rise to the problem of biopolitics which has not yet been properly addressed.

From the eighties until the present day, I spent decades talking about the moral problems of procreation and antinatalism, receiving little endorsement from my Latin American colleagues (from Argentine and Brazil). In 2006, David Benatar published *Better Never to Have Been* through Oxford University Press, initiating a lively international polemic around the issues I had been raising all those years. This proved once more that what is not written in English does not exist in the philosophical panorama; languages impose an ontological policy. Benatar's book showed at least that my early negative and antinatalist reflections were not absurd, or else that not even important publishing houses were free from falling into philosophical extravagancies like the immorality of procreation. On the other hand, Benatar's book, in my view, is lacking in a

solid foundation of the pessimist approach to procreation and focuses on a merely empiricist and utilitarian approach.[1]

Concerning the style of the exposition, I adopt some features from the tradition of essay writing, choosing clear and direct delivery of ideas close to ordinary intuitions and without "speculative flights" or abstruse technical language. I would like to follow the philosophical styles exemplified by Arthur Schopenhauer in the German tradition, William James in the North American one (especially in his "essays on popular philosophy"), Spanish thinkers like Ortega y Gasset, Miguel de Unamuno and Fernando Savater, and by Vilém Flusser, who unsuccessfully attempted to introduce this style of thinking in Brazilian philosophy. The reader will find here argumentations as well as images and narratives around the topics discussed, and all of them are essential to the objectives of the present philosophical enterprise. Many allusions to cinema will also be found.

I adopt in this book, with few exceptions, the exclusive masculine use of pronouns with the same attitude that other authors use exclusively feminine ones. This option has not, of course, the same value that it had before the vindication of style equality from women's movements, and it may be inverted in further works. This choice should be, in present times, a stylistic and political option for writers in each case.

[1] Cf. Cabrera, *Quality of human life and non-existence* (Some criticisms of David Benatar's formal and material positions). See also the additional chapter on Benatar in Cabrera, *Crítica de la Moral Afirmativa*.

PART I

ETHICS AND THE HUMAN SITUATION

CHAPTER ONE

THE MINIMAL ETHICAL ARTICULATION (MEA)

My point of departure concerning the characterization of ethics will not present anything new beyond some traditional ideas on ethical morality. This is intentional. For the nature of the reflection intended here, it seems to be convenient not to initially introduce any new notion of ethical morality but rather to maintain a traditional one. For it is precisely the possibility or impossibility of ethics *as traditionally understood* that constitutes the crucial critical question of what I call a "negative ethics", in a sense which will be further clarified. The preliminary critique of affirmative morality intended here could not be made if we were to change right from the start the characterization of what ethics is supposed to be. Let's make this starting point clearer.

First of all, we perceive that we need something to be able to organize minimally our rapports with other human beings, animals and things. Nonetheless, not every organization is an *ethical* organization. Ethics is one form of organization of our relations with other human beings,[1] but it is not the only one. The traditional idea of an *ethical* organization of life is one attempting to consider other human beings' interests and intentions, and not merely our own concerns. In an ethical organization of human relationships, everyone should be initially ready to wrong oneself in the process of considering other people's interests, but in such a way that one's own interests are not annulled or dispensed with but articulated in some way along with those of others.[2]

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[1] I intentionally do not say "with other persons" and I will generally avoid using the notion of a "person" or of a "human person", expressions tied to some sort of ethical and bioethical discourse. The reasons for this will become more evident in the course of the present inquiry. From the start, I can say that I prefer not using this expression because it has been generally connected to the kind of "value" of human life put in question in the present book.

[2] I am aware that the whole of Nietzsche's philosophical work is devoted to transcending this view of things. According to his "genealogy of morals", no one

"Consideration" will be a relevant category here. The "ethical value" of a human life would depend on the fact of being a *considered* life, in the double sense of "taking into consideration" others' interests and of deserving "to be considered" by others. "To consider" means here to take into account, to attend to, to observe, to listen, to be aware of, without being forced to accept (we could reject an interest after having "considered" it). At the base of this is the obvious idea that we are placed in a situation in which we have desires, expectations and projects that we want to carry out–some of them urgently and with significant emotional involvement–and that we will have to make the effort to balance these longings and aspirations so that they do not hinder the desires, expectations and projects of others, without abandoning our own.

The minimal demand of consideration does not forcibly command us *not to impinge on* the interests of others, much less *to help* others to satisfy their interests. It merely demands that we *consider them* and *submit them* to examination to see if we can obtain a balance between these interests and our own. But here it becomes important *who the other ones are* and *what are their interests*. We live in a situation where human beings can have interests *that do not give consideration to other people's concerns*. The ethical demand requires us to consider the interests of others if these interests do, for their part, consider others' life projects. If they don't, we would not have an ethical obligation to not obstruct them, much less to help them be fulfilled. In doing so, we might be transgressing the minimal ethical demand. We might even have the ethical obligation *not to help* or even *to obstruct* some lines of human action.

It is always a difficult task to obtain a reasonable balance between our interests and the interests of others, but in the case of openly dishonest people (who I will later refer to as "*actively consenting impeded* people", in chapter 5), this balance becomes impossible because these human beings have nothing to offer as a contribution to this balance. Thereby, there is a basic problem with the famous principles of bioethical principlism:[3] neither autonomy, nor beneficence, nor non-maleficence, are basic ethical demands since all of them should be submitted to one more basic test: take into account the interests of those who themselves take into account the interests of others. It wouldn't make any sense to respect the

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really acts "against oneself," a movement that the "Will to Power" refuses to make (for the same reasons that there are no "disinterested actions" either). However, for now I prefer to maintain Nietzsche's ideas as a horizon of the impossibility of ethics instead of assuming his very strong stance from the beginning.

[3] As exhibited in Tom Beauchamp and James Childress' classic work "Principles of Biomedical Ethics".

autonomy, promote the welfare or even avoid the discomfort of colonizers, tyrants or torturers.[4] Thus, it is essential to always keep these two levels of analysis in mind.

I will resume all this in what I call minimal ethical articulation (MEA). Ethics does not essentially demand to respect the autonomy of others or to not harm them if they themselves do not respect the MEA. Observing this minimal principle precedes respect for autonomy, helping and not harming, because the other could be someone whose autonomy does not deserve to be respected, someone for whose welfare we do not have to fight, someone who does not deserve to be helped, or worse, someone whose interests need to be obstructed. (Think of the interests of Spanish colonizers in subjugating indigenous cultures, the interests of Hitler in invading Poland, or the interests of the United States in interfering in the policies of other countries).

In this way, the principle of justice becomes the prior one, insofar as protecting the autonomy or the welfare of those who do not consider others' interests would not be a fair attitude. The MEA is, in itself, a principle of justice. It may indeed be fair to *not* consider some kinds of human projects. Ethics cannot be understood except by confronting these deadlocks and paradoxes.

Of course, if all humans involved in a situation observe the MEA, our obligations to respect their autonomy and to not harm them become imperative. Failing to observe the demands of the MEA under such conditions would imply resorting to manipulative conduct, or the attribution of damages to others that could be avoided; or even the refusal of help when it could have been offered.[5]

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[4] This does not immediately mean that we have the right to kill inconsiderate or dishonest people, however offensive or even outrageous their life projects may be. The issue of killing is another crucial topic of ethics and bioethics, in addition to the question of procreation. There are strong motives for defending the idea that even the physical elimination of criminals or tyrants would be an extreme kind of non-consideration that the minimal moral demand would not endorse. But I cannot address this matter here.

[5] My formulation of the MEA has undergone all kinds of revisions through the years as a consequence of criticisms. The version presented here does not coincide with previous formulations that were still stressing the demands of "do not harm" or even "help". Countless objections were presented against this characterization of morality. In order to continue the inquiry and not get bogged down at this stage, it is important to make an effort to capture the essence of the minimal demand. The MEA tries to summarize the idea that we already find in usual European ethical theories. If this minimal ethical demand is found to be problematic in the present context, it must be so considered in all the other contexts where it was employed.

The MEA is not merely a product of agreements or social manoeuvring to organize a community. On the contrary, it consists of something that could correct, challenge or even vigorously cast aside some agreements or social manoeuvres. Thus, it could happen that a group of citizens, or even a single individual, thinks that their community is not adequately considering the interests of others. The MEA is not imposed through the social pressure of the members of a community since this social pressure could be challenged from the point of view of the MEA.

This does not mean that the MEA is a kind of *a priori* structure; it is merely a minimal ethical demand that communities and individuals can understand in very different ways. There will be conflict in many cases, and some party will prevail (in general, the values of the entire community are usually imposed on individuals or small groups). The MEA is not an eternal structure, and there is no reason for us to accept–as individuals or as members of small groups–a specific way of understanding the MEA on behalf of the communities to which we belong. We can defend the minimal ethical demand by challenging the values of our own community.

Thus, ethical demands cannot inertly arise from given forms of social interaction or an intersubjective factual praxis. We do not have any ethical obligation to adapt ourselves to the moral social games in which we were educated, or even to be uncritically "good members" of a community. Ethical morality ought to arise, in any case, from conflicts and discussions between diverse understandings of the MEA as a minimal demand. For example, I might consider the implementation of motor traffic rules to be unfair or even dishonest in the way they are imposed in the community to which I belong. Or I can live in a Eurocentric community that considers indigenous or black forms of life defeated and surpassed, but I can revolt against these ideas and values, as "quixotic" as this insurgence may appear to many people.

I do not have any ethical obligation to adapt to my own culture if I have reason to think that constituting a community in such a way is wrong. There is no reason why I have to develop my life from the acculturation processes that I received as a child, starting from my asymmetrical birth. Of course, I am legally bound by rules and laws, and I could be punished for challenging them (and rewarded or tolerated while rigorously observing them). I can be considered a "violator" of some law or even a criminal in virtue of some established rules, but never anti-ethical or

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The MEA essentially coincides with Adela Cortina's idea of a "minimal ethics," in the sense of an ethics without elevated deontological or hedonist demands, which seeks out equality and consideration of the interests of all beyond merely factual "pacts" (Cf. Cortina, Ética Mínima: Introducción a la filosofía práctica, 284-287).

immoral on the grounds of that. However, I will, of course, have to substantiate my disobedience or even my rebellion against the rules that I am ready to see as unfair.

Ethical morality should be, but usually is not, the product of an analysis and criticism, and even of a challenge (but hardly ever of a totally radical breakdown) of the formation that we received in a unilateral and authoritarian way. It should not be something that we must simply receive and reproduce. We are forced to participate in diverse intersubjective praxes where arguments are presented and behaviours are developed. But these praxes do not consist of the mere absorption and observance of what was transmitted by our ancestors (genitors, professors, governors). We can resist integration into a community that favours some specific individuals and does not consider all people equally.

Therefore, censuring the behaviour of someone who is violating some norm is justified if the censuring community is observing the MEA. In a community of criminals, the intersubjective game of norms, the mechanisms of censorships, the feelings of indignation, etc., could work perfectly well. Even criminals censure others for not observing the rules that they themselves impose for their intersubjective practices. Communities need to presuppose some minimal sense of ethical morality from the onset (and that is precisely what the MEA aims to provide), because that morality cannot arise from the mere fact that communities, as cohesive and well organized as they may be, are organized around values that we can–and very often should–contest. These are some of the trivialities around ethical morality that we need in order to pursue our inquiry regarding the value of human life and the morality of procreation.

The Role of Feelings and Sympathy in Ethics

The disposition to take into consideration other people's interests and not only our own, and the refusal of manipulation, does not identify with any kind of ethical theory in particular, but points to an elementary articulation without which there would simply not be ethics at all.[6] This seems to be

[6] At least in a Western sense, ethical articulations have many ways of being thought up and characterized, for example, from the perspective of American Indians, African and Eastern universes and forms of life. Introducing these other articulations of ethical morality in a work like this would modify its entire structure. But it becomes imperative to attend to all that multiplicity in further works about ethical matters. The MEA attempts a rather broad formulation of an ethical demand: it is inconceivable to see practices like persecution, arbitrary loss of freedom or discrimination as being ethical in any plausible sense. Nevertheless,

the minimal articulation dividing human actions and attitudes into categories of right and wrong, following the criterion of consideration of others' interests (when they do the same to others). My point here does not seem controversial. We cannot accept as "ethical" any theory which prescribes that only self-interests should be taken into consideration. Despite occasionally appearing in the literature, I do not accept the consistency of the expression "selfish ethics".[7]

But this minimal ethical demand is not purely intellectual either; it involves affections; it attends to the demands of ethical theories of feelings in the style of Adam Smith and Hume. This will be important later on when we address ethical questions that provoke strong feelings, such as procreation, abortion and sexuality. I do not at all assume that this minimal notion of ethics, which we will use throughout this text, is something purely intellectual and free from feelings. On the contrary, the question of feelings is extremely relevant and is always taken into account.[8]

The demand for consideration of others always involves an emotional appeal that has to be attended to. But it does not seem reasonable to accept that a human action or attitude ought to be considered ethically correct just because people feel it is so, not even when it is felt as such by the majority or by the entire community. The indignation and rejection that a member of a certain community may feel when confronted with the actions of another member, or the shame someone may feel when called to account, are not *per se* ethical reactions. These feelings can altogether exist in a community of criminals. The leader of a gang may get very angry with a younger gangster's inefficiency in threatening an enemy, and in turn, the youngster may feel ashamed for not being able to satisfy the expectations of his chief, or his criminal colleagues. In order to discard this case, we might have to add something as: "indignation and shame have to be *ethical* feelings and occur within an *ethical* community". But in order to avoid circularity, we must accept that feelings alone are not enough to

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this formulation of the ethical demand is not entirely "objective", but it is always mediated by social organizations and practices. What we see from the outside as "discrimination" could very well be seen differently from the perspective of the individuals and groups living these practices.

[7] And even this sort of ethics sustains a version of the consideration of others since it deals with some kind of rational egotism. I cannot develop this further here.

[8] See Cabrera, *Cine: 100 años de Filosofía*, "Introduction". In my writings on film and philosophy, I had insistently maintained that in all philosophical argumentation there is both a logical and an emotional (or "pathic") element, which led me to coin the technical term "logopathic" to express this particular kind of concept formation. In order to be adequately captured, a philosophical idea also needs to be felt and not merely understood.

characterize ethical morality. There has to be an added non-sentimental criterion that differentiates between ethical and unethical feelings. Feelings in themselves are neither "ethical" nor "unethical".

A feeling can be crucial for driving someone towards ethical consideration for others, but the mere presence of a feeling, even if felt by the whole society we belong to, does not make an action ethical. That an entire community, specifically the kind in which we grew up, maintains certain positive feelings of acceptance towards some practices (say, marriage and procreation) or negative feelings of rejection towards others (like suicide or homosexuality) does not prove the *ethical* or *unethical* character of these practices. That the members of the community into which I was fortuitously and asymmetrically placed at my birth, display indignation at an action I commit, does not prove that I have done something ethically wrong, or that their indignation is something that should make me feel ashamed. There is no reason why, in evaluating human practices, I must accept the standard feelings of the community in which I am situated due to the radical contingency of my birth.

Sympathy cannot, therefore, be part of the characterization of the minimal ethical demand since sympathy is not ethical in itself. We can sympathize with monstrosities. There will be ethical sympathies and unethical ones, and that indicates that some previous understanding of ethics should be presupposed prior to sympathy. It is not of much use to point to the "natural" character of sympathy. If sympathy is a natural emotion that everyone experiences, this feeling still needs to be stimulated and trained in order for it to function ethically. We will not only have to cultivate sympathies but also channel them towards ethically adequate objects, to objects that *deserve* our sympathy. Sympathy alone will not enable us to make *ethical* choices.

On the other hand, if sympathy is a "natural" feeling, then so too are antipathy and apathy. Ethics is concerned with the consideration of others; moreover, what of those for whom we do not feel any sympathy, or we feel the opposite, or feel nothing at all? Are they not worthy of ethical consideration? We must grant feelings an indispensable place in the observance of ethical demands, positing them as essential reinforcement of ethics; but *per se* they will not make an action or attitude ethical. Sympathy can be part of a methodology of ethical formation or application through fomentation and exercise so that feelings can reinforce ethics without constituting it. Sympathy can help consolidate an ethics previously conceived in terms that cannot be purely sympathetic.

Some perverse systems like the Spanish conquest, Nazism or a community of delinquents can generate their own rules of reciprocity,

rewards, remunerations, feelings of indignation and guilt, and even virtues. It should be clearly known whether the objects of an education *deserve* ethical approval rather than merely adhering to some well-established social pacts. Once something is recognized as being right, in the sense of the MEA, it can be observed with sympathy. Some people or human groups could understand rightness in an intellectual way, others prefer an emotional bias, but in either case, the ethical character of actions and attitudes should be determined beforehand.[9]

[9] Everything that was said up to now of the ethical demand applies exclusively to human beings since it cannot be expected of non-human animals or things that they consider our interests. When we consider moral attitudes with respect to animals or things, we do it as a function of the consideration of human interests. Maybe with non-human animals, affections acquire another value. This question of attitudes towards animals is very important and deserves special attention.

CHAPTER TWO

HUMAN LIFE AND DISCOMFORT (THE NON-STRUCTURAL ARGUMENTS)

In European theories of ethics[1], something like a "value of human life" in the sense of a positive value (sensible and moral) is never radically denied or rejected. This idea functions like a self-evident truth despite the disagreements regarding better formulations (not all the defenders of this crucial idea believe, for example, in an "intrinsic" or "innate" value of humans, but in a historically developed human value). In an ethical-negative line of thought, as pursued in the present book, the question of a positive value of human life (the idea of human life being something evidently good), *is not a self-evident truth but rather something that needs to be argued and defended in a slow and careful process of argumentation*. That this positive value of human life could be proven by argument is not excluded as a possibility; what is being denied is only its presumed "obvious" character. That is so because many adverse elements arise when this slow and careful consideration in favour of human life is assumed seriously, without recourse to wishful thinking or metaphysical or religious assumptions.

Given that this slow and careful argumentation in favour of the value of human life has not been arrived at (and we can have, as we'll see, many motives for thinking that it will take some time), I will move in the opposite direction, of trying to present arguments in favour of the thesis that human life carries something like an initial structural *disadvantage.* I will argue in favour of the possibility of showing that human life *initially* presents a valueless character or a "lack of value", not in the agnostic

[1] I do not pretend to be parochial in this denomination, but merely refer to the fact that our Latin-American educational establishments exclusively import ethical theories from hegemonic European countries and make omission of vernacular thinkers. I use "European" with the same emphasis that Nietzsche spoke of a "European nihilism" and Husserl of a "crisis of European sciences."

sense of not being "good or bad"[2] but in the sense of carrying from the outset an *adverse value,* at least for beings like human beings. (In fact, there is an ambiguity in the use of the expression "x lacks value". This can mean that x has no value at all, either positive or negative; or it can be read as meaning that x has a negative value, as in the sentence "your novel *does not have any value*" meaning that it has a *negative* value. It will be clear in the following that when I maintain that human life "lacks value", I use the second alternative).

As an argumentation strategy, I start with the sequence of non-structural arguments, proceeding from the weaker to the stronger ones (although this sequence is conjectural, and the reader may disagree).

1) *The Daily Suffering Argument*. Humans of diverse societies and social classes acknowledge in their speech and attitudes that life is something bad, in the sense that it involves discomfort.

Humans live their lives amidst discomfort and suffering. Beginning with the most trivial, the vast majority of the world's population has to toil to earn food and the minimal conditions necessary to continue living and is forced to perform tasks or assume attitudes that they wouldn't like to confront. All social classes are regularly plagued by daily afflictions like headaches, colds, migraines, indigestions, stomach ache, toothache, backaches, fluctuation of temperature, heartburn, nausea, not to speak of the continuous threat of a serious illness.[3]

Daily life is a place of effort, struggle, hurry, worry, unease and nervousness, and not just in big cities; in the country, we find tediousness, misery, solitude, family violence and environmental concerns. Wealthy human beings have multiple preoccupations derived from having a lot of money: they will have to manage it, take care that it does not devalue, constantly have to take precautions to prevent robbery, spend a lot on security, ward off predatory friendships, and take care of tedious illnesses and overindulgence that create neuroses and manias particular to the wealthy classes.

Humans complain almost permanently about discomfort (physical, economic, familial, social) and frequently produce sentences like: "We are

[2] We should consider this traditional terminology of "good" and "bad" as part of an ephemeral vocabulary, just like the duality "positive-negative" (even in the expression "negative ethics"). "Good" and "bad" will be replaced by the notions of "welfare" and "discomfort" in the following steps of the argumentation.

[3] See Benatar, *Better never to have been*; Benatar and Wasserman, *Debating procreation*. It is hard at this point to do better than Benatar in the exhaustive listing of our daily calamities.

born to suffer", "Life is a valley of tears", "Hell is here on earth", expressions that indicate the malaise and discomfort that regularly accompany daily life. It is true that, quite often, they also manifest happiness and contentedness, but, according to this argument, such manifestations are very much derived from the great efforts that humans are permanently forced to make in order to confront the discomforts of life. Thus, they try to laugh or smile in the face of adversities, because, as they say, "Otherwise it is *even* worse". A courageous attitude is not a symptom that things "are going well" but may show precisely the contrary: adversity is so great that we are forced to "lighten up" in order to cope with it better (as they say in Brazil: "*rir para não chorar*").[4] Even expressions that are used to praise life include an element of discomfort ("in *spite* of it all*",* "it was worth the *trouble*").

Happy moments in human life are brief, fleeting, ephemeral and come at a high cost (illnesses, enmities, financial problems). To enjoy a trip and see something pleasant, we might have to overcome all kinds of natural and human obstacles (apart from serious accidents, unexpected sicknesses, robberies and even greater woes that arise on trips, there are many inflicted by other human beings, like customs agents that take particular pleasure in delaying us and ruining our trip, or aggressive police officers, greedy merchants, and so on).

Even as regards what people consider life's "big moments" (childbirth, a love affair, an unforgettable trip, a big commercial or professional success) are literally ripped out from a conglomerate of unpleasant circumstances and situations. Moreover, approximately seventy percent of the world's population does not even have access to most of these "big moments of happiness", and when they do (in the case of childbirth), these moments appear to be mired in countless difficulties and penuries of all kinds. A sincere phenomenology of attitudes and utterances would show that human life is lived in struggle and conflict; an immense effort is spent to get a few moments of happiness or comfort, always in a state of unfairness, penury and suffering. Of course, in this phenomenology, we also encounter a lot of mechanisms to disguise and conceal our miseries. Suffering and frustrations are concealed and we tend merely to see or concentrate on the misfortunes of others while exaggerating our small achievements.

I have a basic objection against this line of argument on the "lack of value" of human life. It is merely empirical and it compels us to enter into a very complicated and controversial calculation of "goods" and "evils"

[4] Laughing so that we don't cry.

and to verify if the goods "exceed the number" of the evils or vice versa, by placing everything on a scale. This line of argument is developed in a very problematic and subjective domain, for everything comes to depend on the weight that people give to their experiences, on what they understand as "big moments", and so on. Besides, some Marxist sociologists could allege that this description of misfortunes corresponds only to the capitalist way of life. *A much stronger argument on the initial valueless character of human life has to point to structural features*. It cannot be grounded on mere calculations. It has to show clearly that *even a life with a clear predominance of goods over evils would not have any structural value*. This is what the "argument of profound discomfort" or "structural argument" will subsequently aim to prove later. But, at the moment, we continue with the non-structural arguments.[5]

2) *The Philosophers' Dark Vision Argument*. Throughout the course of the history of European thought, philosophers of the most diverse persuasions have always shown human life as something bad and the world as an inhospitable place.

This is the Nietzschean view of the history of philosophy as depreciation and slandering of life. From Hesiod and Plato, through Plotinus, Augustine, Anselm, Pascal, and up to German Idealism, the world has been pictured as a place of suffering and evil, especially within the Neoplatonist scheme that leads to Hegel and even to Marx. According to this scheme, something very valuable was lost, and now we have to get it back by practising some moral way of life; we must struggle, amidst suffering and obstacles, in search of some sort of salvation.

In almost all cases, the "lack of value" of human life has been formulated upon metaphysical and religious foundations. It is worth noting that even those authors who defend "human dignity" and different kinds of "humanism", accepting the possibility of a "higher" mode of living or some effective practice of moral values (i.e. thinkers who are not sceptics, nihilists or agnostics), even they have presented human life as a sombre enterprise, full of risks and evil, where morality and plenitude are exotic

[5] This is a kind of empirical pessimism that I find in some of the antinatalist literature, including David Benatar's 2006 book (*Better never to have been*), and that I have criticized in the article mentioned in footnote 1 of the preface, and in the new edition (2014) of *Crítica de la Moral Afirmativa*, part IV, section 4: "David Benatar and the Limits of Empirical Pessimism". In fact, I find in the literature a mixture of empirical and structural elements that it is important to distinguish clearly in order to avoid some frequent social and political criticisms against pessimism.

flowers, and where moral force is mandatory in order to compensate for a world full of misery, infamy and perdition. It seems obvious that a world presented as a place of atonement, punishment and vindication is not a good place, but in any case, it is a place that has to be "turned good" through our own efforts.

3) *The "Better World" Argument*. If human life were something good, humans would not have throughout history imagined better worlds through religion and arts.

Since the beginning of time, humans have imagined worlds transcending our own; worlds of deities, sheer happiness, light, rewards, harmony, heroism, adventure; worlds where injustices are healed, goodness rewarded, evil punished, and life enjoyed. However, if life were sufficiently good, why would humans have this urgent need to imagine better worlds? Works of art, music, painting, theatre and film present everything that humans do not find in life, all of the beauty, harmony, power and noble tragedy, of which they are deprived in their real lives. Why would humans conjure up other lives if their own were bearable? Humans weave dreams to compensate for the frustrations of real life. We could not go on with our lives without the magic of arts and religions. It would seem that a world which imperatively needs to be transcended is not satisfactory enough, but it merely supplies the bricks for building better worlds.

One could retort that the fact that humans need better worlds does not imply that our world is bad; it could be good, and religion and arts make it *still better*. But a phenomenology of attitudes shows that humans consult churches, places of self-help and therapists in an attitude of profound despair, clamouring for help rather than merely seeking to "complement" their already pleasant lives. Consider "salvation". How can a life that we must save ourselves from be good? Humans dive into fantasy worlds eagerly unfolded by the arts (the "amusement" described by Pascal as well as the powerful "escapisms" of today are forms of fun, allowing us to flee our arduous, demanding, boring, unpleasant and unsatisfactory lives). The desire for transcendence (religion) and for indulgence in fantasy (arts) does not appear in this phenomenology as a luxury which humans would look for just as an optional gratification, but as a pressing need for satisfaction that cannot be deferred, without which life would be unendurable. Do not the profusion of self-help books[6] and the anxious

[6] Including suicidal self-help literature: two books explaining how to exit from life without pain: Guillon, and Yves Le Bonniec, *Suicide, mode d'emploi*; and Humphry, *Final Exit*, were worldwide bestsellers.

demand for them show a profound despair in the face of an uncomfortable and disturbing life?[7] A life that so badly needs another world to compensate for its shortcomings cannot be a good and self-sufficient one. Such a life is just bearable or supportable at best.

One can reply that religions and the arts also present suffering and desolation, and not just good things. But the sufferings and tragedies provided by religions and arts have two highly compensatory features. In the case of religions, suffering and tragedy have a sense and a purpose. One suffers in the hope of attaining something good, noble or redemptive. The arts display suffering that can be contemplated from the comfortable position of a spectator (even an emotionally involved one), as magically "controlled" suffering, cathartic and pleasant. Suffering with a purpose (religions) and contemplated sufferings (arts) are two powerful symbolic devices that make suffering appear to be apparently controlled.

4) *The Argument of the Dead and the Replacement of Loved Ones*. Being irreplaceable or difficult to replace is usually a plausible criterion–albeit not unique or exclusive–for something or someone to be valuable. The more valuable a thing or human is, the less easily it can be replaced. However, usual human attitudes towards the dead and other "losses" of so-called loved ones show that one human life is not valuable enough, because it can always be replaced, with greater or lesser ease.

A sign of the value of a thing or human can be measured by its coefficient of substitution: the more valuable, the more irreplaceable. This does not point towards mere commercial exchange values. Also in the case of the death of our loved ones, we frequently speak of "irreparable loss", in the sense of the impossibility of substitution (e.g. couples that lose a small child and do not want to have another, feeling that death robbed them of something that can never be replaced). This seems like strong evidence of the immense value of what was lost. We also often speak of a particular work of art as "irreplaceable" (if a Van Gogh were damaged, there would never be another to take its place). Thus, the possibility of substitution can be a reasonable parameter of being valuable (although, of course, not an absolute one).

Let's now observe human behaviour in our societies with respect to the dead and "losses" of loved ones in general. A human being can be very loved and valued while alive, as absolutely different from all others and

[7] This does not seem to constitute a mere modern phenomenon since the Greek writers of tragedies and Seneca already talked about similar despairs in their writings; this does not mean that Seneca was ahead of his time about life in his thoughts but that life and its discomfort was prior to Seneca's time.

therefore irreplaceable. But when that human being dies, the others who surrounded him or her will lament and cry for some time, but slowly, little by little, they will accept it, put their loss behind them and forget. A husband that loses his wife (not even only a young one) will remarry, have kids, and "rebuild his life", so they say, since, as we all know, "life must go on". Society will also encourage him to forget and "move on with his life", because "one cannot weep forever". And if this human continues to grieve his loss for one whole year, he will be taken to a psychologist. In positions of employment, when someone loses a loved one, he gets a maximum of one week off to cry his heart out and quickly return to his daily activities. A week is the exactly stipulated period of time that one needs, in the eyes of the labour market, to honour the value of the one without whom we believe we cannot continue living.

In societies like ours, humans seem to have a powerful capacity for substitution. No one is so unique that he or she cannot be traded or negotiated. However, if what is valuable is connected to what is irreplaceable or difficult to replace, those who forget the dead and replace them–more or less quickly–would be admitting that the value of the lost loved one existed while he or she was alive and present, but that value has now been surpassed by the very flow of life. Thus, there is nothing more one can do in terms of investment in the value of the lost human being, besides evoking particular memories from time to time–with lesser and lesser frequency–until they totally disappear with the passing of time.

However, if the value of a human being is something settled by others that can be removed afterwards (like a divestment), it means that human beings did not properly possess any intrinsic, internal or structural positive value but only the value that other humans accorded him when he was alive. Had a human being had an internal value, he would be *totally irreplaceable*. He could not simply be forgotten; nostalgia and longing for him would be unbearable and would destroy the close survivors (our dead would kill us as in some of Edgar Allan Poe's bleak short stories). An ethics that really considers human beings to be irreplaceable should include the severe moral imperative to *never forget the dead*, thereby establishing a kind of endless mourning (like in the play *La casa de Bernarda Alba* by Federico García Lorca).

It seems then that we are born without any positive value, and when we die, we lose the positive value accumulated throughout our lives by our own actions and by the actions of others. When someone dies, their value is played out, the curtain falls. If the deceased still retains some value for a time, it will be by the stubborn investment of his survivors, who will die one day and they will also be forgotten.

Remark number 1

There is a strong resistance in discussions on this matter to accept that human beings behave in the manner I have just described, forgetting their dead more or less quickly and forging ahead. It is very difficult to prove an empirical thesis because one would have to produce several kinds of tests, conduct interviews and explore diversified observations. In my experience over the course of many years and in many different countries, I have not seen humans that have been afflicted and paralyzed for years and years by the loss of someone, to the point of totally losing their ability to work, have sexual relations and continue living life with all its difficulties. I have only seen this in movies. It seems to me a fact of experience that nature supplies a powerful impulse to continue in spite of losses, and that society makes an effort to help us recuperate, as soon as possible, the motivation for forging ahead. (In fact, others can even become irritated, worried or derisory if we continue mourning a loved one after one or two years).

It could also be argued that there are very few people that do not manage to continue living after a loss or even kill themselves as a consequence of losing someone (like the great French actor, Charles Boyer, who committed suicide after losing his wife without whom he could not find a meaning for his life). It seems to me that such cases are highly exceptional (and seen by many as pathological). If the capacity for replacement is accepted as a criterion of value (something that we are not forced to accept), humans would not have enough value so as to not be forgotten, and not be replaced with other humans in a time that can be very short. This shows, in sound informal logic (it's obvious that it is not a deductive inference!) that human lives do not have value in themselves but merely the value that other human beings invest and divest in them throughout their mutual relationships until one of them dies.[8]

[8] It is usually repeated in books on ethics that "people are not replaceable", but rarely do their authors talk about the everyday behaviours in which humans are in fact replaced when they leave. For example, Marcia Baron affirms that it would be praiseworthy for someone to volunteer to replace the tulips that have died with new ones, though it would be a sick joke for a man that has killed two people to say he is ready to replace them with the children his wife is about to give birth to. The reason for this is that "[…] respect for humanity implies that people are not replaceable. Losing one person is not compensated by producing another" (Baron, "Kantian Ethics", 24-25). But if this were really the case, how can we explain the behaviour of people that "remake their lives", with society's full consent and even encouragement, after they lose a loved one? The irreplaceable character of someone has to be constructed through a powerful invention of values. In a footnote, Baron still admits that it can be acceptable to replace people as

Remark number 2

In the movie *The Train* (John Frankenheimer), the museum director says to the members of the French resistance, referring to famous artworks that had been looted by the Nazis: "Those paintings are irreplaceable". The leader of the French resistance replies: "I lost many men in these battles. They too, like the paintings, are irreplaceable". But, in a certain sense, the irreplaceable character of paintings (and of artworks in general) is literal. Nothing can replace a Van Gogh. In the case of humans, even though the majority of people place human life above the conservation of a mere painting, it is simply false that humans are irreplaceable, according to the preceding arguments, while it is literally true that a Van Gogh cannot be replaced by a Gauguin or a Picasso or by anything at all. This would seem to strengthen the thesis that humans are capable of creating objects more valuable than themselves, in the sense of them being more irreplaceable.

Of course, we could also consider Van Gogh himself to be irreplaceable in the sense that, had he died before painting his more famous works, no one else could have replaced him (just like a great leader of the French resistance could be considered irreplaceable for his key role in war operations). But even in these cases, it would not be totally true that these humans are literally irreplaceable (there will be other painters and other leaders). Had Picasso died before painting *Guernica*, we would have never known the dimension of the loss that was Picasso's death. Thus, it would be somewhat absurd to say now, "Had Picasso not died, he wouldn't have painted *Guernica*". However, once he painted it, Guernica becomes irreplaceable in a way that Picasso could never be.[9]

5) *The Acknowledgement Argument*. If human life, in fact, had a structural positive value in itself, humans would not so eagerly need for this value to be acknowledged and recognized by other humans.

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consumers, workers, soldiers, progenitors, etc., for example after a devastating war. She says that this does not mean that we consider disappeared people as replaceable, but that we make these substitutions for society to carry on. What I ask in the line of argument here assumed, in a radical bias not carried forward by Baron, is if the mere intentionality of "continuing to live" after the loss of supposedly irreplaceable human beings is sometimes ethically justified.

[9] In his famous polemics with Derrida, John Searle suggested that he had himself developed the theory of speech acts that J. L. Austin would have written if he hadn't died prematurely. In his reply, Derrida points to the impossibility of knowing this and even to the absurdity of such a claim.

In personal relationships of love and affection as much as in work and professional activities, *we have a very strong and urgent need to be acknowledged by others*. We want to be loved, admired, appreciated, respected and praised. From a very young age, we need a caress, a compliment, a word of encouragement or an institutional reward. Not only do we need to be praised for what we *do* or *have* but also for what we *are*. We have a tremendous need to be acknowledged *for our own being*, not just in what we do or possess.

However, one can infer (informally) from the fact that we have a great need for others *to give value* to our own being, that we do not actually have this value, or that we do not have enough of it so that we urgently need to receive it from others and confirm it frequently. If we had this value firmly and certainly, why are we so anguished when we do not expressly obtain this acknowledgement? If we were internally or intrinsically valuable, we should have complete consciousness of our value without needing external acknowledgement. It would be a property that nothing could diminish. But, on the contrary, it seems that our value strongly depends on others valorizing us, as if, without such acknowledgement, we were nothing at all. This seems to show that our being is not something inherently valuable, but we need constant external valorization for it.

Of course, the value that I give to myself plays an important role in this process, the feeling of self-worth and self-respect without which I could not survive. However, it seems that this powerful mechanism of self-valorization is never completely satisfied. We always need others to ratify this value, and if they do not consider us valuable, we hesitate in giving value to ourselves. When a human relationship ends, when a couple separates, when we stop loving or being loved, we lose value. The effort that the other made to give us value is exhausted. A divestment occurs and I am helplessly bereft of the indispensable valorization of others which is now refused. Our positive value is not structural or intrinsic but something that depends constantly on the support of social relationships. Rather than being acknowledged as having value, we come to have a value for being acknowledged.

Remark number 1

It is important for the following considerations, especially in connection to the phenomenon of "moral impediment", to understand that humans are here considered as certain mechanisms that constantly strive, sometimes anxiously, to give themselves a value. When two humans establish a

relationship, two mechanisms of this sort meet and enter into conflict, because it's very difficult to avoid the risk of injuring or wounding others' attempts at self-valorization, or not being affected by hate or disdain of those whom, however unintentionally, we injure, wound or diminish in our own arduous task of "giving value to ourselves".

The search for family, friends, allies, readers, admirers, and so forth, constitutes an attempt to surround oneself with humans that constantly ratify–unconditionally, if possible–our value. A "betrayal" then occurs when one of the members of this selected group, for some reason or other, refuses to continue participating in the social construction of my value. All these phenomena would not occur if our value were something internal or intrinsic, existing by itself, certain and not in need of constant acknowledgement and ratification (given the crucial relevance of this point, I will return to it many times throughout the present inquiry).

Remark number 2

It is simple to find counter-arguments for *all* of the non-structural arguments listed above. For example, against the "better world argument", one could say that the kind of people who turn to church or self-help books in despair are sick and depressive people in need of medical attention, that they are exceptions and do not represent the majority of humankind. It would be absurd to maintain that *all* of humanity falls into this category of anguished people. This would be a fallacy of hasty generalization. The difficulties of adapting to life's problems do not constitute anything fatal or unavoidable.

One could always counter the "replacement argument" by saying that just because people remarry and have other children, it does not follow that they do not ascribe value to people that have died. We can very well restart our life, while still considering the deceased person as irreplaceable. There would have to be an adjustment to the meaning of the term "replaceable". Further, it could always be said against the "acknowledgement argument" that the fact that people need the acknowledgement of others does not imply that they do not have any intrinsic value. We can conceive an intrinsic value that becomes constituted socially, as it comes into contact with the practices of acknowledgement. The notions of "intrinsic" and "acknowledgement" would have to be revised; maybe these notions are too restrictive in the preceding argumentation.

But the question does not stop there. If my interlocutor is not dead, seriously injured or locked up and unable to speak, he will always have

replies for each of these counter-arguments. Left to its natural progression, philosophical argumentation is unending. For example, statistics could be presented against the first counter-argument verifying that the vast majority of people in the world use sedatives, antidepressants, anti-stress medicine, or undergo some kind of psychological therapy to help them bear the weight of life; it is not a matter of a minority group (of "sick" or "problematic" people) but of thousands and thousands of people all over the world who need existential or pharmacological help. Practically all mental illnesses are merely a morbid exacerbation of characteristics equally present in "normal" human lives to a greater or lesser degree.

We could reply against the second counter-argument that it is very difficult to disassociate "valuable" from "irreplaceable", that much more argumentation would be needed to understand how we can continue attributing value to a person who we have no problem replacing with another one. It could be alleged that by remarrying, a man finds a substitute for his deceased wife just to serve as a mother to his children. However, it is difficult to understand how the idiosyncrasies of the deceased could be substituted merely by functions (like that of educating children, etc.). What is really valuable seems not to have a price, despite the possibility of being functionally replaced. However, this is precisely the value that is denied to humans in substitution behaviour.[10] Arguments are endless; both sides will always have counter-arguments.[11]

Someone can contest my ideas about logic and argumentation by saying that it is not true that arguments never end, and that there comes a moment when some claims prove to be better than the opposing ones. It can be alleged that this negative approach to argumentation as unending follows the old vice of sophistry. But the other side will also have responses to this. For example, we can reply that an argument is refuted only relative to some criteria which can be contested as well, never in absolute terms; or that the notion of "sophistry" employed by the other

[10] In the old English movie *Father Brown* (Robert Hamer), *Brown* (Alec Guinness) is speaking about a very old wooden cross that needs to be relocated, but he is afraid that it might be stolen. Another person asks him: "Is it so valuable?" And Father Brown responds: "Oh, no, no, it's not valuable; it's just priceless". It is in this latter sense that someone really valuable could never be replaced. But if my previous analysis is sound, in our daily attitudes to the dead we will always consider them valuable but never really priceless.

[11] In other texts, I have developed what I call a negative conception of argumentation, where I maintain that, at least in philosophical discussions, one can always oppose any argument with a counter-argument, that a philosophical claim can neither be definitively refuted nor discarded, but merely subjected to counter-argument that would limit it in its pretensions of universality.

side is controversial, and so on. But this shows that the very discussion between approaches to argumentation–affirmative or negative–also proves to be unending, establishing the point at issue. Every philosophical argumentation is endless, including the argumentation sustaining the unending character of all argumentation.[12]

[12] I develop in detail this approach to logic in my book "Introduction to a negative approach in argumentation" (to appear).

CHAPTER THREE

THE STRUCTURAL DISCOMFORT ARGUMENT (OR: THE STRUCTURAL ARGUMENT)

The evaluation of a human life cannot be carried out only in terms of specific events, eventual occurrences and particular scenarios. This is the common problem with all the previous arguments examined above. A human life possesses some *structural* features that can be known before a human being is born (while the events and particular scenarios of a life cannot be foreseen or predicted). Some structural characteristics of human lives include at least the following:

a) At birth, human beings are endowed with a kind of "decreasing" or "decaying" being, that is directed to end since its very inception and whose complete ending can be consummated at any moment between some minutes and around one hundred years.
b) The decreasing character of being is given by means of three kinds of "frictions" affecting humans since the moment they appear: physical pain (in the form of illnesses, accidents and natural catastrophes to which they are always exposed); discouragement (in the form of "lacking the will", or the "mood" or the "spirit", to continue to act, from the simple *tedium vitae* to serious forms of depression); and finally, exposure to the aggressions of other humans (from gossip and slander to various forms of discrimination, persecution and injustice), aggressions that we too can inflict on others, also submitted, like us, to the three kinds of friction.
c) To defend themselves against (a) and (b), human beings are equipped with mechanisms of positive value creation, which humans must constantly keep active against the advances of their decaying life and its three kinds of friction, having the capacity to procrastinate, soften or even forget the threefold friction given at birth.

I call the entire set of features (a)-(c) the "terminality of being".[1] Thereby, terminality of being is not something only connected to "death", but to the decaying birth full of frictions finishing in literal death. "To terminate" is not then merely "to die" but to be born in friction towards death.

The "structural discomfort argument" sustains the following: that a life with features (a)-(c) provokes discomfort, sensible and moral, in beings like humans, whatever the particular contents of their lives may be. The argument claims that, at least for this kind of being, life constantly affected by frictions, sensible and moral, starting with the decaying birth, is structurally *valueless*. Positive values are not denied, but they appear *within* life, in a permanently anxious and hard-working struggle, with uncertain results, that humans wage against the constant advances of the decaying which is given at birth, to be finally defeated by the total consummation of the terminal structure.[2]

Further Remarks on the "Terminality of Being"

The decaying or terminal nature of being is, certainly, *the most trivial of questions*. It merely claims what everyone apparently knows, that at birth we are directed towards death, that during life we suffer natural and social discomforts and that we try to have experiences that guard us against that suffering. These are three rather obvious remarks on human life. However, it is important to insist on these trivialities because, paradoxically, their obviousness became important by force of its persistent concealment in contemporary ethical thinking. The usual philosophical reflection on ethical matters prefers to think almost exclusively in the domain of intra-world positive value creation, dispensing with any consideration regarding the very structure of a human life that makes this creation of positive values necessary and urgent.

Allow me to better explain the content of the "structural argument". In order to argue in favour of the thesis of the sensible and moral *valueless*

[1] The reader should start to become accustomed to this term since it will be used very frequently in this work. The word "terminal" has unpleasant connotations in contemporary bioethics because it calls to mind serious illnesses that lead directly to death. I use the term to refer to the general decaying structure of human life, an ontological feature, not merely a medical fact.

[2] I intentionally avoid the word "evil" here, which would produce a thesis like "human life is bad". I consider this formulation couched in a metaphysical-religious vocabulary that should be deconstructed in the following steps of my argumentation.

character of human life *in its own being*, we start from the fact of *birth* as the primary ethical and bioethical question, birth as a *biographical* and not merely biological fact (to use the distinction pronounced by Ortega y Gasset many years ago).

First of all, *we are born*. Upon being born, we are thrust into a temporal process of gradual consumption and exhaustion characterized by *pain* (already expressed by a newborn baby's crying when faced with the aggressions of light, sounds and the unknown), by *discouragement* (not knowing what to do with oneself, with one's own body, with one's own desires, something that babies will begin to suffer shortly after their birth); and lastly, by what I will call *moral impediment,* meaning being subjected to the pressing and exclusive concern with oneself and the necessity of using others for one's own benefit (and being used by them). In their first days, babies will suffer the first two kinds of friction more directly, but, in traditional psychological language, babies are already little egocentrics; and, in the metaphysical language of traditional ethics, little egotists.

When we are born, we are thrust into a corporal and psychical being affected by a fleeting and devastating temporality, caught up in the pressing obligation to hurriedly do something (in the best possible hypothesis, and if we have the health and social and economic conditions to do so, if we are not too sick or too poor, or exploited or persecuted). The structural discomfort argument claims that *it is in this perfectly physical sense that we are initially deprived of any positive value, be it sensible or moral. By the mere fact of being (of having been born) we are beings in a vertiginous decaying process, our bodies and minds under permanent threat of deteriorations that can terminate us at any moment, which makes us strongly self-centred beings, extremely concerned with the development of our own lives*.

This situation of moral and sensible "erosion" is lived by beings like humans in the register of several types of sufferings, in the presence of which we are permanently forced, from a young age, to generate positive values to preserve ourselves, values which simultaneously, as we will see, threaten other humans and the very agent himself. This is the primary content of the structural argument. But this does not mean that we should accept something like a "negative intrinsic value" (as if it were some kind of metaphysical "evil" or stigma). It is just the crude fact of *being thrust into a burdensome, adverse and unpleasant situation full of friction* and without comfort, in a perfectly physical and apparent sense, causing a

profound "discomfort" or "malaise" (terms that will gradually replace the metaphysical term "evil" and cognate notions).[3]

We find ourselves from the very beginning in a situation of radical sensible and moral valuelessness, but it is not primarily *we* who "lack value". At birth, we were asymmetrically put in a situation of malaise and discomfort (like guests in a very small room), which makes us anxious and self-centred. This is not our fault, but an adverse situation in which we were put, also in the moral sense of the disregard with which we have to treat others, and be treated by them, in order to survive. The structural argument considers the term "valueless" in a perfectly *empirical-natural* sense, based on physical and psychological discomfort, not on any metaphysical grounds.

This specific way of speaking, for the first time, of the *terminality of being* seeks to confront the first and most common counter-argument: "Why should death be seen as an evil?" However, *terminality*, as we have seen, is not reduced to mere "mortality". It points to a more abstract notion. "Terminality" is not something that happens to us once we die, but something that already begins to happen at birth. Thus, the objection should be reformulated this way: "*Why should terminality be seen as provoking discomfort?*" From our perspective, this question can be answered in a much simpler way than the traditional one ("Why should death be seen as an evil?").

It is clear that the mere fact of "dying" is not problematic, but *the fact of permanent erosion that troubles us and provokes empirical discomforts that are perfectly verifiable over the course of any existence, forcing us to invent positive values and populate the world with them, disturbing the value creation of others* (for humans do not escape the terminal character of their being by all running in the same direction). The profound discomfort of being is not merely a sensible, but above all, a moral discomfort. The mere sensible death–not the kind that will happen "one day" but that is happening every day–is merely a predictable epilogue. Terminality is not to be confused with mortality or with death.[4]

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[3] See part I, chapter 6.

[4] Readers of European philosophy would allege that they are accustomed to this kind of devastating view of things because of Arthur Schopenhauer's "pessimism". I should say that from the point of view taken here, Schopenhauer's philosophy, in spite of some overlap, is far from being "negative" or even pessimistic, especially in its appeal to Buddhism, the possibility of the negation of Will, the morality of "compassion" and the recipes for "life wisdom", without forgetting the Eristic, which allows us to win all arguments. The present work's "tone" may superficially sound Schopenhauerian, but the substance of what is being presented is palpably

Thus, a human life does not have sensibly and morally problematic value merely because humans complain about it, or because European thinkers have described it as a place of suffering and atonement, or because it needs to be overcome by "better worlds" or because human lives can be easily replaced by others, or because life needs external acknowledgement, but *for structural reasons upon which all these other aspects rely*. The "structural argument" is the decisive one, and aims to give a more solid foundation to all previous non-structural arguments that still maintain themselves in an intuitive and empirical design, subject to the continual coming and going of arguments ("There is everything in life, good things and bad things"). Here I am attempting to show *the primary sensible and moral valueless character of human life, independent of an unfavourable "calculation" of "goods" and "evils"*.

Human life is valueless not because "there is more evil than good" in it. It is valueless in its terminal structure, which cannot be divided into pieces to be weighed or measured. Lives with a total predominance of goods over evils and lives tormented by poverty, sickness and discrimination are both structurally valueless. Their particular vicissitudes will appear after birth, but their lack of value is predictable before birth. At the same time, all of the elements employed by the structural argument are perfectly *empirical*. It is not a metaphysical lack of value but of a perfectly physical and psychological one, the one that is sensibly and morally verifiable.

The "*Ser/Estar*" Distinction in the Structural Argument

The structural argument clearly takes into account a crucial distinction in the consideration of the "value of human life" question. On the one hand, asking about the value or lack of value *of the being* of life, *of having come into being*, *of having been born* and *of* continuing to be. On the other hand, asking about the value or lack of value of things that we do *during life* after having come into being, *in* our concrete states of being and *in* our continuing to live. I call this difference the "ser/estar distinction", and "estantes" the beings that "are there" (material things, ideas, films, animals, institutions or numbers).[5]

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different, once we note the strong affirmative elements in Schopenhauer's philosophy.

[5] The distinction between the structure of life and its internal events has little or nothing to do with Heidegger's "ontological difference", not merely because the "ser-estar" distinction cannot be expressed in German (and this is the reason why I use the term "estar" in Spanish in the text), but because the question of the value of

The ser/estar distinction allows for the possibility that the quest for the value of estantes, on one hand, and the quest for the value of *the being* of the estantes on the other, can result in different answers: that the *being* of human life be considered good and the things that are *in being* as valueless (sensibly or morally); or that the *being* of human life is considered bad (in the sense of provoking discomfort) and that things which are *in being* are seen as valuable (sensibly or morally). He who does not accept this distinction will not be able to follow the "structural argument" and a large part of the argumentations in the present book. In virtue of this difference, it would not, in principle, be at all incongruent to consider a life full of sensible or moral unpleasantness to be good and a life full of sensible or moral pleasantness to be bad.

This might seem absurd to common sense (including philosophical common sense). But in the affirmative tradition of philosophy, the thesis that *life* could be considered valuable despite the unpleasantness of its internal components had already been put forward. This idea was expressed, for example, by the North American philosopher William James in his essay on "popular philosophy" "Is Life Worth Living?" included in the book, *The Will to Believe*. In his text, James claims that, in spite of pessimistic attitudes,

> It is, indeed, a remarkable fact that sufferings and hardships do not, as a rule, abate the love of life; they seem, on the contrary, usually to give it a keener zest.[6]

And in addition: "Probably to almost every one of us here, the most adverse life would seem well worth living […]".[7] Unfortunately, James conflates two questions that I prefer to keep separate: the question of the value of life and the question of whether life is worth living (whatever its value may be). Even so, he acknowledges a difference between the appraisal of the value of *living* and the value of *what is lived*.

James's idea is stranger than it seems. Why would a life full of misfortune (say the life of a seriously disabled person or of a prisoner of war like Anne Frank) still be a "life well worth living"? How can a life be

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life is totally (and purposely) absent from Heidegger's thought. At the time that I was writing the *Crítica de la Moral Afirmativa* (1996) I made some free use of Heideggerian vocabulary just to make my own thoughts more palatable—a strategy I no longer use.

[6] James W., *The Will to Believe and other essays in popular philosophy*, 47.

[7] James W., *The Will to Believe and other essays in popular philosophy*, 57.

good, or worth living, or valuable, if composed of so many nasty and unpleasant experiences?

There is an empirical answer to this: even in Anne Frank's life, there were "good moments" in the gaps between the more tragic episodes. These moments are what would make her life valuable in spite of it all. However, there is another response that seems to have more ontological relevance. If "ser" and "estar*"* should be distinguished (even if connected), a life could be said to be good *in its being*, even if the events of its "estar" are painful. William James came closer to this idea, although English does not have a word corresponding to the Spanish or Portuguese verb "*estar*".[8] Within these limitations, James made the distinction only in an affirmative vein. It is clear that we can also make it in a negative direction: *despite the pleasant moments of life, human life could be considered valueless in its own being.*

The "structural discomfort argument" moves precisely in this direction: there is a profound malaise in the very being *of* human life, together with very pleasant things and experiences *in* life produced by the positive values that humans create with great effort. We can enjoy these positive values and, at the same time, deplore the fact of having to usufruct them in the structural situation described by (a)-(c).

The majority of what has been studied regarding the "value of human life" in European philosophical literature–from Pascal and Hobbes to Thomas Nagel and Peter Singer–usually operates in the domain of the "estantes", never in the field of *being*. The structural argument aims to refer to the ethical and sensible value of *coming into being*, of *having been born*. Consequently, we do not just ask "How can we live well" but "Is *living* something good (morally and sensibly)"? If we make the *ser/estar* distinction, human life ceases to consist just of a collection of estantes and is defined *by the pure fact of having come into a being full of frictions*. Ethics is concerned with the sensible and moral assessment of this *coming into being*, not with particular appraisals of this or that estante in particular. To consider life "good" because we have French wine in the refrigerator for drinking tonight with a group of friends, would be as absurd as to consider life "bad" because I failed my college entrance examination yesterday.

The *ser/estar* distinction can also be seen as a difference between two ways of understanding death, which we can denominate "death-ser" (DS)

[8] The Argentinean philosopher Rodolfo Kusch (1922-1979) studied the ser/estar difference in a confrontation between European ontologies of "ser" and Latin American ontologies of "estar". Cf. Kusch's remarkable books *América profunda* (1962) and *Geocultura del hombre americano* (1976).

and "death-estar" (DE) (this turns the *ser/estar* difference into a "thanatic"[9] distinction). I call death-estar the kind of death that happens to us on a certain date from which we "cease to exist". Whenever they refer to "death", the immense majority of books on ethics consider only this kind of death, DE. Focusing exclusively on this idea of death is to forget the thanatic distinction. DE is a mere consummation of the terminality of birth, of the decreasing starting point that humans in general–including philosophers–prefer to forget. This would suggest that there is another death, "death-ser" (DS), which is more directly tied to birth than to DE. This is a kind of "structural death", the gradual death that encompasses our "lives", the structural decaying due to frictions (pain, discouragement, moral impediment) and finally DE.

Living a double life

The ser/estar distinction is not the extravagance that it may seem; it patently appears in our daily lives. On one hand, I feel very happy because I will go to university next year, but on the other, I am disappointed because I was rejected last year and I had to wait a whole year to apply again, and, you know, "time goes so quickly". Or I feel excited because someone who I like showed me some attention, but I am afraid because humans are so fickle and tomorrow this could turn into resentment or indifference. I feel gratified and proud for having been honoured with an award, but I am afflicted by a persistent stomach ache that I cannot cure with the usual medicines. I am happy that I finally managed to buy a beautiful film collection, but all of a sudden I am overcome by a tremendous laziness that puts me to sleep and does not allow me to watch my new films. I am loved by my family and acknowledged by my colleagues, but this morning I noticed a new wrinkle on my face.

In all these experiences, we live in states of being gratified alongside the anxiety of time elapsing so fast, closing doors behind and before us. Everything beautiful and gratifying in our lives is inserted into a fleeting, threatening and fragile scope. We are all forced to lead this curious double life.

[9] This is a neologism from "Thanatos" (taken from Freud's "Beyond the pleasure principle") and refers to death instincts.

The unpopularity of the structural argument

The structural discomfort argument will face all the consequences of its "unpopularity", to use the Kantian term in the first Critique, and still more on the present "postmodern" fragmentary and purely historical and deconstructionist prevailing way of thinking. Precisely for its intended "structural" character, this argument will be seen as a metaphysical and authoritarian thesis, as non-historical and morally defeatist. It is perfectly understandable that this would be the first reaction. I intend to demonstrate in the rest of this book that *the structural argument can provide ethical studies with a background for the comprehension of the human situation that can cope with many ethical and bioethical questions otherwise incomprehensible to the affirmative categories of mere intra-world scope.*

The line of argument that presents the "terminality of being" as a structural lack of value of human life has suffered more fierce resistance over time. The philosophy reader naturally awaits affirmative and encouraging speeches. He is usually unprepared for negative discourse (discourse of "adversity") invariably seen as morbid, cruel and unpleasant, calling for immediate rejection. In a "negative ethics", this happens in dazzling light with the ethical question of procreation.

The unpopular reaction will subside if we think that one primary hindrance for behaving ethically, in the sense of MEA, (before any sociological or psychological explanation) is an *unrestrained "self-affirmation" based on the idea of life as something immensely "valuable", to be "intensely enjoyed" at whatever cost*. On the contrary, a sombre description of the human situation could make us see human life not as a gift, but as a serious situation demanding a sober and cautious attitude. The "low tone" of the descriptions presented in this book is intentional, because contemporary and presumably secularized ethical thinking will have to rely on the worst structural features and aspects of the human situation, in order to visualize the real possibilities of ethical morality for a being put in this situation, described with a minimum of idealization.[10]

[10] Extremely rationalist philosophers were frequently shocked by descriptions of human life that writers and filmmakers make familiar through disturbing texts and images: Leautremont, Poe, Baudelaire, Orwell, Virginia Woolf, Pirandello, Kafka, Saramago, Ernesto Sábato, Thomas Berdhard and Machado de Assis as well as Buñuel, Saura, David Lynch, Marco Ferreri, Valerio Zurlini, Roberto Altman, Liliana Cavani, Lars Von Trier, John Cassavettes, Ken Russell, and Ingmar Bergman. Iris Murdoch, philosopher and novelist, once said that the sombre elements of existence were useful for any moral theory.

CHAPTER FOUR

POSITIVE VALUES ARE *REACTIVE* AGAINST THE TERMINAL STRUCTURE OF BEING

Contemporary philosophers of existence (Heidegger, Sartre, Carlos Astrada, Vicente Ferreira Da Silva) held that humans do not have a being already given, but that they have to build up their being. We can also find this same existential "indetermination" in the domain of values: humans should construct the value they do not have. This means that we can conceive of humans not only as "beings without being", but also as "beings without value", having to build up both within the same process of existential self-constitution. In constructing his own being, the existent emerges from the bare facticity of his situation. But the existents also construct their own value from a facticity that affects and disturbs them: the discomfort of an aggressive situation in the face of which humans are forced to create values in order to resist and survive. Just as we do not have a being that is simply given, but constitute it out of an inescapable facticity, so we do not have a value simply given, but we must constitute it out of a profound discomfort (from an uncomfortable facticity). In a certain sense, constructing one's own being also means, at the same time, inventing a value for ourselves: constructing being where there is no being; constructing value where there is no value.

Positive values are not *of* life but constructed *in* life. They are *not structural*, that is neither predictable nor foreseen before birth. Here are the general guidelines to the argumentation about the constructed and reactive character of positive values, to be studied in the present chapter:

Premise number 1. The previous arguments have shown that we are born without positive value. We do not have any internal structural or intrinsic positive value from the mere fact of *being*. On the contrary, *just from the mere fact of being*, we are already devalued for having been thrown into a *terminal structure full of friction, which is painful and morally impeded* (as we shall see in more detail). It would follow then that positive values cannot come out of the terminal structure of being, because

this cannot incite pleasure in beings like humans. Positive values cannot spring from the fact of terminating, of suffering frictions, of sensible and moral erosion, even if humans could "adapt", "get used to" or "be resigned to" to these facts, where the very terms indicate *a contrario* that the experience is not something good (one does not "adapt" or "resign oneself" to a good thing). Thus, these positive values cannot derive from the structure of life.

Premise number 2. Nevertheless, positive values *do exist.* We say that humans, things, situations and experiences *have* a value (and even *a lot* of value) in the sense of being good, appraisable, intense, interesting, enriching and gratifying. *In* the world, we find ethical, aesthetic, religious, entertaining or recreational values as well as values contained in human realizations of all kind (love, friendship, solidarity, heroism, physical and cultural pleasures).

Conclusion: Therefore, these positive values should derive from something that falls between birth and death-estar (DE), the two extreme poles of terminal being. *They must derive from a powerful effort on the part of human beings to valorize themselves within the intra-world*.

In general, people think that human life has a positive value in itself because they see life through the lens of positive values reacting against a previous original discomfort, which is not perceived. We do not visualize the profound discomfort that originally provoked the urgent need for reactively constructing positive values but prefer to directly see the positivity of these values as if they were features of human life itself. The original discomfort that motivates the urgent creation of positive values is not focused. In fact, the most we can say is that life can be seen as a powerful, persistent and discomforting incentive for creating valuable things, as life itself is not valuable.[1]

[1] Like in Roberto Benigni's film, *La vita è bella* (*Life is Beautiful*), in which what is beautiful is not exactly life, full of pain, injustice and horror, but everything that conceals life and makes it beautiful through the creation of positive values (invented by Guido for his little son Giosué).

The Objection to Human Value as the "Source of Valuations"

Someone can reply: "*But the value of human life consists precisely in the human capacity to invent values, to give value to that which has none, to transfigure reality through creation and invention. If there is no basic positive value with which human beings come to the world, their value consists precisely in their being born with this portentous ability for 'giving value' to things, to other people and to themselves"*.

Here it seems convenient to distinguish the value of *constructed values*, on the one hand, and the value of *the source of valuations*, on the other. It could be inadequate to give ourselves a value merely for being a source of valuation. My argument is as follows:

First: From the human source of valuations can arise monstrous and destructive values, as has happened throughout the history of humankind; in this case, the fact of being a "source of valuation" cannot be considered *per se* as morally meritorious. All will depend on the quality of what is produced; the mere power to create values is not valuable in itself.

Second: Even if the source of valuation creates only valuable and positive things, what is created could be (and usually has been) of better quality than the source (as opposed to God's creations, which could never be better than the Creator). Therefore, from the good quality of the result, the good quality of the source cannot be inferred. Sublime creations can emerge (and often did) from the lowest level; indeed, they can emanate from miserable sources. Everything that is created would be (in the best hypothesis) valuable by virtue of construction, but there would be no reason to consider the source valuable just because it exists. At best, the source is just an empirical and contingent condition of possibility for the creation of high values.

Thus, even if it were something good to be a "source of values", the values created from that source can be "not good". And even if the values created were good, one cannot infer from this the source's goodness. There is a double disconnection here. Creating horrible values, just as creating sublime values, shows that being a source of valuation is not ethically valuable *per se*.

Disorganizing the Structure: Humans in Conflict with the Terminality of their Own Beings

Positive values are *non-structural* in the sense of being built up and consolidated in the intra-world. However, even so, it seems inescapable that positive values ought to be constructed *within* the scope of the terminal structure of being. They are also (and perforce) *intra-structural*. If there are positive values, and if they cannot be constructed *at the level of the terminal structure*, then they should be constructed *in* it, *in* the intra-world, inside the bounds of the structural situation. All of the pleasures, satisfactions, realizations, happy and intense moments, gratifications, triumphs, vital exaltations, even supreme moments of glory and heroism, etc., all of this effectively *happens* in our lives. They are not part of the structure which supplies the insurmountable environment for all positive value creation.

The *intra-structural* character of positive values conveys the idea that there is no chance of dislocating from the intra-world–where the positive valuations occur–to the very structure of being, in the sense that intra-world human manoeuvres cannot affect the decaying structure of being. Through their manoeuvrings, humans cannot change structural facts (being born, having parents, ageing and weakening, being subjected to the frictions of pain, discouragement and moral impediment, being equipped with powerful mechanisms for positive value creation and so forth). All these elements cannot be modified through the action of positive values generated in the intra-world, even if they can be re-symbolized and redistributed in diversified and rich constructions of new meanings and perspectives.

Through the effect of these powerful mechanisms of defence and compensation, humans frequently have, upon living intense moments and extraordinary pleasures generated in the intra-world, the very strong impression of having finally escaped from the terminal being; as if intensely lived experiences of "estantes" would be able to capture in some way the very nucleus of being, controlling its menacing decaying structure. However, this is obviously a delusion. All moments of exaltation are subjected to the irreversible advance of the terminal being. There is not *any* possibility that intra-worldly reactive positive values could take the terminal being "by assault" (although world football championships, Olympic Games, carnivals and world wars would make us believe that such a thing were possible, as if some great "estante" could finally achieve the impossible dislocation from the intra-world human values to the domain of being itself).

All pleasure and gratification are thereby intra-worldly constructed and lived. The terminal being in friction constitutes the very structure of the world, not something intra-worldly. These two levels do not communicate. We cannot deal with the terminal being as if it were an "estante" among others, despite the fact that this has been the propensity of humans throughout history: forgetting the terminal character of being by becoming immersed in protecting and procrastinating "estantes". Humans have pretended that the force and intensity of these "estantes" would surpass in some magical way the powerful presence of the terminal being and its decreasing movement. *All of the good things that we manage to build up really exist, but within the profound discomfort of the terminal being with all its deployments*. This *intra-structural* character of human actions ensures that even the greatest transformation of "estantes" will not affect in the least the structure of life. *Even a revolutionary action will be something internal to the terminal being; revolutions are terminal events like any other*.

Being *non-structural* and *intra-structural*, positive values are also *counter-structural*, in the sense that they fight, push away, smother, embellish, defer or forget the terminal structure of being to make human life possible. They are not only reactive but also defensive and vindictive. They do not only belong to the structure, but they *oppose*, reject, and fight against it. All human life is a rejection of the terminal structure of being. Since we have to construct positive values *within* the terminal structure without being able to modify it and given that this structure cannot be lived positively–in the register of pleasure or achievement–it seems patent that positive values have to be created *in opposition* to the terminal structure of being. They do not go in the same direction as the structure, but *against it*. Positive values are perforce *insurgent*.

Vicissitudes of the Operation of "giving oneself a value": Between Excess and Disappointment

We frequently see argued that things acquire value particularly in situations of resistance and struggle. When things take some effort, they become more and more valuable. Values arise precisely in fighting against the resistance of the world. Furthermore, this is the only way that these values can really flourish and shine. If we were immortal, healthy and not subjected to frictions, we would not ascribe value to anything.

This remark is undoubtedly true, but only partially. From the fact that a prisoner can earn his freedom after great suffering, or that a sick human can recover from a serious illness after prolonged pain or the fact that

humans, by contrast, can find immense value in what they regain (freedom, health), it does not follow that living in a situation where one can lose one's freedom, health and even life at any moment is a good place to live. It is clear that this is how values are constructed, and this is an important part of the great merit of the moral agents (or patients) since we, in fact, tend to give more value to things that require a great effort. *However, a situation in which we are forced to create values in an uncomfortable, time-consuming and painful way cannot be considered good. All the merits and worthiness must be ascribed to the human beings who create these values against these very adverse circumstances.*

Interestingly, the invention of values by reaction and vindication is characterized by the phenomenon of "excess". The positive values that we create tend to be too strong and over-expressive, in so far as they are produced in order to confront a structure that advances every day and prepares our resignation and final demise. We are worried, even when young, about our age and the passing of time, and we make predictions about what we can still do during the rest of our lives. This intention of some effective and lasting reaction against frictions "exceeds" the original stimulus; it is more than we effectively need. We create a much stronger reaction than the friction of the terminal being demands. We are constantly creating excessively positive actions and behaviours. *And in particular, as valueless beings, we tend to accord ourselves an immense value.*

This is reinforced by the fact that human beings strongly devaluate each other (this is true not only between so-called strangers but also between relatives and friends) during the difficult and complex task of giving oneself a value. Others attempt to transform our already difficult and abrupt life into something even harder to conduct. Think, for example, of people starting in their new jobs, freshmen at universities and recruits in the military, where more experienced people do not offer any help to the new ones because they want the beginners to discover the hardships on their own just like they did before. Furthermore, humans are always seeking out other humans who are in worse conditions than they are, who are poorer, older or sicker, making comparisons that, by contrast, seem to cast their own lives in a better light and conceal miseries and frustrations.

Our self-worth remains so low when attacked by others, that when we try to stand up and defend ourselves from devaluation, we give the impression of ascribing an exaggerated or unmeasurable value to ourselves. However, we are only trying not to be completely crushed by gossip, envy or prejudice. *We need to constantly fight for our "dignity" not because we have an immense value to defend but because not even the least of our value is acknowledged by others if we do not arduously fight*

for it. In this process, our defensive behaviours are "exaggerated", they go expressively ahead of themselves, escaping confinement and far exceeding their stimuli.

In every human action, there is a situational component and a human contribution–usually "excessive"–on the part of the agents (or patients); that is the effort that they will be able to employ in order to carry out some gratifying or compensative activity or action. As the tasks to be carried out become more and more unpleasant and strenuous, and the situation more painful, humans will be required to perform bigger tasks in order to confront the adversities of life with some success. And when the situation is plainly and inescapably unbearable (or even horrible), the "contribution" by human patients becomes essential.

It is sometimes said that "everything depends on the attitude we assume" and if we are discouraged before a difficulty, things can become even worse than they already are. The effort to be made is immense when people face very rough and overwhelming situations, like in prisons or concentration camps, or even during a hard labour like that of garbage collectors, industrial bakers or miners. These highly aggressive tasks force human patients to hold an especially brave and even optimistic and joyful attitude. Do not be deceived by the "joyfulness" which human beings need to pretend to have in order to endure a bitter and harsh reality. These attitudes are not proof of "happiness" but precisely to the contrary.

The terminal character of being unfolds in specific social relationships in which *humans are terminal to each other*. Others' aggressions constitute one of the many forms adopted by the terminality of being, together with diseases and natural catastrophes, (according to Sartre, the other is a catastrophe). But this does not point to any kind of "perversity" or "depravity" of humans, as had been widely held in the history of European philosophy, but to a structural situation into which humans are thrust at birth and are forced to interact with one another. (We will investigate this important issue in detail later). The pressing need for mutual acknowledgement does not derive from a simple "lack of value", but rather from the fact that we have always been put in a sensibly and morally adverse situation from which we must protect ourselves, for example by establishing supportive human relationships.

However, these relationships are double-edged swords. They can also bring the maximum disacknowledgement, or even total disregard or endless amounts of cruelty, disrespect and wrongdoing that humans are capable of inflicting upon each other in situations of mutual reduction of possibilities. Every human relationship is an encounter between structurally worthless beings, anxiously searching to build up their values.

But, in a similar way, humans are always at risk that these intersubjective valuations become powerful discouragements and deceptions. We frequently get involved with other people, being enthusiastic about certain human beings; we give them great value and show them concern. However, they can become boring and irritating when we know them better, when we get used to their gestures, habits and actions, when we stop investing in them and they return to their structural valueless being (that in fact was always there), until other humans reanimate them again. In this perspective, it is not that they "lose" some value that they previously had, but that *they regain the valueless being they always were even before the failure of value investment*.

The same thing happens to others vis-à-vis us; we tire of them as soon as we put them in contact with their valueless being. Disappointment from others recapitulates a deeper disappointment with us. This exhaustion is a crucial victory of the terminality of being over the arduously constructed positive values. When we like someone, or when someone interests us, we postpone the inescapable consummation of their terminal being. Disappointment is a sort of death. Discouragement and exhaustion reappear in the rubble of "estantes" inevitably defeated. Our valueless being is not created; we only remove the obstructions and ornaments that usually hide it.

Residual Actions

I would like to discuss *residual actions* within the context of the regular concealment of terminal being. I introduce this topic as an attempt to obtain through reflection some privileged moments of a peculiar everyday experience and explain how these moments are related to the ethical questions focused on in the present work. The reader should not be surprised if this reflection begins with completely trivial accounts.[2]

[2] Heidegger explicitly presents, perhaps for the first time in European philosophy, a study of the everyday life of human existence. (*El Ser y el Tiempo,* section I, chapters 3 and 5; and section II, chapter 4). However, the Heiddegerian everyday life is extremely aseptic. Sartre pointed out with accuracy that *Dasein* does not have sexuality, an erotic body (*Being and Nothingness*, part III, chapter 3, section II, 477). *Dasein* also does not have an assimilating-expellant body. In fact, although humans never really had a body throughout the entire history of European philosophy, this was comprehensibly expected from a philosophy of existence focusing on everyday life, specifically on the activities and necessities Dasein has to attend to every day.

An initial understanding of what I call a "residual action" is provided, for example, when we have our breakfast in the morning. "Eating breakfast" is an action that implies that some other actions have been previously executed (buying food somewhere, putting the food in the refrigerator and so forth). But even before these actions, other previous ones are involved such as going down to the garage, getting in the car, going to the supermarket, and others. But "eating breakfast" still presupposes other preceding actions like getting out of bed, washing our face, *preparing our body for having breakfast.* The first condition before having breakfast is our physical and psychical disposition to do so (the desire to stop fasting, which may not coincide with the desire to literally *eat breakfast*). These actions seem to comprise some preconditions for the performance of eating breakfast (which is the action we really want to do, the "literal action"), but they still do not constitute actually *having breakfast*. In this regard, we must understand, accept and perform a series of other preparatory tasks.

When I want to have breakfast, I do not really want to perform all these other actions; they are not essential to what I really want to do. I only do them because of my desire to have breakfast. But I do not succeed in having breakfast just because I immerse myself in the previous preparations and organizations. There are dozens of other previous details: the layout of the chairs, cleaning things that were dirty or out of place from the day before, taking out the garbage, opening the windows, turning on the fan, removing objects not strictly connected to the ritual of breakfast, and other actions that I am forced to deal with in order to perform the literal action which I am actually interested in performing. I will call all these previous actions "preparatory actions", necessary conditions for performing the literal action. It is important to note that I can perform many other actions while I wait for breakfast (while I am warming something that I am about to consume), that are not necessary conditions of the literal action, for example, having a look at a newspaper, feeding my canary, making a quick phone call, or simply looking out of the window, or stretching, etc. These are sort of "mitigating actions" that we do in order to soften our impatience with the length of time wasted on the preparatory actions.

Finally, breakfast is ready to be eaten, and I can then perform all the specific actions that constitute *eating breakfast*–enjoying it, tasting it, doing what I really wanted to do in the first place, after so much preparation. I can more or less take my time in the action of eating breakfast (I can carefully read the newspaper while I eat it or I can do this in a hurry and rush to work). But when I finally finish eating breakfast, I

will confront another daunting series of actions. I have to close the boxes and jars of the things I ate, put the leftover food back in the refrigerator, wash and dry the dishes that I used, and put them back in their right places. I have to throw things away, clean the table, and in general, try to leave everything as it was before the literal action of eating breakfast. In general, I am not forced to perform all of these actions immediately after eating breakfast, yet at some point, I will have to face them all; otherwise, the remains of a full week of breakfasts will pile up in an unattractive and aggressive way that I will no longer be able to ignore. There will come a time where the next breakfast simply cannot take place.

I will call all the subsequent actions of the literal action "residual actions", all these little activities that have no positive outcome, that do not prepare for any effective result but are purely restorative actions: cleaning, arranging and returning objects to their original places. However, these are actions that we are forced to perform even though they are not related to the actions we really wanted to accomplish. They are not even related to the preparatory ones. At best, the residual actions could be understood as conditions of possibility for preparing further literal actions: if one does not close the bottles or return the perishable food to the refrigerator, this will put your next literal action at risk (whether taking breakfast or others).

It is noteworthy that the literal action was squeezed between preparatory and residual actions. The action we really wanted to do, the one that interests us and gives us pleasure, occupies a minimum of time in our everyday life, while the other actions we have no desire or interest in performing take up a huge amount of time and concern. In fact, positive actions are seen as nearly lost between the preparative and the residual ones. Both are passive, not literal, but residual actions are harder to cope with because preparatory actions are "ascending" whereas residual actions are "fading". The actions that we really want to perform appear to be surrounded by banality on all sides, sandwiched between "dirty actions".

Human beings, as a matter of fact, do not like to perform residual actions, and it is essential to the present reflection to understand why not. This can be seen by the fact that humans overall prefer things to be ready and available to them. In general, humans do not care for things after using them: they do not close the butter container; they do not wash the dishes; they do not clean the table; they do not take out the garbage. They always expect other people to do these things for them. They are always escaping from these tasks, the preparatory and especially the residual ones. A large number of quarrels in student houses focus on the fact that no one wants to deal with the preparatory and especially the residual actions. This leads to

establishing turns or rotas to distribute the sacrifice involved in performing these unpleasant tasks.

Maids, waiters and other hired help, the lower social and economic classes, are usually forced to assume these roles. While they clean, they dream of the day they will also perform more worthy tasks. They do not realize (as we will see) that *any* literal action, whether important or banal– like eating breakfast or closing a big business deal with the Central Bank– will always be squeezed in between preparatory and residual actions which will consume a significant portion of time. (No one likes to wash dishes after lunch, just as no one likes to wait in line for hours at airport check-in counters after closing a big deal with the Central Bank).

Those who have money to hire workers will force them to deal with residual actions; the masters will be alerted when "breakfast is ready", knowing that the servants will be dealing with the food remains and leftovers after breakfast. For other trivial actions, more workers will become necessary (typists, couriers, advisers and drivers). Such workers may be well paid, but they will still be forced to perform preparatory tasks, like organizing documents that their bosses will have to sign, or residual assignments like taking cars back to the garages after driving executives to the airport. And some unpleasant actions will have to be performed by the employers (such as giving instructions, outlining plans, writing lists of food and drink preferences, and so on) to make sure the workers will successfully complete their duties. The more employees one has, the more preparative actions one will need to execute.

Generally, clients and employers develop actions and attitudes that aim to ignore the mere presence of servants as much as possible, as if they wish that everything connecting them to preparatory or residual actions would disappear. However, this strategy becomes more and more difficult the more employees we have. Contracting others to take care of non-literal actions, especially the residual ones, is one of the everyday strategies for hiding the frightening fact that the major part of our lives is wasted on these "dirty actions", things that we do not want to do but that we must face, like preliminary conditions or subsequent arrangements for interesting literal actions. Here we see a systematic concealment of non-literal actions as to exempt us from what we feel as profoundly unpleasant in everyday life.

Those who do not have the economic conditions to contract employees to take care of non-literal actions usually try to include these actions within the context of the literal ones. They extend literal actions to include preparative tasks as well as the unpleasant residual consequences. Therefore, the preparative actions as well as those that must be done

afterwards, are included under the heading "eating breakfast" or "going on holiday". Vacations do not only include the literal displacements (travelling by car or plane) and the visits and tours, but also all of the particular and annoying preparative actions for the trip, as well as the tedious and tiresome return home. It is common for exhausted and discouraged tourists to sing, tell jokes and clap hands during a long trip back home to "pass the time", incorporating unpleasant residual actions into the journey, as if these compensating actions (singing, etc) were part of the literal trip. It is a way to better deal with the burden of the terminal stage of the experience of travelling.

In the case of breakfast, there were only *objects* that were subjected to residual actions (food that should be put back in the refrigerator, cups that should be washed), while in the example of the trip, there are human beings affected by residual actions as well, humans who become residual themselves, who must be returned to their initial places, homes, hotels or guesthouses, the way the dishes and glasses must be restored to their shelves.

We should think carefully about *why residual actions give us so much displeasure, where does this displeasure come from,* why they make us exhausted and bored, and why we try to avoid them. This is simply accepted as a fact of life, but we do not think about the motives. Are residual actions "intrinsically displeasing" or is this displeasure something socially constructed? And why are they residual, *residual relative to what*? At first glance, we would answer: the reference is always something that we want to do (eating breakfast, travelling, going on vacation). However, what makes those actions "literal" and the other ones "residual"? Why cannot the character of these actions be inverted, the act of eating breakfast be residual and the preparatory actions literal?

The residual can very much depend on the human being affected and even on different moments of a same human life. For example, a cook can like all the preparatory tasks before cooking even more than the actual food (which he or she may not even eat). And someone for whom driving is generally residual can consider driving by the lake on his day off literal. There do not seem to be actions that are always residual for everyone in all contexts. The cook that takes pleasure in the preparatory work of a dinner may feel that the long period between one dinner and another is residual; perhaps the cook experiences that period of waiting only as preparatory for the next dinner. The driver who enjoys his simple driving may be stopped at four or five tolls and live unpleasant residual moments. It is always possible to pervert or divert the literal character of the actions, as if some detour would relieve us from the hardships of preparatory and residual

actions. Anticipation may be the best part of the party, and the seducer may get more satisfaction from the conquest than from the already conquered woman.[3]

Anyway, my point here is that all humans, in one way or another, live experiences that make them feel trapped by something (relatively) residual, as opposed to something literal that these humans actually want to do. All are affected by the harm of residual actions and shun them. In any human life, some actions would perforce occupy the place of the residual, even when this person can enjoy the preparatory stages of other actions. Those who enjoy anticipating the party more than the party itself may see the actual party as residual, in much the same way that the seducer may consider residual his living with the woman he arduously seduced. It appears that the residual could "redistribute" itself without ever being completely brushed aside from the core of any human life.[4]

One would think that so-called "amusement" pleasures would be free from residual actions since they do not seem to rely on pressing natural needs, but on gratification (for example, dancing does not meet any pressing natural need, in the sense that a human being can perfectly develop his life without dancing). However, this is not the case. Enjoyment appears as the objective of a very strong desire, as one literal action that has to be done, and the moment of amusement is preceded and followed by dozens and dozens of preparatory and residual actions. Two simple hours of pleasure on the beach may be preceded and followed by laborious shopping, making sure that children are safe, not forgetting to tell the neighbours to take care of the plants, preparing the car, lengthy traffic jams, etc. The seducer knows quite well the number of hours, cost and arrangements needed to organize a simple outing for a few hours with a lady, and how to prepare everything to experience a pleasure that may be very short-lived. The preparatory tasks for a picnic or lunch that will be eaten in a few minutes can take weeks. The issue of the residual permeates the difference between actions of work and actions of pleasure: pleasure is hard work.

In general, "moving around" by foot or by vehicle is the paradigm of residual action. Traffic is maybe the apotheosis of the residual (and one of

[3] I am grateful to João Costa and Jorge Alan Pereira, both from Brasília, for calling my attention to the relative character of residual actions.

[4] Normally, movies are carefully edited by choosing non-residual moments of the characters' lives. All the residual parts are excluded (unless intentionally focused on, as in many of John Cassavettes' or Wim Wenders' films). Maybe the non-residual moments of any human life–the most interesting, remarkable or tragic ones–can fit perfectly well in a film of two hours' length.

the more serious worldwide problems in modern times). Traffic does not have any importance or relevance in itself, it's nothing; it involves merely the need to move from one place to another, to finally arrive at the place where the literal action (need or "pleasure") awaits, or to take leave on returning. Traffic in big cities produces so much frustration because humans feel they are doing nothing positive simply by moving from one place to another, achieving nothing they really *want* to do, but only relocating their bodies from one place to another in order to try to do what they really want. Nobody goes to Iguaçu Falls just to be stuck for 40-60 minutes in traffic. Negotiating the crossing, traffic lights, speed bumps and other traffic obstacles is so irritating (we attempt to hide this by listening to the radio or speaking) precisely because giving way to others (pedestrians or drivers) is the apotheosis of the residual. We repress our own actions only to allow others to carry on with theirs, and our own projects are postponed for some minutes in which no literal action of interest is performed. When stopped in front of a red light, we do nothing but live the residual.

In the preceding examples, we focused on the experiences of people in higher economic classes (people who travel by car and hire employees). Our description began this way with the objective of showing that the residual cropped up even when the force of economic power seemed to be able to control or even eliminate the residual. It is an easy task indeed to describe the residual for the lower classes, a social level where humans themselves usually become residual relative to their exploitation by the dominant classes. In fact, poor people are surrounded by discomforting and irritating residual actions all the time, because their economic conditions leave them without defence. A young man working as a waiter in a restaurant in Brasilia, who lives, as many others like him, in a peripheral neighbourhood, wakes up at 4:30 am to go to work. He has breakfast only if his monthly wage has not run out, or if his refrigerator has not stopped working, or if there is enough gas for his cooker. He will walk in the cool and dark morning, maybe hungry, to the bus stop. When the bus finally arrives, it is full of workers like him. He travels an hour or more, sleepy and sometimes standing all the way. He arrives at his work already tired and has to put up with complaints from his boss for being late. He does this every day of his life to earn little money. The great part of workers' lives is residual and their meagre economic conditions make them suffer the displeasure of the residual without the prospect of change. (This is the human landscape everywhere, even in "rich countries").

We could make a typology of people's attitudes concerning residual actions. Most people loathe them. But there are very special human beings

who are particularly careful, who always pick up whatever was dropped on the floor, always return food to the refrigerator and never leave doors or windows open. Generally, they are perfectionists, careful, moralistic and a little neurotic; they are frequently rejected and abused by others, especially by those who normally detest residual actions and do whatever is required to avoid them. This type of person is, for example, a fraternity student who ends up washing dishes for everyone else and who is considered by his housemates as both a good guy and an idiot. But residual actions are unpleasant even for these special people too; they do not perform them out of pleasure, but out of a sense of duty which sometimes means performing unpleasant actions.

Now we must try to explain *what it is exactly about residual actions that make them so unpleasant for humans.* Are residual actions a sort of "echo" of the residual character of being? Might not residual actions manifest the terminal character of our life projects, and the fact that everything we can construct as positive is infested by terminality and decay? One hypothesis we might advance is that the unpleasantness of residual actions might be the unpleasantness of our own terminality. A long return home and cleaning the table after dinner are experiences of mortality, downfall, termination and deterioration. The preparatory tasks are no less decaying; they are the mortal birth of our actions. *In fact, the disappointing exhaustion of the return was already lurking in our preparatory actions*. The great and constant effort in concealing terminality, which helps us to deal with life, consists of not accentuating and even omitting the terminal moments of our projects, in favour of highlighting those small positive moments squeezed in between innocuous, preparatory, and especially residual actions.

Only the ascendant time of our actions is commonly taken into account, its decrescendo is hidden. These unpleasant moments that exist only to leave things and people where they were is a typically mortal movement, the "repositioning" of what had been wasted and should be returned to its initial place. Dying is like reassessing stock; when we die we are again disposable and recyclable. Our old and useless bodies are ready for the final expulsion. The residual actions mimic our own residual being. We do not want to close the butter dish or return from a trip for the same reason we do not want to die, or rather, we do not want to be mortal. Performing residual actions is to participate daily in small funeral ceremonies.

A human life has "rejectives" rather than objectives, a kind of movement more reactive than active, an escape rather than a search. Humans torment themselves looking for "goals" and "objectives" in order

to make sense of their lives when it should be more appropriate to ask about *rejectives*, things that should be actively avoided, anti-objectives. Residual actions open a *locus* where this replacement of objectives for rejectives can take place. Humans do not like to think of their lives as having a residual component. Focusing their attention exclusively on death-estar (DE) helps to hide this terminal character of life that residual actions insist on accentuating. In each residue (the still uncovered butter dish, the table left dirty, the boredom of the return trip), we are escaping from the residue that we already are,[5] from the unbearable fact that we are discarded every day, as nature's and society's leftovers, cast aside and thrown away after having been used. After we are gone, life leaves everything as it was; it makes a final arrangement without us, as we do with the remains of food from the countless breakfasts of our lives.

Waiting is perhaps the more typical residual action, where we are more expressly suspended and detained. Waiting is dying, and for this reason, we hate nothing more than waiting. When we wait without doing anything, feeling the time passing by, our own wasting being is revealed, unmediated and unmasked. In the residual, there is always something dead. Waiting is "dead time". This is why the worst torture for a prisoner consists of waiting, an important part of his punishment: waiting for his trial, waiting for his lawyer, waiting for the day to be moved to another cell, waiting for the day of release to freedom, or even for his final execution.

When we wait, we have all the time we need to realize that we were born and that we are alive, without the usual protections. In a waiting room, we are provided with resources to face waiting to save us from being destroyed by time: magazines, TVs, drinking fountains, and now cellular phones. In fact, we always have to wait. Existing is a perpetual waiting. Waiting consumes the greater part of our existence. And waiting is never what we really want to do, never a literal action. Waiting is like coupons or vouchers in anticipation of the final payment, funeral instalments, promissory notes of a great final wait, advance amortization of our own transformation in a pure eternal wait.

All of our life is lived under concealment, but the concealment is always, at the same time, the failure to conceal. It shows something in the very moment of hiding. The residual cannot be eliminated and insists on resurfacing even after all efforts to stifle it. Our great misfortune is that we

[5] This idea is strongly present in some of the most well-known sermons of the Portuguese Jesuit philosopher, Father Antonio Vieira (1608-1697), in particular in his Ash Wednesday sermon of 1672, where he says that human beings who will be dust in the future are already dust at present.

are terminal beings who do not know how to end. We only know how to start processes, not how to finish them. We are terminated by our being before we learn how to terminate. We are always run over by death without ever having learnt how to die. Everything we do, even the most sublime actions, leaves residue and debris, similar to the manufacturing of a beautiful piece of furniture, which leaves the floor full of sawdust. *Our lives are perpetual beginnings with hidden outcomes.* Those who leave food outside the refrigerator and the doors open escape from the terminality of being, closing their eyes so as not to see the deadline. To tell someone he has to put things back after using them is like reminding him of *Memento mori.*

The topic of residual actions is significant for ethics. Utilitarian ethics and ethics of virtues always depict human life as a see-saw of "good things" and "bad things". Generally, this is a presumed objection against the "partiality" of pessimism. The description of residual actions shows how all the pleasures and "goods" we create are surrounded by innocuous and mortal actions. These pleasures and goods have to be plucked out from the hard structure of the world. Not only must the "goods" be painfully constructed against the terminal structure, but they can generate new residual actions: pleasures from eating and drinking or from travelling, or from engaging in intense sexual activities can do damage to our organisms. This could lead to overthrowing the "see-saw approach" in favour of a negative asymmetry: there are no "goods" and "evils" placed in a symmetric situation, but preparatory and residual evils with goods arduously constructed to counteract them and to be finally defeated. Thus, the image of life as a balanced set of "goods" and "evils" can be contested through a careful reflection upon residual actions.

What do philosophers really mean by the "intrinsic value" of human life? (Dialogue with Ronald Dworkin)

Many contemporary thinkers of great reputation still talk about the "intrinsic value" of human life. An example of this is Ronald Dworkin. He writes:

> We believe it is intrinsically tragic that a human life, once begun, could have a premature ending. In other words, we believe that a premature death is intrinsically bad, even when it doesn't represent anything bad for a particular person […] The vast majority of people that have strong

> opinions about abortion–liberals and conservatives alike–believe, at least intuitively, that the life of a human organism has intrinsic value […][6]

He claims that abortion can be condemned not due to assuming that the foetus might have interests, expectations or susceptibility to pain, but simply because "*we consider life a sacred and intrinsic value*".

He often declares that sacredness of life is the prevailing attitude in our society and this seems to him a sufficient criterion for adopting the idea of an "intrinsic value of life".[7] Right from the start, he says that

> […] our shared conviction that human life, in any form, has inherent, sacred value, and that whatever choices we have about birth or death should be made, so far as possible, to respect and not dishonour that profound value.[8]

Nevertheless, he admits that: "The idea of life's intrinsic value can seem mysterious, and I should attempt to make it seem less so" (96).

In the light of our previous considerations, I think that when Dworkin speaks about an "intrinsic value of human life", in the various contexts where the idea appears in his book, he is referring to quite different things, none of which forces us to accept the thesis of life's "intrinsic value". I will attempt to relate a few of them:

a) Human beings possess an *autonomy* that makes them inviolable. This inviolability is sacred. We do not have the right to kill or injure anyone.
b) In general, human beings *do not want to lose their lives*. They preserve them fervently, doing whatever it takes to stay alive; therefore, we should consider their lives as sacred and inviolable.
c) In general, human beings *give themselves value* and believe that their lives have a value. This feeling should be sacred for anyone.
d) Human beings are afraid to *lose their individuality*, their identity, their particular insertion in the world, their being this person and not another one. This makes life inviolable and sacred.
e) Human beings are profoundly *interested* in the task of living, of facing problems and trying to resolve them. We do not have the right to obstruct this dedication and interest, and this constitutes the sacred character of our lives.

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[6] Dworkin, *Domínio da vida*, 96.
[7] Dworkin, *Domínio da vida*, 97; 114; 123.
[8] Dworkin, *Domínio da vida*, vii; 13; 96; 100; among other places.

These are some of the contexts in which Dworkin sustains the "intrinsic value of human life". *We have not the least intention to deny any of these claims; rather we argue that none of them requires accepting the idea of an "intrinsic value" of human life.* These considerations are perfectly compatible with human life's lack of intrinsic value, and they are all sustainable just by using the *reactive* or counter-structural values generated by humans against the structural situation, such as described in my line of argument. Human beings can "give themselves value" without having an "intrinsic value". The facts of their autonomy, wanting to carry on living, having a high opinion of themselves, fearing the loss of their individualities or being interested in continuing to do things, all this can be understood as part of the effort that humans make to invent values against sensible and moral discomfort. Humans can be considered as inviolable without having to concede any "intrinsic value" to them.

Humans could be anxious to maintain or even put at risk a life without value for the simple lack of alternatives. Humans may be inviolable in their tendency to want to keep themselves alive not because life is "intrinsically valuable" but because it is their lives we are talking about, the others' lives and not our own. In the same way, the life of another human can be "sacred" in the sense of being inviolable, without it being "intrinsically valuable". A life we consider poor quality should be respected and considered sacred if we grant others the autonomy and right to preserve something that belongs to them, in spite of its value.

In this respect, Dworkin has not displayed a single argument in favour of the "intrinsic value" of human life, but only of its inviolability and sacred character as regards others, which can be expressed perfectly well without any appeal to "intrinsic values". What deserves respect–rather than the quasi-religious term "reverence" that Dworkin and many others employ–is not "life" but the efforts human beings make in attempting to improve the conditions of their lives and to make them valuable. *Human efforts are touching and worthy of respect, but life, as merely an adverse and resistant medium, is not.* Contrary to the idea of life's "intrinsic value" we could formulate a kind of negative imperative of this sort: "In every moment, consider life always as a means, never as an end". *Life is important only as a means to construct valuable things against the advance of the structural terminality of life*. What is sacred is human value creation, not life. Therefore, it is strange to consider life as being of "supreme value". *People think that since the values we construct in and against life can be sublime, life itself ought to be sublime*. Life can be seen merely as a difficult and adverse material (and even miserable for the most part of humankind) for constructing good, and even sublime things.

Curiously, Dworkin provides many examples of objects that he considers as having "intrinsic value"–knowledge, experience, art, nature– but we can observe that: (a) none of them constitutes *life* but things that we make or find *within* life; all these things fall under what I called the intra-world construction of values, and there is nothing "intrinsic" about them; (b) secondly, the values that these objects acquire in the intra-world are always relational, and therefore, can effect valueless consequences, showing that they are not *absolute* positive values: knowledge, experience, nature and even art can be damaging to someone, especially when exercised to excess.

The very idea of an immense loss when a life, especially a young one, is taken,[9] or when a work of art is lost or ruined, depends on cultural, conventional and community attribution of values. We suffer these "losses" because we construct certain values that make these human beings or things very precious. The feeling that these things are "valuable in themselves" or "intrinsically valuable" is merely the result of a deep and strong internalization of these cultural values.

[9] Cf. chapter II, argument 4, the argument of replacement.

CHAPTER FIVE

THE IDEA OF MORAL IMPEDIMENT AND ITS HARDSHIPS

The invention of positive values in the intra-world puts in evidence another feature which is maybe the most relevant for ethics. Aside from positive values being intra-structural and generated against the terminal structure of being, *it seems inescapable that the creation of positive values tends to cause damages and disturbances in other humans who are trying to do the same thing,* to create positive values, to give themselves a value which they imperatively need in order to soften the frictions of a decaying being. The discomfort of the human situation is distributed throughout different kinds of malaise that humans can inflict upon one another, not perforce to do "evil" (as we'll see later in chapter 6) but due to the urgencies and challenges of the structural situation.

At first glance, provoking discomfort in others appears to be something morally onerous, according to the MEA and also according to the criteria of current affirmative ethical theories (deontological, utilitarian, virtue-based, and so on). All these ethical theories advise us to try to help others or at least not to harm them. If we can show that we harm others–not, of course, all others indiscriminately but at least someone during some moment of our actions in diverse scenarios–this would point to the phenomenon that I call "*moral impediment*", the structural impossibility of acting in the world without harming or manipulating *someone* at some given moment (not, of course, *everyone* at every moment).

Not all forms of harm to others may seem to be morally imputable since we can harm others without intending to do so, or as the result of some other purpose, inflicting collateral damage on others. We have to see if all morally impeded human actions are anti-ethical (the strong thesis), or if the anti-ethical actions are just a subgroup of morally impeded actions (the weak thesis). I will attempt to prove (using informal logic, of course) that the weak version is sufficient to settle the thesis of moral impediment as the third structural feature of the initial valueless character of human life, together with pain and discouragement. And it can be seen as the

more serious one of the three, from an ethical point of view. Our lives, besides being painful and filled with discouragement, must yet support the onus of moral impediment.

In the books and writings on ethics in the available literature, we find some ideas and attitudes that are assumed almost undisputed. There are, at least, the following: (a) most people observe the ethical demands (they are honest; honesty is the regular behaviour); (b) in each particular case, I myself obey the ethical demands on my own behaviour (I am certainly honest, and at most, I may commit minor wrongdoings which I will be the first to acknowledge and resolve); (c) resulting from (a), anti-ethical actions appear as something exceptional, present in certain very peculiar kinds of people–dishonest, negligent, criminal, cheating, freeloading, corrupt, morally sceptical, nihilistic or morally unsound; (d) resulting from (b), all of these practitioners of the anti-ethical always belong to the realm of others who are different from me. I have nothing to do with them; I occupy the space of the moral denouncer, full of great indignation and concern about the moral lapses of the others.

If the thesis of moral impediment can be maintained, all of these usual presuppositions can be challenged in one way or another: the anti-ethical is commonplace and not exceptional; it is the ethical that shines like a precious and rare exception, testifying to personal merits. And lastly, I myself am involved, because my act of denunciation does not exempt me from being included in what I am denouncing.

There are two significantly more subtle presuppositions in the usual accounts of ethics: (e) moral philosophers are satisfied in only establishing the conditions of a morally correct behaviour, but are not concerned with scrutinizing *where*–in what contexts and circumstances–this morally correct action occurs. They are not sensitive to the phenomenon that humans can be morally right within the scope of moral wrongness, a phenomenon which I call "morality within immorality" or "second-degree morality"; (f) moral philosophers are concerned with establishing the conditions of a morally correct behaviour, but they do not perceive the phenomenon that the moral demand itself can be used as a powerful weapon of domination and aggression. "Morality crusades", even if internally consistent, can be used as strong mechanisms of discrimination and persecution, when moved by particular motives.[1]

[1] After making a film about police corruption (*Serpico*), the American filmmaker Sidney Lumet made another movie, *Prince of the City*, showing all of the corruption in the moral campaign against police corruption. These movies introduce through images an issue usually absent in books on ethics.

The general ideas surrounding "moral impediment" have always been vehemently opposed in the discussions about negative ethics in South America. Therefore, it is important to attempt to expose these ideas clearly and carefully.

Positive value creation is always forced and expensive because a lot is done to obtain very little. We create values compulsively, anxiously and hesitantly, cornered by the presence of pain and discouragement in all its variants. Given our decaying situation, positive value creation, far from being a product of freedom is a basic need for survival: *we either create positive values or we disappear.* We cannot manage to exist for very long without constantly feeding our self-worth, self-respect and need for security. However, precisely because of the fact that positive values are constructed in narrow manoeuvring spaces, within a complicated holistic web of actions, they end up harming other humans' projects. We create positive values in narrow spaces where it is difficult not to do damage to other people, even when we do not mean any harm.

The phenomenon I call "moral impediment" consists of harming and disregarding others, not always intentionally, but as an inescapable product of the small environment in which we are forced to understand diversified situations and take relevant decisions. This urgent and reactive invention of values, with the terminality advancing day by day (we get old, our body gets ill, opportunities diminish) leaves insufficient space for an ethical morality in the sense of the MEA, with its double demand of not harming and not manipulating other humans.

If we accept only *intentionally committed* actions of damaging others to be morally incorrect (or "immoral", in the traditional jargon), then we cannot equate "morally impeded" with "immoral". Moral impediment is something that *happens to humans* as part of their structural *situation*, either emanating from their own will or occurring without the mediation of intentions. I do not want to present this impediment primarily as an original or radical "incapacity", or even "perversity", of human beings. Humans are *morally impeded* even when they are not purposely immoral. Nevertheless, it is very important to elucidate this notion of "purposeful" (or "intentional") more carefully, and *not allow or justify actions highly injurious to others in a quick and unreflective way, just as being "non-purposeful" or "unintentional".* This notion is complex and it is customarily used self-benevolently and in bad faith, as we will see.

Three kinds of Moral Impediment

I will point out three kinds of human beings to try to establish a kind of typology in order to clarify the notion of moral impediment. I will call them: *actively consenting impeded* (ACI), *passively consenting impeded* (PCI), *and dissenting impeded* (DI).

The *actively consenting impeded* people are those who do not care that their acts which are beneficial to them may harm others. They face life as a fight or a competition between themselves and others and simply try to take advantage of situations and circumstances. The people belonging to this group may be actual criminals or bandits, corrupt people, murderers or humans convinced of the necessity to exterminate other humans. But this category does not apply *only* to them. This characterization also fits, for example, people who make an illegal connection to profit from water or electricity or a TV signal that will be paid for by their neighbours. Or consider people who take advantage of their superior hierarchical position to make their subordinates perform tasks which they should perform themselves. In the line of argument that I am following, I prefer to consider "major crimes against humanity" and these apparently banal daily actions as being ACI, all of them explicitly, consciously and purposefully profiteering from a situation that is harmful to others, and whose malicious effect does not awake any concern in ACI people. The "major" or "minor" consequences of the ACI-actions are not relevant in this line of thought, but their purpose is to simply and consciously take advantage.[2]

The *passively consenting impeded* (PCI) are those who, by indifference or omission, contribute directly or indirectly to the creation or perpetuation of states of things that harm other humans. They include everyone who, placed in a situation of injustice and destitution, wherein other humans are deprived of their basic needs, discriminated or persecuted, does nothing to attenuate or help to put an end to or improve the situation. This group is composed of citizens who lived through slavery, the Spanish conquest or Nazism, and looked upon the suffering of thousands of human beings and did nothing to stop it, instead adjusting to their own situation of privilege.

[2] One very serious and general problem in ethics, but especially acute in the ACI cases, is that no one, not even the worst of criminals, admits openly that he is acting anti-ethically. They always find some explanation or justification for what they're doing. So, everybody agrees on the crude formulation of moral demands, but no one is disposed to admit that he, in particular, is offending them. (In legal courts, the situation is ethically worse, because if the criminal is being tried, his own lawyer will ask him to declare innocence, even against overwhelming proofs to the contrary). For the time being, I leave out this difficulty from my typology.

They are also the ones who shrug their shoulders in the face of the poverty that surrounds them in big cities, thinking only about their own well-being and that of their families and close friends. They are also the ones who during droughts remain indifferent to water rationing programmes because they have a private supply system at disposal. They are the ones who know perfectly well when someone else is acting improperly, but they "turn a blind eye" so as not to get involved or "not make life more complicated than it is".

There are several forms of indifference which are totally trivialized in daily life; for example, the attitude of those who isolate themselves completely during their holidays or leave, not answering the phone or the door, not checking their mail, insensitive to the urgent need–whether personal, professional or both–of others. Whereas the ACIs are always able to harm others, the PCIs are, on the contrary, "unavailable". They are those who are simply not present at the places where they could have stopped or mitigated harm.

At first glance, it would not seem too problematic to morally burden the *consenting impeded* ones (CIs), active or passive, as being morally imputable and responsible[3] for their actions or harmful omissions. Nevertheless, the passives could still allege that, in exceptional circumstances like Nazism, it is morally justifiable to remain silent, because the danger of getting involved is immense and the consequences inglorious. Or one might say that by denouncing someone as corrupt, one runs the risk of putting both one's own life and the lives of one's family in serious danger. Or he who is totally isolated can claim that he was sick and exhausted, and that he cannot recover without totally disconnecting from all kinds of stressful relationships. And even people engaged in piracy or bootlegging can allege to be beset by difficult economic conditions due to the dishonesty of others (administrators, governors, etc).

In the case of the actively impeded, justification becomes more difficult, although not impossible. Even a bandit can claim that he was prepared to lead an honest life and was pushed into a life of crime by tremendous injustices committed against him (like the protagonist of Robert Bresson's classic *L'Argent*). Both the ACIs and the PCIs can claim to be products or victims of other moral impediments (within a complex web of actions). The phenomenon of "moral impediment" has to be presented in such a way as to include not merely the wrongness of specific actions, *but also the fact that many wrongdoings are reactions to previous moral impediments within the web.* This makes the ethical evaluation of

[3] In chapter 7, on freedom, we'll see some important restrictions concerning the notion of responsibility, which is now being used somewhat uncritically.

human actions significantly more complicated than it is usually taken to be. Those who judge the actions of others tend to severely isolate them from the web of actions, without attending to other previous anti-ethical actions; this can be unfair or insufficient for judging human actions in a more integrated way.

The most problematic case, however, is the third one, that of the *dissenting impeded* (DI). These are humans who, put in small spaces within the web of actions, affected by their physical and psychological discomforts, not even actively participating in any harm done to others, and not even assuming a posture of indifference or unavailability, even they, by the very complexity of the situations, harm other humans in at least one of their many scenarios of action, even in, apparently, "unintentional" or "not purposeful" ways.

A professor can be extremely rigorous and serious in his teaching activities, demanding punctuality, diligence and extreme dedication from his students, an evidently positive and beneficial attitude towards his pupils. However, this extreme rigour can cause many potentially competent students to desist from their studies for not succeeding in following the professor's high pattern of demands. Or even worse, it could leave psychological marks on students that may cause significant harm in the future. Parents who are extremely attentive and affectionate with their only child can end up making him an insecure and resentful human being. Or a man may install a security system on the windows of his house to protect his family while away, but it may turn out that the security system prevents his family from saving themselves from an assailant's attack. In all these situations, the problem is that even something done positively for the sake of benefiting and protecting others can become, by the force of circumstances, harmful to someone (frequently to those whose benefit and protection we intended). The role of chance–almost never taken into account in books on ethics–is crucial here.[4]

[4] The Polish movie director, Krzyztoff Kieslowski made many films about the role of chance in human decisions and even in the formation of personalities. The most specific example is the film entitled *Przypadek* (*Blind Chance*), where small events (like missing a train) have a crucial effect on the political and existential decisions of people, not made from profound convictions but by the tyrannical force of circumstances. Well-intentioned actions can end in catastrophe, not just in movies. The philosopher Vilém Flusser lost his life in a car accident when his wife (who escaped unscathed from the accident) was driving because his impaired vision problems prevented him from driving the car himself. His wife drove precisely in order to avoid accidents. This woman did not act immorally towards her husband, but as she was–like all humans–morally impeded, she harmed the person she loved the most, ironically by an intentionally protective action.

There are also cases of distractions, absentmindedness, incompetence or ignorance. Are these ACI, PCI or DI? In these cases, someone harms somebody else neither intentionally nor by omission, not even because of the fatality of the circumstances, but because of carelessness or negligence. For example, someone is cleaning a loaded weapon in the presence of others and someone gets injured. This was not purposeful. It was not the product of an omission (because it was an act), nor was it completely accidental; it was the product of negligence, an excess of confidence or ignorance, something that would not have happened if the necessary precautions had been taken. In accordance with the peculiarities of each case, this kind of action will be included in one group or another. Let's suppose it came to light that the person who was cleaning the weapon actually intended to hurt or kill someone (in this case, he would be an ACI); or, that his carelessness was the product of an omission or indifference (for example, forgetting to check the weapon before cleaning it). This would fall into the category of PCI. But, it could also be seen as a pure accident, a product of fatality.

I also want to consider DIs in cases of "moral impediment", in the sense of humans being tragically placed in a situation of doing harm unto others without intending to do so (and often with the intention of doing good, protecting or benefiting). As I pointed out before, I would like to see moral impediment as something that *happens to* human beings in all cases (even in the case of the CIs, active or passive), due to the fact of their being asymmetrically placed, vis-à-vis the act of being born, in small contexts of action within a complex web. This situation affects all humans, but it is within this third group that it can be seen most clearly and tragically. In this case, humans are morally impeded in the sense that they are blocking the benefits or are even driven to harm others without actually having had the intention or the purpose of doing so, not even passively like in the case of PCIs. Here, imputation is not central (although imputation is a complex and ambiguous process because of the fuzzy character of the notions "purposeful" or "intentional", as we will see), but the objective harm effectively done to somebody continues to be relevant, especially for the victim.[5]

[5] To be precise, we could say that the present line of argument assumes the perspective of the victim. Flusser's wife will be able to show that it was not her intention to kill her husband in that accident. But the sheer fact remains that her husband died as a consequence of an action of hers. Showing that "it was not purposeful" will ease her feelings of guilt (and, certainly, exonerate her in the courts of law), but it will not attenuate the grieving of the loss. The feeling of having acted wrongly, which many people in these situations continue to feel, even

On the other hand, since human beings act in many different scenarios, it is hard to imagine that someone who would be considered DI in most situations, would *never* harm someone, in a consenting or dissenting way, in some (at least one!) other situations. We see that there are no clear boundaries between the three kinds of humans: passively consenting people can on occasions act as active, and dissenting can act as actively consenting. Thus, even if someone might be ethically exonerated in most situations, proving to be a DI, it is unlikely that he has *never* been in a CI situation, active or passive, in *any* situation where he acted. This means that even when any one of us could prove that we did not harm someone intentionally in a particular case, it is hard to imagine that, *in the totality* of cases in which we harmed someone, we were always and invariably in a situation of "non- intentionality". A human life develops in a very complex web of actions where humans constantly fluctuate from active or passive consent to dissent and vice versa, and this is why we should evaluate human actions broadly and comprehensively.

Remark: "It was not my intention"

It is of the utmost importance in ethical studies to better investigate the very notions of "intentional" and "purposeful" because both are profusely used in daily life to exempt ourselves of responsibilities and imputations. Before situating a human action in the third group (humans love to say, "It was not my intention to offend" or to bother, to accuse, to constrain), we must carefully ascertain if there *really* wasn't any kind of consent. The boundary between "intentional" and "unintentional" tends to be fuzzy, so that the alleged "non-intentionality" must be argued and evidenced very clearly in each case.

But let's suppose that we accept that the sentence, "It was not my intention" was not uttered in bad faith or self-benevolence, that a damage was done without any intention whatsoever. Affirmative ethics frequently talks about those human beings who no longer make efforts to be moral because they are naturally so, as being more meritorious than those who make a great effort to behave morally. It is customarily deduced from this that a human can be mindlessly or unintentionally "good" and that this would be the most genuine way of being good, because the agent no longer forces himself to be moral, and morality turns into something spontaneous and natural for this kind of people.

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when it is clear that "there was no intention", can point to the fact that we are always guilty for what we harm or destroy (and, as we see thereafter, for what we procreate also), even "without intention".

But the same can be said of an "immoral" behaviour that ceased to be the product of some purpose and became spontaneous and natural; for example, those people who are aggressive, offensive or indifferent without any consciousness or premeditation, as if they had completely internalized the habit of *not* considering the other's interests. This does not remove the anti-ethical character of these spontaneous and unconscious actions from the agent; on the contrary, perhaps the most genuinely anti-ethical human being is the one who no longer needs to make an effort to *not* consider others, no longer forces himself to be immoral, and immorality has turned into something spontaneous and natural for this kind of people.

In her famous book on Eichmann's trial, Hannah Arendt tried to show that atrocious actions could come not from "atrocious intentions" but from the simple absence of thought and reflection, and from the banalization of the atrocities within a bureaucratic behaviour not devoid of "good intentions". Thus, Arendt

> […] was questioning a long-standing theological, philosophical, moral, and legal tradition that evil actions presuppose evil intentions and evil motives, and that the degree of evil manifested by the acts corresponded to the degree of maliciousness of the motives. […] The phenomenon that Arendt confronted was one in which monstrous acts were committed without monstrous motives.[6]

The Moral Impediment Thesis in Argumentative Form

Premise number 1 (The positive value creation)

Since there are no positive values in the terminal structure of life–there can be no pleasure for humans in their decaying, suffering frictions and extinguishing–these positive values have to be created against the terminal structure of being advancing in a single direction, without being defeated by discouragement and in an intense and constant struggle to construct one's own value and the value of things and humans sustaining one's life.

Complements to Premise 1

1.1 In this sense, each human being can be seen to be incessantly searching for a difficult balance between the terminal structure of his own being and the intra-world reactive construction of positive values.

1.2 Human beings do not create positive values freely and because they want to, but for a very demanding need for survival: either they construct positive values or else they succumb.

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[6] Bernstein, *El mal radical*, 337-8 (my translation from Spanish).

Premise number 2 (The structural situation)

These positive values cannot be constructed in an isolated or remote space but only inside a holistic web of intricate, complex human actions, wherein the space for manoeuvring is narrow, uncomfortable and uncertain, since all humans maintain similar projects of giving themselves a positive value against the advance of the terminal structure of their being.

Complements to Premise 2

2.1 Human beings flee from the terminal structure of their being (from the passage of time, from pain and unhappiness) more or less anxiously or aggressively, trying to "improve their lives" and to obtain a better place within the web of actions.

2.2. This situation acquires different characteristics in distinct moments of time, but it is something which belongs to the human situation as such. One cannot conceive of a social organization that opens totally transparent spaces of action or could change the fact that humans are affected by frictions and are some way concerned with the brute fact of their ending.

Premise number 3 (The ethical demand)

The MEA (Minimal Ethical Articulation) demands that human beings consider the interests of others insofar as they also take into account others' interests and not only their own. One should always attempt not to harm, or even perhaps to help, not to manipulate and not to commit injustice against other humans that maintain, for their part, consideration for others' interests according to the MEA.

Complements to Premise 3

3.1 Unintentional harm (because of obstruction, neglect, distraction, laziness, sloppiness, incompetence, and so on) caused to other humans who follow the MEA is ethically imputable.

Premise number 4 (The ethical demand in the structural situation)

The situation described by Premise 2 impedes the observation of the ethical demand formulated in Premise 3. In the situation of structural narrowness within a complex web of actions, full of proximities, conflicts, lack of space, fast decision-making and excluding alternatives, it is not possible to consider every human's legitimate interest in every place, time and circumstance and in all the scenarios of action in a human life.

Conclusion

Whether purposefully or due to negligence or carelessness, or due to the very narrowness of spaces of action, always in some sectors of the holistic web, humans are regularly "morally impeded" in the sense they are not able to observe the ethical demand of consideration of their interests for everyone and in every case within the web of actions.

Complement to the Conclusion

C.1. The ethical demand itself can be used in an ethically impeded way against the interests of others.

Moral Impediment: Some Current Counter-arguments

The main ideas supporting the Moral Impediment thesis are developed, like any other philosophical stance, within a specific line of argumentation; there are, of course, many other available lines supporting or attacking the premises or the conclusions of my argument. Philosophers should be perfectly aware of this fact as a general phenomenon of philosophical activities, not as a particular feature of the Moral Impediment arguments. Phrases like "I do not agree with you", or "Your position has many problems", or "Many objections can be presented against your view", can always be pronounced against any line of argument whatsoever. After I am allowed to reply to the objections, the other parties will reply, and so on. Counter-arguments will always be available, so their availability in itself does not provide any ground for definitively rejecting what is being criticized. In this specific case, counter-arguments do not topple the Moral Impediment thesis if its presuppositions and modes of sequitur are accepted on their own terms. The counter-arguments can only relativize or limit the terms and scope of the thesis as originally formulated.

This phenomenon points unequivocally to a rather curious situation: the *Moral Impediment thesis also applies to the very domain of argumentation,* where each one of the arguers will attempt "to win" the debate and none of them would admit defeat. This is part of the mechanism of self-valorization concomitant with the devaluation of the other, now the other arguer. Winning philosophical debates, toppling one's adversary, and even making him seem ridiculous, or being acknowledged as a great debater of philosophy, this is all part of the device of self-valorization and attaining of self-respect necessary to face the decaying nature of being. We also need to win discussions with good arguments in order to escape from our original valueless situation. Yet, the more ethical

attitude, in the negative approach to argumentation, should be not to attempt to win a discussion with the intention of closing it definitively in our favour. This is the spirit assumed in this and the other discussions of the present book.

Given this general background, we shall now see some examples of counter-arguments to the Moral Impediment thesis. It has occasionally been said that this thesis would merely be pointing towards "human fallibility", something that was already exposed many times in the history of European thought; therefore, nothing new. We are all of us fallible beings, and we never succeed in doing everything we want to accomplish. We are constantly failing at our duties, but this does not mean we are "morally impeded". It simply means we are fallible. This objection suggests that everybody already knows the limitations and difficulties in trying to observe an ethical morality; referring to human fallibility is a truism and ethics is precisely the effort of bravely resisting these limitations and impediments. No genuinely ethical human being will use this fallible character of humans as an excuse or subterfuge for not behaving correctly.

One can respond to this objection with ever-renewed counter-counter-arguments. In the first place, the Impediment Thesis does not claim the moral insufficiency (or the "immorality") *of human beings* and their actions, but rather its *impediment in a structural situation where they have been asymmetrically placed*. This means that *some* of our actions harm other humans in *some* sectors of the web, but not, of course, that the totality of our actions is malicious or morally wrong. (This *is not* what the Moral Impediment thesis states). By occupying a space and a time, we perforce disturb the projects of *someone* who is in some sector of the web of actions. This is not mere "human fallibility". Ethical problems were traditionally put in the domain of a human's capacities, fallibilities and weaknesses. Here I put the accent on *the situation* into which humans were thrown, a situation where it is practically impossible not to commit errors or harm others, and where the correction of errors can drive one to commit new ones. The phenomenon of moral impediment is basically *situational*; it affects human beings without being a characteristic *of them*, it refers to the situation in which humans were radically put at birth.

Secondly, one could also reply to that counter-argument in the following way: in many effective human actions, such as *bullying*, police abuse, noise from late night parties, as well as motorcycle crashers, vandalism, selling and buying academic works and so on, do not seem a product of mere "fallibility" but of purposefully wrong acts (of the ACI type). The objection frames things as if humans were trying to make an

effort to be moral and yet were failing (as if everyone would be in the DI category). But it would be grotesque to claim that those people are simply "failing" in observing the ethical demands. Other actions (such as gossip, stealing parking spots, or professors' academic tourism) are not faults generated by "human fallibility" either. But in the case of the cruel gossiper who smears the absentee and describes him in the worst possible light, or even in the case of an indifferent individual who tolerates the gossip and does nothing to stand up for the offended, what effort are these individuals trying to make (and failing in the attempt) that forces them to gossip or stay aloof? What effort does the academic tourist make but fails trying, when he is absent more than four or five times per semester leaving his students without a teacher? These do not seem to be cases of "fallibility". All these actions arise, in my approach, from comprehensible humans escaping from the frictions of their decaying beings, obstructing the observation of the minimal patterns of consideration for others.

But let's assume for the sake of argument that the objection works only for DIs. Let's consider an example: a professional could dedicate his life to his work and family without attending to the demands of the community or nation, indifferent to everything that is outside the familial and professional context of demands. Although professionally brilliant and devoted to his family, this professional can also be extremely irritable in traffic, treat restaurant employees with disregard, be unavailable when strangers need him, be insensitive to environmental issues, and be absent at condominium board meetings when important matters of cohabitation are discussed. It is not the case that he commits "mistakes" because he is "fallible". He commits mistakes in some places on the web even though he gets it right (almost infallibly!) in other scenarios. And even his more successful actions will always be relative to certain beneficiaries within the web of actions, without ceasing to harm others even if, in some cases (although unlikely *in all* cases) he will manage to show that the harm was not directly "intentional".

The "fallible" diagnosis presupposes a generally ethical human being who does not satisfy the "excessively high" requirements of the moral demands. On the contrary, the negative diagnosis envisions *a normally impeded human being*, purposefully or circumstantially, *who is unable to display the least consideration for others*. The impeding force *of the situation* is a more complex and wide-reaching phenomenon than the mere fallibility *of humans*.

Is this counter-counter-argument convincing? It may or may not be, depending on the conceptual framework and methods used to evaluate the arguments at issue. Is this the end of the dispute? Certainly, it is not. In a

matter of minutes, new replies and responses to what was put forth will appear in the mind of the arguers, or even in our own mind.

Leaving the counter-argument of "fallibility" aside, it could also be argued that the Moral Impediment thesis is excessively strong and without mediations, a rather oversimplifying view of the complexity of human actions and their diverse contexts of exercise. It is not enough to declare that all human actions are "morally impeded" in some sector of the web of actions, without attending to the fact that not all of them will have the same seriousness and relevance. We would have to establish some scale of degrees for differentiating impediments such as selling monographs, destroying library books, and giving uninteresting courses, from impediments such as assaulting people on the street, drug-trafficking or killing someone. Not all actions seem equally "impeded". The distinction between consenters and dissenters already points in this direction, but further relevant internal distinctions and contextual specifications are still in order. But if we head for a gradient of impediments, are we not back to the usual situation, thereby robbing the Moral Impediment thesis of its "radical" features and making it innocuous and irrelevant?

It can be counter-counter-argued that obviously there are distinctions between major and minor impediments. But it may be initially advisable to formulate the phenomenon of impediment in its more broad, basic and radical character and scope. The line of argumentation here assumed refuses to see a qualitative break or rupture between daily lack of consideration of others and "major crimes against humanity", preferring to consider the latter as an exacerbation of something already present in daily life. It may not be adequate to minimize the seriousness of daily aggressions by comparing them to "major crimes" of humanity (after all, compared to Hitlerism, our unconsidered actions seem almost trivial). Thus, there is something ethically convenient about pointing to the wholesale impediment of human actions, without attending to "major" or "minor" ones, and above all, without exempting the latter from harsh moral criticism.

The usefulness and not innocuous character of the Moral Impediment thesis rests precisely on allowing us to see actions usually considered as obviously ethical, as internally carved out by impediment, rather than emerging from a kind of untouched and unquestionable "goodness". The Moral Impediment thesis should be assumed as an instrument of denouncement of the affirmative bad conscience of usual "honesty"–invariably including our own–and "dishonesty" as something exceptional and always "on the side of others". The thesis would serve as a negative conductive wire for actions while considering the relevant differences

between them. I would be in favour of the strategy of using axiological gradients only for the applications to concrete cases, and not in the general formulation of the thesis. Minor impediments are just as ethically condemnable and subject to criticism as major ones.

Let's summarize the situation. As we are thrust into a world affected by structural discomfort, submitted to pain and discouragement and forced to act in an entangled web of actions within small spaces and under pressing time, we cannot avoid harming other humans in concrete situations of the intra-world, even those who we intend to help or benefit. At certain points in time, we are all provokers of harm. In an existential sense, we contribute to the discomfort of others. Acting in many scenarios, it is factually impossible not to be an ACI or a PCI in *any* of them, or to be exclusively DI in *all* the scenarios. Moral impediment affects all of us. We all harm others, and harming others is a feature of the non-ethical stance in life, at least in many relevant situations. Traditionally, the "intention" or "purpose" to harm was added to the characterization of the non-ethical position, but we saw that "intentional" is a very fuzzy concept and that non-intentional harming can be the worst of all.

Between the total innocence at our birth (not in the metaphysical sense of "being born innocent" but rather in the physical sense of being innocent of our own emergence in the world) and the horrendous crimes we may eventually come to perpetrate in the development of our hard lives, humans in communities will weave a complicated juridical and political sub-web that will systematically condemn us, removing our actions from the context that could maybe explain terrible behaviours, erasing the fact of having been born and considering birth irrelevant to moral judgement and punishment. The social-juridical-political human apparatus will massively overstress our direct responsibility for the acts we commit, completely pushing aside the structural impeding situation.

But if we are all morally impeded, then can we not criticize ACIs and PCIs? Yes, we can. But with the difference that now we know that there is not an abyss between them and us because the moral impediment affects everybody in one way or another. Those who judge are not a paradigm of honesty, and those condemned are not monsters. At the structural level of profound discomfort, humans are structurally and radically innocent of the harm they inflict on others, not merely for the DI, but also in the ACI and PCI cases as well. Thus, by going through the intricate web of actions, we will be able to discover many other impediments on which the harm that a particular human being perpetrates against others depends. It is easy to blame our more immediate "companions in impediment" within the web, without seeing their behaviour as a response to previous, perhaps remote,

impediments suffered by them. *Thus, even though we are certainly guilty at specific points, we are all structurally innocent.*

That's why the Moral Impediment thesis is not useless or trivial. Under its influence, the moral system of accusations, condemnations and punishment stops functioning as it usually did. Any moral or honest action is no longer seen as simply good or valuable, but within a complex web where we cannot be ethical in the affirmative and minimal sense of the MEA in all our scenarios of action.

CHAPTER SIX

"EVIL" AS AN AFFIRMATIVE CATEGORY: THE COLLAPSE OF THE METAPHYSICAL NOTION OF "EVIL" INTO THE PROFOUND DISCOMFORT OF BEING

The great temptation would now be to express the Moral Impediment thesis in terms of the traditional jargon of "evil", or of a "malicious force" that had cruelly and treacherously fallen over the world. As a matter of fact, throughout the history of European philosophy, the structural features of life gathered by negative thinking–the terminality of being and its deployments–have been interpreted as a proof of omnipresent "evil" everywhere in the world. Interpreted this way, events would reveal a sort of "human malevolence", or "the triumph of evil over good", or the "perverse tendencies" of humans, and even their "monstrosity". Many theories mention "mean inclinations" that carry human beings towards "evil". Others see human beings as "evil by nature". The presence of "evil" in the world is spelled out as the effect of the "depravity" of a "free" and "responsible" human being, who "given the chance to opt for good or evil, opts for evil".

Traditionally, from Augustine to Kant, authors speak about a human "propensity for malice" (or being black-hearted), and yet they refuse to abandon the idea of "freedom" which would lead humans to choose the wrong maxims instead of the right ones. When weak, the human will is corrupted and "opts for evil". In many discourses on ethics grounded in a strong rationalism, "evil" has been seen as error, and, as such, no one can actually "want evil". Other theories speak of "self-love" as a source of evil. Even with radical European thinkers like Nietzsche and Freud who put freedom, responsibility and dignity into question, the origins of "evil" continue to be found in certain human attitudes like "resentment" or deeply inscrutable and unconscious "destructive instincts".

In spite of the diversity of theories, they all have something in common: *human beings–in their varied dimensions– always occupied the*

privileged place of "evil" by virtue of their will, their self-love, their inability to choose, to think or to judge, their weakness in the face of lower inclinations, their natural maliciousness, their propensity for evil, their resentment or their surrendering to mortal impulses. In all these accounts, independent of whether or not human beings are recognized as being "free", the most fundamental origin of "evil" is always seen as something pertaining *to human beings*, a kind of "malignant patrimony"; humans bring evil into the world. This suggests that the world provides humans with adequate and viable conditions and opportunities for goodness, which humans spoil and degrade with their "malevolent" actions and attitudes.

In periods of time when religion prevailed, this viewpoint was essential for the exemption of God, creator of the world, from all guilt for the world's calamities. Good by definition, God was absolved and the only remaining suspect for having introduced "evil" into the world were human beings. Let's assume for a moment the perspective in which the world was not created by a good God: would the hypothesis of human guilt for bringing "evil" into the world still stand? In the absence of the religious presupposition of a divine origin of the world, could we not come to suspect that the world is not a propitious place for good and morality, at least for humans as we know them? Is it not the world itself, as we can describe it, that is the whole problem, instead of "evil" having to be concentrated in "perverse" peculiarities of human beings? Usually, it is assumed that humans are under adequate conditions to be "free" and "responsible" and to take "the right decisions". The propitious conditions seem to be given, and "perverse humans" are the ones who spoil or waste these conditions. There is never the slightest suspicion surrounding the world itself, the ontological–nor merely sociological or geographical–situation in which humans have to make choices and try to be ethical.

A first displacement from the domain of humans to the domain of the world itself as the place of "evil" should be preceded by a critique of some kind of superstitious animism inherent in the very vocabulary of "evil", like when a small child considers the fire that burned his hand as "bad". It is obvious here that what is called "bad" always has to do with a certain discomfort, with an aggression of the world against humans and of humans against other humans, which they temper and transform into a malign force or even a malicious deity. In the twenty-first century we should make some effort to overcome the animist and anthropomorphic childish explanation of the phenomena adverse to humans in terms of "evil", by attempting to explore and explain the transformation of physical and psychological discomfort into a metaphysical and religious entity called

"evil" to which even great contemporary European thinkers succumb in their moral thinking.

The phenomenon we call the "moral impediment" did appear to present the radical difficulty, perhaps impossibility, for observing the MEA in all contexts and situations. However, "evil" did not appear in our preceding examples and cases even when the phenomena that people and thinkers named as "evil" *did* appear. In the light of the categories here developed (terminality of being, triple friction of sufferings–pain, discouragement, moral impediment/imperative invention of intra-world positive values), *it is possible to offer an alternative explanation of these phenomena which does not employ the metaphysical and animistic category of "evil";* an explanation which does not present a "good world" spoiled by perverse humans, but a world that regularly provokes discomfort in beings like humans and puts them in a situation where it is impossible not to harm others in some way.

Here I will maintain a position that will seem paradoxical at first glance: we are all morally impeded, not in the sense of all of us being constantly dishonest or immoral, but impeded to observe the MEA in at least some scenario, situation or moment of our lives. Humans were put in a situation that cannot be morally resolved. However, at the same time, I sustain that "evil" or "human depravity" do exist but only relative to an affirmative point of reference according to which the world was originally "a good place" where humans are "directed towards goodness" and are perfectly capable of achieving "goodness" by their own efforts, and where being "evil" is exceptional and adventitious.

According to the negative approach herein assumed, humans are morally impeded but they are not "evil" or "bad". They are placed in a situation whose holistic complexity cannot be resolved solely in terms of moral categories, even when one tries to. Instead of relying on an inward-looking explanation based on "intrinsic" (and inscrutable) wicked characteristics of humans, I propose to dispense with the metaphysical/religious notion of "evil" and to scrutinize instead the original place of the profound discomfort that gives rise to the human behaviours we call "evil". It is not primarily a matter of something "internal" to humans but rather pertains to external characteristics of the structural situation into which humans were asymmetrically thrown, and which compel them, in at least some scenario of action, to assume attitudes that can become dangerous for others put in the same hard situation. Of course, humans can always resist the compelling attacks of the terminal structure, but in executing certain reactions they can affect or injure other

humans within the web of actions. Moral impediment is an elusive and extremely diversified phenomenon.

Thus, instead of locating a "radical evil" somewhere "within us", the effective exercise of which would still be, paradoxically, the product of our "freedom", I point to a radical situation of profound discomfort that throws humans into the triad of suffering (pain, discouragement, moral impediment), a radical situation that humans now attempt to confront by means of the intra-world invention of positive values, always at risk of provoking new discomforts (sensible and moral) for the moral patient himself and for others. I purposefully say here "moral patient" because, in the negative perspective, far from being moral agents, humans are rather subjected to all kinds of forces "suffered" by them. Humans are born and thrown into an uncomfortable, aggressive and incomprehensible world, which provokes anxiety, fear, insecurity, and all kinds of discomforts, from hunger to boredom, desperation and frustration. This is the primary human situation, the *Ur-Situation*, an original locus of discomfort where humans must forcibly take a defensive attitude, making their way through the world with other humans and against them.

The discomfort of being–translated into physical pain, psychological discouragement and moral derangements–is a vital, primary phenomenon that was transformed into "evil" in the metaphysical and religious tradition, and for which the "free" human beings were held responsible (and in other times, as offending God). It is a pity that great European philosophers like Kant, Hegel, Schelling, Lévinas, Ricoeur, Hannah Arendt, Hans Jonas and others remained prisoners of the vocabulary of "evil", never surpassing this elementary phase of thinking. We would have to ask about the genealogy of this notion, how the profound discomfort of being in the world became the metaphysical "evil", and how the aggressive character of a primary situation shifts into human "perversity". How did we all of a sudden become guilty of what we suffer?

From this perspective, traditional expressions like "to be good by nature", "to be bad by nature", "to have a propensity for evil", "to choose evil", "banality of evil", and so on, immediately lose their supposedly obvious meaning. Human beings are finite and fragile, assaulted by their natural and social environments, by their own bodies and by the reactions of others, thrown into a temporality that elapses fleetingly, bringing about quick ageing and physical, psychological and moral degradation, without there being anything humans can do to stop this inexorable process. This makes humans anxious and impatient to "enjoy life" as much as possible, to run the gamut of experiences, fulfil their desires, amass possessions and travels, or to try alternative, and frequently extravagant, lifestyles. In this

situation, it is fully comprehensible that humans become self-centred, insensitive, calculating, simplifying and indifferent to the quandaries and troubles of others.

This has nothing to do with some "inner impulse" to do harm unto some humans or to benefit others; it simply relates to the pressing need to resolve all kinds of difficult situations and problems with the scarce resources we have at our disposal. Humans try–in the best case–to balance their own desires with those of others, even within a life project removed from mere consumption and honestly dedicated to self-improvement. It has nothing to do either with an "incapacity to choose the good" but rather with the situational impossibility of favouring all others with our choices. From this perspective, damages to others cannot be explained by any "propensity for evil", but rather by the natural difficulties of being existentially cornered, with little time and space, with a weak body to take care of, a soul to cultivate (and in some cases to save!), self-worth to be constructed, all within the maelstrom of the inexorable passing of time. Humans are asymmetrically put into a world where they are regularly assaulted by pain, discouragement and the necessity to make their way and give themselves some value. It should be a great surprise to arrive at the "age of reason" and learn that we ourselves are to be blamed for all this!

How is it that the profound discomfort of being became the "evil"? Upon being regularly vexed by the afflictions of being, we feel that we do not "deserve" so much suffering, that someone should be guilty of this (ourselves or others). We cannot accept that all this suffering is simply *being*; that being itself consists of this discomfort. We have to discover some "motive" or "cause" that has ruined "from the outside" an originally "good being". Who are the suspects responsible for this horrendous deed, for the fact that we find ourselves in a situation of unavoidable sensible and moral suffering? There are only two suspects: the others and myself (God, if taken into account, is by definition above all suspicion). The "guilt" for the profound discomfort of being is distributed across others and me, but in any case, it always falls on the backs of humans, on their "perversity" that ruined a "good world" by introducing "evil" into it.

Here our terminal birth begins to be strangely visualized as an eventual phenomenon (this is the effect of an affirmative reading of birth), understood as a kind of adventitious and external harm; by contrast, "life" would be a kind of primordial "good" that was ruined or injured by our "free" and "malevolent" actions. Thus, we are unable to accept a "bad being" in the sense of a being regularly provoking distressful and unintelligible discomfort. We grow up thinking that the world is a

favourable place in which we will be able to do what we want and what makes us feel good. If we do not succeed, it will have been our fault alone.

But the final end of life–in all its multiple unfolding–is not "bad" in any sense of the way in which the final beginning of birth was not already bad. It is hard to understand how something that, from its very inception, is an unfolding of terminality–provoking the three types of frictions that torment humans–could become "good" at some moment or other of time. Constitutive terminality could much less come "from outside" in the form of an eventual "evil". What we interpret as being "evil" is, pure and simple, terminal being, not merely concrete death (death-estar, DE), but the entire process of friction that leads to it, in other words, everything that was received when we were born. The metaphysical notion of "evil" derives from an estrangement of the profound discomfort of being handed down at birth, and from which the most diversified human reactions derive.

In the European tradition of thought, "evil" was always seen as "deviance" from a basically and essentially "good" being, a perfectly plausible idea from the religious point of view (a good God could not have created a bad world). In a supposedly secularized thinking like ours, God is dead, but the idea that "being is essentially good" (in the sense of providing the conditions, if not fully propitious, at least minimally so, for a sensibly and morally "good life") remains strong. Of course, if this idea is preserved, if being continues to be seen as essentially "good", structural sufferings and afflictions will appear as "enigmas", "mysteries" and "challenges"–as foreign "evils" that devastatingly befell the world. In this sense, one who thinks in this way is not so far from the primitive terror that indigenous peoples of America assign to thunder and lightning. It has to do with a kind of layman's theodicy: in olden times we had to reconcile the existence of a good God with an "evil" world; today, the reconciliation has to be made between an essentially good, propitious, welcoming and viable world (even if not made by God) and the presence of "evil" in it.

In the line of argument here developed, the problem of "evil" does not make the least bit of sense. But challenging the basic premise that being is something fundamentally "good" does not imply defending the opposing thesis, that being is something fundamentally "bad". If there is something wrong with "evil" there will be something wrong with "good" as well. There is no "evil", but a situation that initially and inevitably provokes discomfort in beings like humans. And there is no "good", but the industrious creation of positive values by humans as a response to this original situation, in a severe confrontation with the structure of the world

which is opposed to positive values and is trying to destroy them (until finally doing so).

In this sense, it could be seen as morally outrageous, amidst so much suffering and efforts to continue living and fighting, to accuse humans of having provoked the situation of discomfort into which they were thrown. Humans have of course many derived and intra-world responsibilities, but the value of these responsibilities changes drastically if we realize that all of these occur within a realm of radical moral impediment. Humans arduously strive for all the good things that we find in the world, not with the world's assistance but on the contrary, in spite of all the possible obstacles and difficulties. *Life does not give us anything at all that we do not snatch for ourselves*.

In the usual affirmative thinking, moral questions are put in the domain of human spirit, conscience, freedom and will, in the realm of human decisions and choices, without ever studying the radical situation in which humans are and in which they need to assume a morality. Humans are basically "free" and "responsible" and consequently, they will be able to create the values that will save or condemn them. In the negative view, by contrast, there is a primary situation of discomfort that immediately (since childhood) leads to the creation of positive values for self-preservation. "Freedom" and "responsibility" are some of the values that need to be invented in the intra-world because they are indispensable in the organization of human life and survival. "Freedom" and "responsibility" are not obvious presuppositions; they are human creations (see chapter 7). Paraphrasing the nineteenth-century Brazilian philosopher, Tobias Barreto, even if it is obvious that freedom or responsibility do not exist in nature, it is a cultural demand that these things exist. So if they do not exist, they must be invented.[1]

This displacement from the humans to the situation–the "situational turn"–is crucial to ethical thought, the move from a supposed original "perversion" of humans (in religious or layman's usage) to a basically aggressive structural situation provoking moral impediment and sensible discomfort, forcing humans to create positive values, sometimes sublime and touching ones, that would not exist without them. The structural situation does not *determine* that humans become morally impeded in specific cases (someone may succeed, on his own merit, in not harming other humans, preferring to harm himself). But the structural situation does place humans in a holistic web of actions in which it will be impossible not to act in an impeded way concerning someone else (except only perhaps, if one is disposed to stop existing, as we will see later on in

[1] Barreto, *Estudos de Filosofia*, 304.

chapter 8). The question is structural (external) and not psychological (internal). It cannot be explained by "weakness of spirit" but rather by the insufficient or lack of radical sustainment in the situation into which humans were asymmetrically thrown.

Jean-Paul Sartre vividly developed the issue of the situation (in the fourth and last part of *Being and Nothingness*). It is very important to realize that Sartre is also speaking ontologically in his book and not from a merely empirical point of view. By dividing the human situation into five dimensions (my place, my past, my circumstances, my fellow man, my death), he meant to explain that structurally and factually (as the form of a "facticity"), humans are inevitably thrown into these five dimensions. The whole game of "freedom"–what I call the invention of intra-world values–is produced within this unalterable, fundamental and given frame. We can talk then of a structural situation and of diverse "scenarios" wherein this situation unfolds.

What I would add to the Sartrean account is basically the idea that *facticity is terminal*, subjected to friction and aggression; it is a facticity that devours the products of "freedom" from day-to-day–the positive values created in the intra-world–until it consumes them completely. Facticity is not merely the placid and inert environment where values are invented, but also the environment wherein they are destroyed. The facticity does not simply exist in a bland way, but it hurts, discourages and degrades. This constitutes a powerful element of impediment ("why be good in a world that destroys me, no matter what I do?"), which makes all the behaviours we manage to generate extremely and dramatically valuable, in spite of it all, in order to consider others (in the sense of the MEA), because there will not be any "compensation" for having done right by others, nor any punishment for not having done so.

It is important to go one step further in this dichotomy between the "evil" supposedly brought about by humans and the discomfort of the structural situation. To be more precise, the profound discomfort is not entirely in the world or in humans; it occurs at the point of insertion of beings like humans into a circumstance like the one the world presents. A world with these characteristics provokes discomfort in beings like human beings. Humans are born with a body that is a hotbed of desires, concentrated on sexuality. (Schopenhauer, Nietzsche and Freud described this in vibrant colours). Humans are full of pressing necessities, not merely in terms of food, drink and sexual satisfaction, but also in terms of compensation, valorization, self-worth and fulfilment.[2] The human being

[2] Of course, there are lifestyles that let go of "fulfilment" and decide to simply "let be". Recall the line by Charles Bukowski's character in the film "Crazy Love": "I

structured in this manner is placed in a situation that has a tendency towards obstructing, coercing and even impeding the satisfaction of these longings, a medium where each deed or conquest is arduously achieved against the opposition of the primary situation.

All the apparent "anomalies" or "flaws" of life are derived from the affirmative viewpoint and consequent expectations; they disappear if the world is viewed from the perspective of its constitutive terminal structure. These apparent "dysfunctions" or "failings" are merely the natural unfolding of the terminal structure of being (natural disasters, illnesses, injustices). It is being itself (and not any particular "deviation" or "error") that we are not accustomed to confronting and whose manifestation we see as "wrong" in light of the affirmative expectations that we strictly did not have the right to possess. From this point of view, "evil" and "negative" are affirmative creations, seen as eventual obstacles and adventitious blockages of a basically "good being" occasionally troubled by some "disturbances" invariably produced by free and responsible human actions.[3] Religion went away but left behind it the persistent idea that being is something originally good that was ruined by humans.

The terrible things that human beings did and still do (and probably will continue doing) to one another in terms of wars, enslavement and exploitation are precisely those things that they are invited to do when trying to compress into a short and uncomfortable life all of the dimensions of a terminal being. It is a lifetime that flows at full speed and in which humans must affirm themselves ("enjoy it while you can"). Of course, this invitation of the structural situation to not consider others' interests can be refused; it does not act in a totally compulsive way

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didn't want to be fulfilled; I just wanted to get drunk." In this case, this means that this kind of human chooses to remain subject to the most primary necessities of the body after having rid themselves of the "high needs"; but in any case, they have to remain subject to some needs, whether "higher" or "lower".

[3] Even in European thought there is a long history of theories that always presented "evil" as a negative, deviant anomaly in a world that is otherwise fundamentally "good". According to this tradition, only goodness is positive; evil does not exist, or it merely constitutes "deprivation". The reflection of the present book should lead, in a first approximation, to an inversion of this: the human situation originally provokes discomfort, and good (understood as well-being) does exist only as a counterpoint and constant recreation, as a kind of residue of the intra-world invention of positive values. However, on a second look, we should simply reject the metaphysical dichotomies "good-evil" and "positive-negative". The discomfort of human life in the world is not an anomaly, a fall, a sin or a deviation. It is the resonance of being itself, which the metaphysical tradition showed in the light of "affirmative" appreciations and hopes.

because some humans can always decide to harm themselves or even die, creating thereby their own moral merit. But, at the same time, this refusal to injure or harm others confirms the discomfort of being that tragically and poignantly demands such a sacrifice. Someone has to bear the costs of the profound discomfort of being: if I refuse to harm this human, I have to harm another, or myself. Human lives are perforce afflicted, where this affliction is neither an "anomaly" nor an "evil"; it is the only way in which one terminal being can live within the bounds of a human life.

The world was not "contaminated" from the outside by "evil". Once the metaphysical and religious references are gone, the very "problem of evil" has to disappear. From the "negative" viewpoint, we did not "fall" into "evil", but we have always existed in the discomfort of being. *The "problem of evil" only appears in the affirmative version of the world; it does not have any place in the "negative" perspective*. It is the affirmative viewpoint that makes the world to be literally invaded by "evil". Here one can clearly see–even in the irritating need for using quotation marks–the ephemeral character of the terminology of "affirmative" or "negative" points of view. From the perspective here assumed, what we are talking about is simply the terminal character of being and not strictly something "negative". There is no reason to use the terms "affirmative" and "negative", although we still need to do so at the current stage of the present inquiry. (The very expression "negative ethics" which we will look at in the next chapters, should be considered ephemeral and ought to be discarded when we finally become free of the unfounded idea that "being is good").

It is curious that of the two famous premises in theodicies ((1) God created the world; (2) There is evil in the world; (Conclusion) Therefore, humans bring evil into the world), many philosophers have frequently questioned the first premise but never the second one, which always seemed obvious.[4] From what has been previously expounded, it is precisely this second premise that is primarily questioned. There are, of course, the phenomena that humans–and philosophers in particular–had called "evil", but we do not need this category to explain these phenomena. We merely need the notion of the terminal being and the deflated and empirical notion of discomfort with its structural frictions (pain, discouragement, moral impediment, and their developments).

The notion of "evil" was created, among other things, with the intention of presenting structural afflictions as "deviant" human

[4] Many years ago I had the opportunity to denounce these mechanisms of theodicy in the text, "Leibniz y la inocencia del padre" (Leibniz and the Father's innocence") included in the *Crítica de La Moral Afirmativa*.

behaviours, which can be recovered and corrected by a change in actions and attitudes, as a moral problem we can cope with using some kind of moral virtue. The attributions of "evil" in human societies are usually made from external viewpoints, in order to create "guilt" and "responsible parties" that can be prosecuted and punished. Within human conflicts, there is something like an attribution of "evil" to the other side, the enemy side. We regularly place "evil", deceit and error on the other, never on ourselves. A large proportion of the "malevolence" of my actions is constructed from the perspective of the other. When we enter into conflict, others will see many of the actions that I execute simply as a way of staying alive as being "bad", and I too will see their actions in this same way.

"Evil" occupies the place of disappointment. When a being appears as destructive and devastating, we refuse to recognize it as "the real being". We want the real being to remain beyond this horror, to have everything troubling us as just "mere appearance". Something that so badly injures and harms cannot be "the really real". Eventual anomalies in the intra-world states of being hide the structural adversity of being itself.[5]

On Human "Monstrosities": The Rhetoric of Unintelligibility. Nazism as *Experimentum Crucis*

The metaphysics of "evil" makes events like Nazism become incomprehensible enigmas, surpassing all the possibilities of language and all attempts at understanding. Many accounts of the Nazis' activities cannot find an explanation for such "monstrosities". Arendt and many others speak of Nazism as a "form of extreme evil" or "radical evil".[6]

[5] When Hannah Arendt talks about the "banality of evil", her intuition is in perfect agreement with the attitude assumed here, despite her ideas being stated in the traditional language of metaphysics. Negative thinking can show that there is a "banality of discomfort", the dissolution of moral impediment in the flow of life. Arendt helps to disclose that this banalization was not carried out by malignant demons (nor even by anti-Semites), but by the common folk, good fathers and citizens. The discomfort of being and its moral repercussions are made in large part by banal human beings. But to preserve the intuitions of Arendt we do not need the category of "evil" (therefore, we do not need the "banality of evil" either).

[6] In accordance with the ideas expressed in my text, "Después del holocausto fundador" ("After the foundation Holocaust"), I purposely set aside here the motives for why Europeans consider that we had to wait for Nazism to reveal the "radical evil" and why the Spanish conquest of the Americas was not good enough. Arguments showing the Spanish conquest as the most quantitative and qualitative

Continuing my previous line of thought, I maintain that this perception of total incomprehensibility or absolute unintelligibility, is the product of an affirmative metaphysical conception of a human as rational and morally oriented, inserted into an essentially "good being" that, once in a while, suffers from some eventual "deviations", whose extreme manifestations appear "without explanation". This viewpoint seems to be couched in a performative and wishful fashion, guided by desire more than by reason.

In the light of our description of the primary phenomenon of the terminality of being, humans can be seen from the very beginning as strongly uncompensated, devaluated, demoralized, subjected to a very strong need for satisfaction and repair, thrown into a natural and social world which presents systematic resistance against their desires and projects of self-valuation. All human beings are constituted by this urgent need to create positive values to sustain them, to provide them with help in the constant struggle against pain, discouragement and the aggressions of others. "To live intensely" is not enough; we have to feel that we are living intensely; without this, our being seems to disappear into thin air. This makes humans, even if structurally innocent of their births, into beings very dangerous to one another.

The atrocities committed by the Spanish conquerors and the Nazis are "incomprehensible monstrosities" in the light of an affirmative anthropology. From the "negative" point of view, these atrocities could be seen as a terrible vindictiveness of a mode of being that commands that one give oneself a value against a continually frustrating world. In this sense, as the European "philosophy of existence" of the fifties and sixties proclaimed, sociological or psychological explanations need a previous structural-ontological elucidation of the particular mode of being of humans. Negative thinking provides philosophical tools for understanding cruel and horrific phenomena, by showing them as outcomes of a profound discomfort connected to abandonment and vindictiveness. One of the most terrible unfoldings of these phenomena consists in the destruction of others as presumed motives for the presence of the terminality of being in the world and of our valueless situation. Others are seen as obstacles to be removed in order to finally obtain the value which has for a long time been procrastinated and renounced.

Our absolute condemnation and rejection of holocausts like those of the indigenous peoples of the Americas and the European Jews should not be grounded in a "metaphysics of evil", according to which these terrible human actions appear as "incomprehensible monstrosities" or

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"monstrous" facts of human history are extensively developed in the book *American Holocaust* by David Stannard.

impenetrable enigmas, but, on the contrary, in a complete understanding of a fully human dangerous vindication. This viewpoint allows us to see the imbecility of the Nazi parades and their obsessive persecution of Jews and communists as grotesque attempts, as if by raising their boots and waving their flags, they could surpass the terminality of being or appropriate it by means of a gigantic project of millennial National Socialist world organization. These apparently "anomalous" and "beyond comprehension" phenomena are perfectly understandable from a negative perspective. In the light of negative categories, it is surprising that this kind of compensating behaviour does not happen more frequently.

Humans menace other humans because beneath their politeness and cooperation reside strong vindicatory tensions, engendered by daily frustrations and urgent desires of self-valuation, capable of toppling obstacles in the most terrible way when impeded or taunted.[7] It would be absurd to think that this should amount to some kind of "justification" of these horrendous events (Hannah Arendt was accused precisely of that when she simply tried to insert Eichmann into the "human condition" instead of making him out to be a demon). There are many people who think that trying to understand is already the beginning of a justification, it is a moral duty *not* to understand. From the perspective adopted here, the fewer things that remain in the dark of the unintelligible, incomprehensible, absurd and enigmatic, the better for philosophy.[8]

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[7] Those who believe that negative thinking "exaggerates" were moved to reflection and concern by the recent news of the co-pilot who purposefully crashed the airplane he commanded into the French Alps, with 150 crew and passengers on board. This was a case of completely purposeful moral impediment, but this type of sinister possibility is also present in simple human errors and mistakes always lurking around the corner. When we get on an airplane or any means of transportation, or when we put ourselves in the hands of a "professional" (for example for surgery), we enter a realm of fears, frustrations and vindictiveness of other human beings, whose degree of error and disturbance is usually shielded in "normal" situations, on account of a lack of alarming consequences, until something extraordinary happens which traumatically raises the curtain showing the terrible background that was always "there".

[8] When Arendt was commissioned to cover Eichmann's case, everyone thought she would write a pamphlet about a horrific anomaly, something that would remove Eichmann from humanity and far from us. By placing him inside humanity, Arendt irritated everyone who saw themselves as closer to that "common man" capable of the greatest atrocities amid his mediocre monotony. During the discussions after the publication of her book, Arendt always insisted that understanding is not forgiving, and that her responsibility as a philosopher was to understand. I assume exactly the same attitude here.

Understanding does not take us in the direction of a justification; even as centuries pass, we shall never be able to justify these terrible events. Just as we still condemn the atrocities of Spanish colonization committed five centuries ago, we should continue to condemn Nazism in 2500. But understanding will give us the precise dimension of the terms in which our rejection of the Conquest and Nazism should be put, not from a superstitious or metaphysical stance, as the product of some kind of demoniacal and incomprehensible "radical evil", but in terms that provide the elements for understanding the insertion of these actions into the very nucleus of humanity.

When some human event expressed in this "rhetoric of unintelligibility" appears as totally "incomprehensible" and "inexpressible", as something challenging the very bounds of language (including syntax!), there are at least two available hypotheses: either the event in question is really absurd or our categories and language are inadequate. When human events are labelled as "incomprehensible", as something "heretofore unseen", as a singular absurdity, such "ineffability" could arise relative to the modes of expression in current use. Maybe "negative" categories could potentially diminish the sensation of the "unintelligibility" of human events, without denying the rejection that they continue to provoke. The implementation of these "negative" categories would demand a "genealogical" methodology capable of connecting these events–regarded in the light of affirmative categories as incomprehensible "monstrosities"– with the structural situation of the unrelenting advance of the terminality of being with all its frictions, and the reactive invention of positive values. The crucial question is whether the atrocities committed by the Spanish colonizers or by the Nazi officers amount to a philosophical significance (never a justification, following Arendt) through the negative categories.

We can think whatever we want about conquerors and Nazis, but it is beyond doubt that we can see them as structurally valueless and uncompensated beings that were asymmetrically placed into the structural situation, and as people that had to ascribe some value to their lives as the result of multiple decompensations and frustrations. These executioners are also human beings that are ageing, getting sick and suffering, and who are attempting to escape from the triad of suffering that was imposed on them. Of course, they exceeded horrendously their need for creating a self-worth by committing terrible actions for the sake of compensation, causing horrible damages and injuries to other human beings who share that same hard situation. The executioners' total domination (in concentration camps or indigenous extermination) gave them the foolish illusion of "control" over their own structural helplessness; a compensation which could never

come about, not even if they could exterminate the totality of their victims.[9]

It is always possible to trace a genealogical line from the structural situation to the atrocities that humans have committed and still commit (and presumably will continue to commit in new ways) against other humans. The fact that this ontological-existential lineage can be traced back reveals the humanity of the executioners without affording us the comfort of considering them as inhuman monstrosities or anomalies that have nothing to do with us. In a well-known novella by Robert L. Stevenson, "The Strange Case of Dr Jekyll and Mr Hyde", Dr Jekyll meets his fiancée to tell her that he cannot marry her and must leave despite his love for her, because he is the victim of an experiment that transforms his personality and body into a terrible beast. This moment literally leaves us totally *speechless*; the situation is really incomprehensible, impossible to be put into any available piece of language. This is *really* a case of monstrosity, one which only fiction is able to produce. Here we really do have *a monster*, something totally inhuman, beyond all linguistic expression. We cannot trace a genealogy between Jekyll and the human situation, to which he does not belong as a fictional entity. We can study and trace how humans transform into conquerors or Nazis, but we cannot study how humans transform into wolves or vampires. Here there is a break in the genealogy.

In real life, what keeps us from saying that Hitler or Jorge Rafael Videla are "monsters" is that we can always trace a genesis from the time when they were children up until the moment of their transformation into tyrants or assassins, even if the continuity of this genealogical process is difficult to trace, and even when this process provokes repulsion. Precisely because this genealogical line is at our disposal, it is not correct to say–as the rhetoric of unintelligibility does–that "there is no language" to express what happened at the concentration camps or during the extermination of the indigenous peoples of the Americas. There will be no words if we insist on using the usual rationalist, sublimating, idealizing, and spiritualist

[9] In the opening chapters of his voluminous biography of Hitler, Joachim Fest describes all the existential void of the future leader, essentially the same as with any human being. Hitler initially attempted to fill this void with art and architecture but failed. The construction of the Third Reich was the way he managed to cope with the structural situation, shifting the responsibility for the terminality of being onto a condemned people, dreaming of a clean and uncontaminated world magically obtained by the destruction of those apparently in the way. He was brutally inept at realizing the profound discomfort of life for which Jews and Gypsies were not in the least responsible.

language of the affirmative view; similarly, there will be no words if we persist in thinking that humans are essentially good, rational agents with a full capacity to discern and defeat their passions, deliberative beings engaged in a virtuous life, merely tripped up once in a while by occasional difficulties that can always be overcome by the effort of "goodwill" that shines like a jewel. It is clear that with this "luminous" anthropology, not only Nazism or the Spanish conquest of the Americas appears as totally absurd, but also a large parcel of daily human actions that we see on the streets.

Therefore, as revolting as it may appear to many militants, the transformation of the young Adolf, an art student in Vienna, into the Führer of the Third Reich, will never be akin to the transformation of Doctor Brundle into a giant fly (in David Cronenberg's "The Fly"), as much as the rhetoric of unintelligibility would suggest that it is. This point is crucial because it is not possible to criticize or judge a monster; all that can be done is to destroy it like an animal or a thing, or some threatening force of nature. If Hitler had been imprisoned, he would have been tried and sentenced, like Eichmann; but we cannot bring a monster to a trial, we can only prosecute and sentence a human being. In order to apply any criticism or condemnation, those who will be judged must be brought to the human domain through some genealogical proceeding, however difficult this operation may be. Even in order to sentence someone to death, it is necessary first to understand *who* we are judging. We cannot condemn the incomprehensible.

(Of course, at a certain stage of the genealogy, the Nazi or the conquistador can still be retrieved or regained. After a certain point, we will simply have to defend ourselves from them, and even kill them if need be. My point is that, outside the horror movies, only what we understand can be dangerous or represent something from which we must protect ourselves or others).

"Negative" categories can also help us to understand the indifference of populations in the face of the punishment of war criminals and why the majority of condemned Nazis did not complete their sentences. The very advancement of terminal life is cruel and bound to oblivion; it is better to forget in order to carry on our harsh living. But this does not need to be expressed in the metaphysical language of "evil" and its "banalization". Life itself, if seen in its decaying structure, makes discomfort banal. "Life goes on", as is commonly said. If Arendt managed to ingeniously "genealogize" Eichmann–to the great indignation of the Jewish community and Hans Jonas–by locating Eichmann within the most vulgar humanity, then there is no "evil" in him to be made banal; the banal was

Eichmann himself. The very daily human existence makes the damages and sufferings provoked in others banal, as much with Nazism as in other cruel human situations, and even in everyday life.

One can say that the human animal "has a reason" but not that he is "rational" because of it. To have a reason (a big brain, a mind) is merely a biological trace, while "being rational" is a historical conquest not guaranteed by any natural equipment. "Reason" is just a noun that must still be put into adjectival and adverbial forms in history. Human animals "have a reason" just as tigers have claws and sharks have jaws; humans attack other humans with reason (for example, by aggressive argumentation, or by the force of the law). Intelligence constitutes an element of expansion and vital domination, as a natural weapon given to this specific kind of animal. To be *rational*, humans would have to make some careful and moderated use of their intelligence; but when they use reason in a predatory manner, they only use reason like other animals use their jaws and claws.

All protest against the cruelty of the Spanish conquest or Nazism is an eminently *ethical* one. It is not merely made from the perspective of natural life. This objection does not address the expansive movement of life but is based, on the contrary, on a demand of *contention*. We must convince ourselves against the rationalist tradition that human beings have always chosen life to the detriment of ethics, opting for the depredation, conquest and subjugation of others (Nietzsche furnished a vivid rendition of life's expansionism in several of his works). Throughout the history of mankind, all "civilizing" projects were marked by violence and destruction. Humans are disposed to be ethical to the extent that the "intensity of life" allows. However, ethics demands that humans live as intensely as ethical demands allow. If we continue to conceive of humans as basically directed towards rationality, morality and goodness, a great part of what they do will continue to appear as "incomprehensible" and "beyond the capacities of language".

In this sense, Nazism, against the "rhetoric of unintelligibility", did not create something fundamentally new; it merely "revealed" something that had always been there. Nazism openly displayed the structural situation of discomfort without concealment, and extracted the maximum benefit from it, exacerbating the moral impediment until the point of paroxysm. However, Nazism did not create the human situation or the moral impediment, but intensely reproduced and administrated them, providing a terrible *Experimentum Crucis* of what would happen if all the sinister components of life were put in action without the usual disguises and mediations.

In his book "Modernity and The Holocaust", the sociologist Zygmund Bauman shows how modern "civilization" was never only constructive but also a fundamentally destructive movement and that Nazism can be considered as perfectly congruent with this project of "civilization" rather than a rupture with it, as is commonly held. He cites Richard L. Rubenstein: "Civilization means slavery, wars, exploitation and death camps […] It is an error to imagine that civilization and savage cruelty are antitheses".[10] Bauman further claims that

> the major lesson of the Holocaust is the necessity […] to expand the theoretical model of the civilizing process, so as to include the latter's tendency to demote, exprobate and delegitimize the ethical motivations of social actions.[11]

Thus, Bauman challenges the version of Nazism as "deviance" or the work of disturbed and demented individuals overcome by inexplicable rage. On the contrary, through Nazism, as if through a window, one catches a rare glimpse of things otherwise invisible.[12] The traditional condemnation of Nazism held:

> […] that the Holocaust was an interruption of the normal flow of history, a cancerous growth on the body of civilized society, a momentary madness among sanity […] the initial attempts to interpret the Holocaust as an outrage committed by born criminals, sadists, madmen, social miscreants or otherwise morally defective individuals failed to find any confirmation in the facts of the case.[13]

However, Bauman sees this insertion of Nazism into human history in merely sociological terms, without any sensibility for the ontological background. The terrible neglect and violence with which humans have constantly treated one another throughout history, as well as at present in day-to-day life, can certainly be seen to derive from a kind of social concealment. But this ultimately rests upon the very indifference of life, which makes the atrocities banal through the mere passage of time, promotes forgetting and makes the moral condemnations of what happened a long time ago awkward, irksome or ridiculous (as, for example, with the satirizing of the Argentinian association of the "mothers of Plaza de Mayo" with their flags and pictures of disappeared loved ones

[10] Bauman, Modernity and the Holocaust, 9.
[11] Bauman, Modernity and the Holocaust, 28.
[12] Bauman, Modernity and the Holocaust, 10.
[13] Bauman, Modernity and the Holocaust, 19.

more than 20 years after the end of the military dictatorship). This is not merely a sociological phenomenon.

Bauman sometimes touches on this background, for example when he refers

> […] to the natural human proclivity to avoid worrying more than necessary–and thus to abstain from examining the whole length of the causal chain up to its furthest links.[14]

Humans are exhausted in the struggle against the terminality of being, and they try to drastically simplify things and other people's motivations and actions; seeing the human situation in all its moral complexity would greatly exceed our forces. This is not a tendency that is explained only in terms of sociological categories. Social events function as a sounding board of the structural limitation of human life. The indifference, moral stagnation and apathy with which entire populations watched the extermination of the indigenous peoples of the Americas and the Jews reveal their rootedness in the primary facts of humanity that we insist on ignoring.

> Mass destruction was accompanied not by the uproar of emotions but the dead silence of unconcern. It was not public rejoicing, but public indifference […][15]

Bauman also speaks of a "heterophobia", the rejection of the other (Jewish, Black or Gypsy, or whatever otherness in general) that the German people did cultivate, which was so cleverly capitalized on by Nazism. Heterophobia is not just a sociological concept; the rejection of the other by the mere fact of their otherness has its most profound roots in the structural human situation, although it has been performed throughout history under the most diverse of social scenarios. The fact of Nazism coming to power legally, according to democratic rules, reinforced the indifference of populations that simply watched the actions of those who they legally elected, up to the point of convincing the victims themselves of their guilt.[16]

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[14] Bauman, Modernity and the Holocaust, 24.

[15] Bauman, Modernity and the Holocaust, 74.

[16] "There were also a few who had presented themselves spontaneously, owing to the desperation of living as vagrants and fugitives, or to being left without any resources, or to not wanting to separate from a relative that was already detained, or even, absurdly, to 'be within the law'" (Levi, *É isto um homem?* 13; my translation from Portuguese).

The topic of the Holocaust is extremely didactic for an adequate understanding of morality. The fifth chapter of Bauman's book, "Asking for the victims' collaboration" is particularly compelling. There he raises the question of the Jewish collaboration in the extermination camps, denounced by Hannah Arendt in her book on Eichmann. The chapter is, in some way, a response to Arendt, in the sense of elucidating the complexity of the existential and moral situation of Jews who, in order to continue living and to have some hope of saving some lives in the Jewish community, paradoxically had to collaborate with the extermination. Bauman defends not only that it was *rational* on the part of the Jews to behave this way in order to save friends and family, but that it was also rational to act this way *in order to save themselves* since the purpose of survival is entirely rational.[17]

The next question we must answer is this: if the collaborationist actions were rational, were they also *ethical*? Is the desire to survive at all costs ethical? If we assume a utilitarian ethics (à la Stuart Mill), all actions aimed at diminishing the suffering of the majority, even at the sacrifice of millions, could be morally justified. In this sense, even the Nazis themselves could vindicate a utilitarian morality (all said and done, killing the totality of Jews of the world would, according to them, benefit the majority of humanity who will be saved from the Jewish contamination). The Nazis would be just as condemned by deontological moral theories (although Eichmann alluded to Kant, and not absurdly, during his famous trial).[18]

But we can find many serious objections in the literature against utilitarian ethics. In a paper on abortion, Harry Gensler studies a utilitarian argument in favour of eliminating the life of a child for the benefit of the mother and of many other people (and presumably also of the abortion victim), on the grounds of the miserable life that the child and other people would have to face if the birth were to occur. Gensler claims that the weakest part of the argument is precisely the utilitarian foundation. He says that it would allow not just the killing of foetuses but also of children that have already been born, as well as sick people and the elderly that bring disturbances and discomforts to the majority. In a hypothetical situation where it is proven that watching lynching produces pleasure for the majority, this would be considered ethically acceptable on utilitarian grounds.[19] For Gensler, the utilitarian stance has so many bizarre

[17] Bauman, Modernity and the Holocaust, 122.
[18] Cf. Bernstein, *El mal radical*, 67.
[19] Gensler, "The Golden Rule Argument Against Abortion", 109.

consequences that it would be better to abandon it as a serious ethical alternative.[20]

Bauman shows how only crude utilitarian principles seemed to be available in the horrible situation that the Jewish Councils found themselves in. According to a study by Isaiah Trunk, Bauman argues that there was no other way out for collaborationism within the structure of the Nazis' total elimination of morality, which had as its objective the extermination of one people. There was no sector of society available to the Jews where they could resist in other terms.[21] In his chapter's conclusions, Bauman declares:

> If they had a choice, none of the Jewish councillors or policemen would board the train of self-destruction. None would help to kill others. None would sink into the 'plague-time orgy' style of corruption. But they did not have that choice.[22]

But didn't they? Here there is a clear conflict between the desire for survival and the ethical demand. Bauman states it crudely:

> Once self-preservation had been chosen as the supreme criterion of action, its price could be gradually yet relentlessly increased–until all other considerations have been devalued […] In a dazzling flash, the rationality of self-preservation was revealed as the enemy of moral duty.[23]

And referring specifically to the situation of the Jewish Councils, he concludes: "Seldom was the mere concern with self-survival so close to moral corruption".[24] But the structural conflict between morality and the desire to continue living is always present in human existence, even if veiled in daily life; Nazism just helped to unveil it. The pure desire to survive at any cost must lead, not just in extreme situations, to committing unethical acts that in daily life are trivialized.

It is clear that in the Jewish Holocaust the way for an ethical suicide was open, and many did, in fact, walk down this path. Bauman points out how extensive was the list of suicides, including the entire Jewish Council

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[20] The attentive reader of this book will have already noticed that "negative ethics" is much closer to Deontological ethics than to any version of Utilitarianism. This will be clearer still in the following chapters.

[21] Bauman, Modernity and the Holocaust, 136-138

[22] Bauman, Modernity and the Holocaust, 149.

[23] Bauman, Modernity and the Holocaust, 143.

[24] Bauman, Modernity and the Holocaust, 146.

who committed suicide in September 1942.[25] This shows that there is always a moral way out and that self-preservation cannot be, despite its "rationality", a supreme and absolute ethical value.

> (…) putting self-preservation above moral duty is in no way predetermined, inevitable and inescapable […] It does not matter how many people chose moral duty over the rationality of self-preservation– what does matter is that some did.[26]

This option is not perforce *literal* suicide. Consider the case of Anton Schmidt, a German official who helped Jews to escape. He was discovered and summarily eliminated. We know nothing about this man, except that he was ethical.[27] His behaviour, given the tremendous risk, can be seen as some sort of suicide.[28]

Bent and Schindler's List

A usual comment on Sean Mathias's amazing movie *Bent*, telling of the terrible fate of gays under Nazism: "The lives of these prisoners were despised and humiliated to the extreme, but in their misery, they still preserved their value". In this kind of statement, the "value of human life" seems to be something hidden in some remote interiority that cannot be distorted or denied, a sort of substantive "value" that the Nazis would try in vain to "remove". However, there are alternative depictions of this same matter. The life that the protagonist Max leads in the concentration camp has an evident "value of self-preservation" moved by powerful biological forces that have nothing to do with any sensible or moral "intrinsic value" of his life. What the Nazis did was to invade and stifle the prisoners' intra-world, preventing them from any possible invention of positive values, in order to neutralize or soften the frictions of their structural lack of value, leaving them at the mercy of their more physical terminal being. *Nazis did not "remove" any value carried by the prisoners, but they unveiled the lack of value that was already there*. Paradoxically, what the Nazis gave to the prisoners was not death but their decaying life in all its overwhelming

[25] Bauman, Modernity and the Holocaust, 141.
[26] Bauman, Modernity and the Holocaust, 207.
[27] Cf. Bernstein, *El mal radical*, 266-267.
[28] The moral qualification of this act will also depend on the choice of the moral theory we assume: in accordance with Utilitarianism, committing suicide in the midst of this situation of penury could be considered immoral, for suppressing oneself and permitting the Nazis to advance. From a utilitarian viewpoint, perhaps it would be better to stay alive and continue to fight.

potency, leaving them in a situation of total impossibility of protecting themselves from the lethal rays of their terminal births.

This "value" that we feel Max "has", despite all the humiliations, is not something "intrinsic", but the right he has, as a human being, to try to give a value to his own life, to construct positive values in order to conceal his basic lack of value. Nazism–and any form of submission, persecution or discrimination–ends up discovering the structural human situation by dismantling the mechanisms of its regular concealment, and, at the same time, giving the executioners an extraordinary means for coping with their own terminal being and lack of value. They experience an illusion whereby they expect that by destroying Jews and homosexuals, their own terminal being could finally be positively lived and its terminality defeated; an absurd attempt to occupy the structural situation by means of mere intra-world procedures.

The terminal human situation of structural lack of value is always an essential part of any torture session. The torturers just increase the primary torture of being by using terminality in their favour. In every torture room, Nature is present with all its destructive power. Without hunger, thirst, fear and helplessness, without the constant necessity to eat and defecate, the torturers could not successfully carry out their sinister task. Torture profitably manufactures a mode of being–the human mode–that simply dies if it keeps quiet, that must permanently be in motion so as not to slip and fall into death. Eating and defecating are already little torments of everyday life, made palatable by elegant restaurants and immaculate bathrooms. Life provides human beings with powerful defence-mechanisms for confronting these uncomfortable needs, and it was precisely the use of these mechanisms that the Nazis blocked. Thus, they left the prisoners face-to-face with their terminal beings, with their urgent and uncomfortable needs both of body and soul, without the means for confronting and disguising them. The torturers do not need irons or ropes; it is enough to leave their victims at the mercy of the bare being, in harsh contact with Nature and its leanings.

In Spielberg's film, *Schindler's List*, Helen, a young and beautiful Jewish prisoner, talks to Oskar Schindler referring to the sinister Commander Amon: "*The more you see of the Herr Kommandant, the more you see there is no set of rules you can live by. You cannot say to yourself, 'If I follow these rules, I will be safe'*". This sounds terrible but no one perceives that this is a rigorous description of our ordinary lives: no matter what we do, we do not know when we are going to die or how, whether it will be painful or under what circumstances it will happen. We do not know how to nourish ourselves to be free from sickness and

suffering. Whatever our nourishment, we may yet fall prey to serious and painful illness. Whether or not we smoke or drink alcohol, we may have long or short lives, suffer more or less. We have no guarantees of anything at all. Pain, illness and death will come, no matter what we do–no matter whether we live a healthy or undisciplined life, whether we are good or bad, just or unjust, grateful or ungrateful, vegetarian or carnivore, empiricists or rationalists.

We are immersed in Nature in this humiliating and frightful way, taking all sorts of precautions that may be useless because we do not know what Nature will finally do with us: it kills arbitrarily, like the Nazis. Nature treats us with the same lack of consideration and unpredictability with which Herr Kommandant Amon treated his prisoners. In fact, the Nazis, in their absolute power, presumed to enact the scary arbitrariness of our great Mother Nature.

CHAPTER SEVEN

THE RADICAL ASYMMETRY OF BIRTH AND ITS IMPACT ON "FREEDOM"

In previous chapters, I hardly used the term "freedom", but I did not make any intentional effort to avoid using the term. The natural exercise of my thinking dispensed with this notion as belonging to a family of metaphysical terms (such as "person" and "evil") that are not needed for the course followed here. A traditional philosopher would immediately say: "Ah, you therefore sustain that 'there is no freedom', that our acts are entirely predetermined. You are a determinist then". But it should be evident that if there are problems with "freedom" there will be problems with "determinism" as well. The problem lies with the traditional freedom-determinism dichotomy. We need a better understanding of this issue at this point of our inquiry.

Affirmative ethics frequently claims that without freedom there cannot be morality at all, nor responsibility, nor moral imputation. If humans are predetermined in their actions–like in Turkish fatalism, to use Leibniz's expression–then it is not even possible to speak of good and evil, or right and wrong. In this case, there is only a blind fatalism that predetermines everything before the occurrence of facts. We should concede the existence of freedom in order to keep the domain of morality open. In traditional ethics, the Christian viewpoint presents this well-known narrative: human beings were made "free" by God and therefore "responsible for their actions". Twentieth-century philosophy declares that it has abandoned the religious references of thought in favour of secular thinking. However, instead of saying that God created free humans, modern thought presents freedom as a very primitive and original feature of humans. Even without God, the basic scheme is preserved: humans are "free" and "responsible", they bring "evil" into the world, and ethics is an enterprise for facing and trying to resolve all the problems introduced by human freedom.

The standard argument in response to the "deterministes" or sceptics that "deny freedom" runs as follows: "Human freedom is a primary fact

that cannot be denied. It is completely evident that if at this precise moment I decide to raise my arm, leave this room or kick you out, I am more than capable of doing so. I could just as well not do so if I so decide. It follows that I am responsible for these actions, whatever they may be, and I can be punished or rewarded for either doing or not doing them. If I had been obliged to do them, compelled by some kind of force, I would not be free, responsible or imputable". This is the usually repeated discourse. People consider it contradictory to theoretically deny the "fact" of freedom since we are *in fact* free. Any attempt to deny freedom would be committing a flagrant performative self-contradiction.

It is obvious that I can at this very moment decide to raise my arm, leave the room or kick you out. This is not something to be denied. What is controversial is that these facts show that we are "free" in a radical sense. They merely seem to point to the fact that we are permanently making *choices*. And it is true that we often make choices that we want to make. However, we do not act merely because we want to; our choices are made, as was proved before, within a complicated holistic web of actions and never in isolation. We cannot say that the web of actions "determines" our choices because we would then return to the metaphysical jargon from which we want to distance ourselves. It is better to say that our will to make these choices and not others is merely *one* element within the web of actions alongside others. We often make the choices that we want to make, *but what we want "from our own will" is a complex function of the web in which we make choices*. It is not within the web that our freedom disappears but it is within the web where freedom operates.

Until this point, we have not gone too far beyond what Sartre taught us about the notion of "situation". He states, still in the traditional jargon, that the situation does not "determine" our actions but rather makes them possible. We could see the Sartrean situation in terms of the holistic web of actions. However, although Sartre developed rich and crude existential analyses of the human situation, he remains in a mere study of *estantes* in the situation. For example, when he comes to talking about death as a structural element of the human situation, he considers death–unlike Heidegger–merely as an extreme and external limitation of "freedom", thereby seeing death as death-estar (DE), the actual death interrupting our projects. Sartre still intends to extract an affirmative morality from his negative ontology (and it is not by chance that after writing *Being and Nothingness* he expressly returns to an affirmative ethics with a Marxist bias).

What negative ethics proposes is not to deny free choices, but to locate them within the framework of the human situation, not merely in

connection to actual death, *but in connection to structural death, or death-being*; or in other words, *in connection to birth*, the primary fact and origin of our own insertion into the holistic web of actions. Moral theories tend to take as their departure point the middle of human life, with an already constituted adult, a conscious, lucid and enlightened human being. Birth is totally forgotten. But human beings from whom a morality is demanded do not appear out of thin air. *They come to be*, and negative ethics prefers to situate them within their genealogical development.

In order to implement this approach, it is necessary to start from the beginning, and the beginning is nothing other than birth. *The moral patient is born, and he will always be born, even as an adult, even as an old man, even as a dead man.* Humans will become adult and grow old; they can do a lot of things, take up many projects, but they will never be *unborn*, they cannot modify the structure of their origin. Any further transformation will occur within the limits of one's "having emerged into being" as a result of others' actions, in a radical passive way. The choices humans make will always be the choices of one *who was born*, of beings who did not choose to give being to themselves, who were manufactured to come to be by others, and in a great measure (as we shall see), to come to be as they must now choose to be. Being born is strictly an action that *happens to us*, and concerning this primary fact we are neither "free" nor "responsible".

Sartre makes an enormous philosophical effort so that human freedom can "recover" the birth, as if the conscious and lucid adult could put into question his purely biological origins, accepting them or not on "free" existential grounds (or "biographic" ones, in Ortega y Gasset's terms). Sartre writes:

> Someone will say, "I did not ask to be born". This is a naive way of throwing greater emphasis on our facticity. I am responsible for everything, in fact, except for my very responsibility, for I am not the foundation of my being. Therefore everything takes place as if I were compelled to be responsible. […] Yet I find an absolute responsibility for the fact that my facticity (here the fact of my birth) is directly inapprehensible and even inconceivable, for this fact of my birth never appears as a brute fact but always across a projective reconstruction of my pour-soi. I am ashamed of being born or I am astonished at it or I rejoice over it, or in attempting to get rid of my life I affirm that I live and I assume this life as bad. Thus, in a certain sense, I choose to be born.[1]

And he goes on:

[1] Sartre, *Being and Nothingness*, 680, my modification of the last sentence

> This choice itself is integrally affected with facticity since I am not able not to choose, but this facticity, in turn, will appear only in so far as I surpass it toward my ends. Thus facticity is everywhere but inapprehensible; I never encounter anything except my responsibility. That is why I cannot ask, "Why was I born?" or curse the day of my birth or declare that I did not ask to be born, for these various attitudes toward my birth–i.e., toward the fact that I realize a presence in the world–are absolutely nothing else but ways of assuming this birth in full responsibility and of making it mine.[2]

Here we see the Hegelian idea that the work of the spirit "recovers" the natural condition and transforms it culturally. Eating, finding a mate, having sex or dying are all natural processes, but humans transfigure them in a cultural and spiritual environment. Thus, the mere natural biological fact of birth is transformed through further choices and placed in a universe of symbolic meanings. It is the triumph of spirit over matter. By contrast, from the "negative" perspective, nature cannot be overcome as a permanent point of reference, and all "spiritual work" always exists and operates internally to nature. This reference is never upset or overridden except metaphorically or poetically. All of the activity of the spirit, however vigorous, is a symbolic construction *inside nature*. While this construction is being built, the incessant work of nature does not stop, and it ends up devouring the works of the spirit, not merely their physical bearers but also the works themselves; in the long run, nature will destroy *everything*–when the universe cools or humankind perishes–all of the work of spiritual (Hegel) or existential (Sartre) "transcendence" will have become a brief vicissitude in the immemorial destructive work of nature.

Sartre himself recognizes a literally unexcelled or insurmountable instance when he refers–following Heidegger–to "facticity", the notion that humans are not foundations of their own being, that they are coerced into responsibility or, in his terms, are "condemned to be free". This already shows that we *radically* do not own our choices, at least to the degree to which we are *formally* compelled to choose, even when we are, in part at least, the ones who choose between two or more intra-world lines of action. My birth only appears to me in actual choices of my being-for-myself (*être-pour-soi*), yet I was put in the situation of having to deal with my birth just by having been born. I can choose–in part at least–the contents of my having been born *but not its form*. The "facticity" is outside my projects and choices; it is what compels us to choose and take up projects. Thus, the Sartrean expression "I chose to have been born" does

[2] Sartre, *Being and Nothingness*, 556; 680-81.

not mean "choosing the facticity", but merely that we can adopt different attitudes concerning the facticity. However, I do not choose to take an attitude before my having been born; I *must* do so.

All "transcendence" is spiritual or existential in the sense of a powerful symbolic and imaginative intra-world construction; it is never a factual transcendence. The "condemnation to be free" is thus the grounds for the radical "lack of freedom" to choose between being or not being here to make free decisions. At most, it will just be the freedom to act or not within some conditions given by the intra-world. I can raise my arm, leave the room or kick you out, but I cannot *not* have been born to escape from making these choices altogether. Sartre is right: at the present moment, I can only visualize my choices (freedom is only limited by freedom), but, at the same time, *I know that I was born*. I cannot apprehend my birth, but I am here and I know that I was born and how I was born. Moreover, I do not really need to apprehend my birth in order to know that I am "condemned to have [been] born" *and that all "freedom" is internal to this fundamental fact*. The radical situation from which I solemnly declare myself to be free is exactly what obliges me to be so.

Therefore, the ethical question should be put within the scope of the entire primary human situation (passive and decaying birth + structural suffering in the three dimensions (pain, discouragement, moral impediment) + compulsive, reactive and burdensome creation of positive values). European ethical theories formulate morality as being exercised within a basically rational and free environment, but morality is born within an initially terminal situation and inside the pressing need to create values (moral ones among others) in order to survive. Moral values are initially generated as a most primitive demand for survival, not as products of "freedom". We need to create values to breathe (even if the values we create can also asphyxiate). We either create values or we disappear (and, sooner or later, we will disappear anyway).

The initial or primary situation in which we find ourselves since birth is not a situation of "freedom" but rather one of subjection, subordination and manipulation by others. This means that if we feel that we are at present totally free (and therefore qualified as "moral agents"), we should strictly "start being free" at some moment after birth, not at the very moment of being born, which is a basically passive and asymmetrical fact. *This "freedom" would not be original but something that ought to be done or constructed in reaction to an original situation*. The primary philosophical question concerns *how it is possible to transcend at some moment the initial-terminal situation of dependence*. The usual thesis is that at the factual moment of birth we are neither free nor responsible, but

afterwards, when we become rational and lucid adults, "we become free" (for Kant, Hegel and Sartre, among many other European thinkers if not for all, reason, spirit or existence "recover" the factual necessity of birth and transfigure it into freedom).

In the context of the non-transcendental and non-spiritualist philosophical view that I assume in this book, the notion of "freedom" is of no use; the proof is that all the ideas of the preceding chapters have been naturally expressed without this notion. But if we were to use it merely for the sake of argument, the fundamental question to ask would be: *How is it possible that a being not originally free could one day become free?* What must happen further, "in the future", so that someone who came into the world without being consulted, as someone tied to other people's projects is now suddenly transformed, as if by miracle, into a "free" human being? How does this curious metamorphosis occur?

This idea is much stranger than it seems to be. Ethical theories postulate that ethics relies upon "freedom" and "responsibility", on the faculty to choose between "good" and "evil", "right" and "wrong". But this is demanded of a mode of being primarily generated from a basic situation of total "lack of freedom"; a demand for freedom is severely imposed on a being generated in the most radically freedomless situation. This assumes that freedom can emerge "afterwards", but how? The fundamental question is: *what must happen in the course of life so that non-freedom becomes freedom?*[3]

I contend that this moment of "freedom", responsibility, imputation, dignity, and the remainder of associated terms, *cannot ever happen in a radical way*, at least in a human mode of being marked by the "having been born" situation. Freedom can only be invented in the intra-world as a value alongside others in the arduous task of the creation of positive values, against the unceasing advance of the decaying structure. My idea is that *the formally dependent origin spans the totality of human life* despite its eventual movement towards "freedom" and "liberation". Our dependent origin is morally insurmountable in the structural domain where our effectively free intra-world choices operate. This does not mean that we are "determined" by our origins. It means that we will be "free" within the scope of our origins, or "free in the second degree".

My argument is the following: all of my future actions, no matter how "free" in the intra-world, will already be the attitudes that I have to take, vis-à-vis the value that I have to try to give myself. This happens already in the inescapable situation of being compelled to establish and defend an

[3] I will continue using this ephemeral terminology here to express the question, whose polemical nature asks to be argued in the traditional terms.

attitude about the being I was given and in which I must now invest. It is extremely curious that I now have to remain strongly "interested" and "involved" in a project of being–and of value-giving–*that was not originally 'mine*, that I was obliged to undertake in order to continue living. It is not less intriguing that a human being can remain profoundly "interested" in something that he did not choose, something that was imposed on him. I am driven to freely "take an interest" in a project *of being* (anything) that I was formally compelled to choose, whatever the specific contents of this project may be.

All of my free actions (and they are effectively free, for example, of living in Brazil and not in Argentina, of studying agronomy and not philosophy, and so forth) are pawned off beforehand because of this radical enterprise that *formally* we cannot refuse. Thus, I am compelled to be something and to give myself a value, independently of the specific contents of my projects. Just like pleasures are felt only within the larger friction of the decaying structure of being, similarly, our effectively free acts are carried out within the larger subjection of this same structure. The freedom with which I get involved in a project of being is effective, but it is always a "second-degree" freedom, invented during compulsive value creation in the intra-world. This freedom *presupposes that the radical right of not having any project at all* (of not having been born, of not having to give myself *any* value or invent *any* positive value such as freedom) *has already been violated.*

However, my freedom was radically denied not merely in the form (in the impossibility for me to refuse to take up any project of being, whatever it may be), but also in the level of content (by coming up specifically with *this* project of being and not another). We are born this way and not that way. The specific circumstances (place, family, nation, social situation), with respect to which we will have to be free and construct values, are already provided. These circumstances do not prevent me from being free, *but they make me free in some directions and not in others.* To be born is to be put in specific circumstances to be denied or rejected (or "nihilized", in Sartrean terms). To deny given circumstances is what we have to do just in order *to be*. And it is ineluctable that I will deny or reject the circumstances of my country (Argentina), my family (modest peripheral middle class), my social situation (poor, socially ascending, a student). It is not at my disposal to react against, say, the circumstances of a Cossack or a Lithuanian. Kant and Sartre claim that these circumstances do not "determine" us, and this is true; they do not tell us how we ought to be. But they do indicate what we should direct our actions against in order to be free in this or that way. The initial circumstances of opposition (the

Sartrean "adversity coefficient") spread out and supply a horizon for a whole life.

The boy Billy Elliot (from the eponymous film) can be cited as an example of "freedom" in the Sartrean sense. Billy breaks with the conditions given to him and transforms them into something that his social milieu apparently blocks: he becomes a ballet dancer in a society of miners. However, although the boy did not act according to deterministic given conditions, *his conditions of freedom had been given.* He was forced to reject a society of coal miners in order to freely choose to be a ballet dancer instead of rejecting, say, a society of bandits or bureaucrats or philosophy professors in order to be an honest merchant, a critical journalist or an original thinker. His freedom was imbued with the specific obstacle that he had to remove in order to become something and to give himself a value of a certain form and not another. *He was free in a certain direction and in a second degree.* The whole script of his "liberation" was given. Perhaps had he been born into a society of ballet dancers, he would have fought to be a coal miner.

We are always puppets relative to the circumstances in which we are forced to be free. We are not merely obliged to be free but also to be free in very specific ways (absurd and "groundless" in the end). Thus, we cannot merely refuse the radical fact of having to put forward some life project, and neither can we reject the fact of freely putting forward this project and not another one. We are objects of the circumstances that force us to be free in certain limited directions and not in others. We are free but not in any way we want to be.

Against the claim that we contradict ourselves in denying the freedom of raising our arm when we want to, we say that, in a specific situation, we are free, for example, to buy a book by Kant and not one on the history of cinema. This freedom is not illusory; it is effective. However, the meaning of our actions, those that describe us, that make us what we are and make us value what we value, is never concentrated on a single point, but always points to wider sectors of the web (although never the whole web). I never had the chance to be free by renouncing an immense paternal fortune. I never had the chance to be free to not study in Vienna, nor did I ever have the chance to be free by becoming the leader of a gang. I am only free in a certain, well-restricted direction, which will not be apparent if I concentrate on the facts of raising my arm, leaving the room, or kicking someone out, or any other actions abstracted from the holistic web of actions.

The particular oppositions and ruptures constituting my identity as a free human are already given, and I cannot oppose or break with the past

in other directions. *The wide web does not obstruct freedom but allows it in very specific ways, like the unfolding of the radical lack of freedom at birth*, by establishing a second-degree freedom in the sense of a freedom forced to be exercised by opposing very specific circumstances. I was not simply born here, but I was also born like this. I am some kind of absurdity, but my randomness has a direction, even if it has no sense.

I begin my life as "the son of Pedro Cabrera and Maria Rosa Alvarez" or as their "youngest child", "born in Córdoba", "in the neighbourhood of Alberdi". As a kid, I am constantly referred to by my country and my origins. When I grow up, I can try to become economically independent and free myself from my parents' tutelage. But then I am going to free myself economically in the strict terms of the economy of my parents. If they are poor, my independence will allow me to help them. If they are merely "well-to-do" it will permit me not to continue being a burden on them. If they are well-off, it will allow me to attach my fortune to theirs. If my parents are poor and I am rich, I will not be free to attach my fortune to theirs. The economic condition of my parents and my education are not going to change; all this has already happened. And it is *from it* that I am going to make myself independent, it is *from it* that I will be free, from the particular way in which my parents had their poverty or their fortune, as it was irreversibly lived by them.

There is, therefore, an asymmetry going through every life from side to side; ineluctable because it has already happened, and nothing that we do now will mean that it did not happen. Our actions are performed in the asymmetric direction of a second-degree freedom, forever tributaries of their tyrannical and inescapable origins. This "second-degree freedom" will have to be invented in the intra-world because we need it, just as we need other positive values. But it is always derived, never primitive, a part of the ontological-existential equipment that we count on in order to fight against the discomfort of life. This freedom will accomplish nothing radically new, for it is a mirror reflection of the radical lack of freedom in birth. We are free within the radical subjection of our being born "so-and-so". My parents are not my unchangeable necessity, but my unchangeable freedom, that will never be rid of the stigma of being a freedom that others allow me to live out. A genuine freedom, however, is never given; it is gained by wrestling; and when we are born, it is already too late to wrestle.

There is nothing in the future that can change this. Freedom, even if pregnant with further projects, will always refer to a past that will never cease to have occurred. We are inexorably linked to our origins. Birth "ties" all future events together, transforming them into elaborations of birth and of this particular birth, into something that humans make with

the terminal being they receive. My particular freedom–of raising my arm, leaving the room or kicking someone out–does not provide any proof of my radical and effective freedom; on the contrary, it is a dimension and a sign of my radical lack of freedom in the sense of the first-degree freedom that we lose at birth.

Thus, if there cannot be morality without freedom and responsibility, then morality is not possible in a radical sense. We are not primarily free agents. Instead, we are patients, sufferers, reacting beings compelled to be free and to be free in some pre-set directions. Freedom is one of those positive intra-world values that we must create to confront the terminality of being, one of the many constructions that feed our lives so that they can continue. Creating values is not a "free" act: either we create values or we perish. We do not "choose" to create values; we necessarily have to create them. And having to create values is not a sign of "freedom" but of radical dependence. The diverse urgent situations in which we are forced to create positive values show that the values we create are not the ones we would freely choose. We are not radically responsible for what we choose, because *it is not possible to be radically responsible for actions made out of a second-degree freedom.*[4] However, this means that, from the negative perspective, there is not some original freedom that creates values but rather an original value creation that creates freedom.

In the face of the radical fact of having been born in a compulsory, asymmetric, painful and ethically problematic way, the great affirmative hope is that freedom could be invented and culturally constituted at a later stage. According to what I have already argued, this "recovery" is forever interdicted. We can only be free at specific points in time in the domains of doing and having, within the web of actions. We acquire some freedom in these two domains over the course of time, but we remain dependents in the domain of being. *We can never leave our birth behind* because birth is the very terminality of being. It is not a pure starting point but rather an

[4] I speak here from one ethical point of view. Of course, from a juridical perspective, the attribution of "freedom" to agents is a crucial operation in a system of "justice", in the deciding on penalties for "violators" that should be considered "responsible and imputable". However, this has nothing to do directly with ethics but with the juridical and penal organization of human societies, which have to be constituted in spite of all the philosophical doubts concerning freedom, since, in the social domain, we must act and decide and not merely think. (This is one of the tragedies of human life, the fact of being forced to act employing theoretically problematic concepts, driven by the very tyrannical pre-eminence of life).

extensive structure, where the beginning is as decaying as the ending, influencing the totality of life, and not just confined "to the beginning".

In the negative approach, we are not concerned with how we can make humans responsible and punishable for their actions, but with how humans can survive ethically in a world marked by the structural situation of decaying birth, threefold frictions–moral impediment in particular–and the creation of reactive positive values, where we cannot be radically responsible for what we do, having just a second-degree responsibility. A negative moral imperative, contrary to the usual ones, would count on the radical non-freedom of others, with all its consequences; acting in such a way that we always take into account the inescapable asymmetry of birth, my own and others', and the secondary character of our responsibility; trying to insert human choices within this radical asymmetry, without ever considering others as totally free, responsible or punishable.

It is this situation of structural or radical "non-freedom" that we tragically share, as well as the urgency of the intra-world invention of freedom, whereby we confront others and have to decide *what to do with them*. But precisely *what we can do with others* is the fundamental question of ethics. A negative ethics should provide some hints and orientations aiming for the invention of freedom in a context of a radical lack of freedom, of positing symmetrical relations against radical asymmetry.

In this chapter, I have argued with the view of preserving the metaphysical jargon of "freedom", concluding that humans can only be "free" in the second degree and not radically. However, it would be better, and I will attempt in what follows, to totally dispense with this jargon and to say plainly and simply that we were born asymmetrically, that we are compelled to create positive values and that we are kept at bay by the terminal structure of being. Rather than employ the terminology of "freedom", we can simply describe what humans effectively can and cannot do.

CHAPTER EIGHT

ETHICS FOR A MINIMAL LIFE

Negative Inviolability

The fact that other human beings are in the same hard situation as I am in as regards the terminality of being and the invention of positive values, imposes an ethical demand to respect the others' lives, not because of their supposed "intrinsic value" (since we know there is no such thing), but precisely because their lives are as unprotected, helpless, painful and morally impeded as mine. We must realize in full conscience that we do not have the right to decide what others can or cannot do to cope with the decaying character of their being, for which we are not guilty either. Ethics would have to promote a kind of solidarity between humans against the terminal structure of being, by considering other human lives as inviolable for their *lack* of structural value, and because their lack is exactly the same as mine. I call this situation *negative inviolability*.

Negative ethics accepts both the structural lack of value of human life and its inviolability. This may sound paradoxical, but it is not at all incongruent. In order to express the notion of inviolability, an idea of *equality* among human beings is required. But we are not forced to conceive of this equality in affirmative terms. *We can all be equal (and therefore inviolable to each other) in our structural lack of value and in our need to construct our own value by ourselves.* A world in which all humans are equal is compatible with a world in which no human has any intrinsic value, beyond the value that others or each one of us manage to assign and sustain. It is precisely in virtue of this state of being, devoid of any intrinsic value, that humans can be seen as equal and inviolable with respect to one another.

This means that no particular human can put forward any argument to try to justify attributing himself with some kind of superiority or privilege over other humans, which would enable him to harm others' lives (when these others obey the MEA). It is not indispensable to attribute some kind of positive value to others in order to respect their lives; negative values are enough. *The lack of value* itself is untouchable, a sort of "negative

patrimony" that no one can tarnish or offend. We do not defend the life of another because it is "valuable" or "good", but because it is *their* life, and because our lives are not structurally better than the lives of others, so that we have no right to endanger or do away with them.

Following this idea, we could formulate the following negative moral imperative: act in such a way as to always respect the capacity that others have to face their own lack of structural value, the decaying character of their being and their unfolding.[1] The idea of a common "negative terminal patrimony" is extremely relevant in building up a negative ethics. In our affirmative societies, we see immense masses of human beings having to suffer on their own skins the unmediated frictions of the terminality of being in exchange for a salary, for the benefit of the most powerful in society who have the means to distance themselves from their own terminal beings. We should try to distribute the profound discomfort of being in fairer ways. Slaves, workers, dispossessed Indians and oppressed people, in general, should not be liberated in order that they can "enjoy life", but merely that they be allotted a normal portion of suffering, so that they can live out their finitude and discomforts with the indispensable protection that is denied them by their exploiters.

Disposition towards Death

The terminality of being compels us to constantly take care of ourselves, to give ourselves value and importance and to try to aspire to positions of privilege, placing others in lower positions (as regards power, economic conditions, age and so forth). *Then, we do not need ethics to care for ourselves*. On the contrary, maybe we need an ethics *to care less for ourselves*, or of working less to merely continue our lives, and more on exposing ourselves to the terminality of our own being, not to merely escape from suffering, or because of a morbid attitude, but for the benefit (or, at least, not to the detriment) of others.

In negative ethics, there cannot be a basic imperative of "Live!" or "Stay alive!" In fact, the *unconditional continuation of life should not be an ethical precept of any morality, not even an affirmative one*. "Ethics of

[1] On the condition that the comprehensible positive value creation, directed to oppose the advance of the terminal structure of being does not lead to heterocide or procreation. This reservation derives from the very formulation of the MEA, which does not demand a consideration of those who do not consider others. (That heterocide faces problems with the demands of ethical consideration is obvious; but we'll see, in part II of this book, that procreation has to get around many problems of these demands as well).

life" that preaches the production, reproduction and continuation of life (in Enrique Dussel's style, for one) should carefully clarify what "life" is being talked about and under what ethical conditions this "life" can legitimately be produced, reproduced and continued. From the ethically negative point of view, we decidedly do not "have to live". Ethical demands can involve a requirement to die, and not just in extreme cases. A negative ethics does not in the first place inquire *how* we should live ethically, but *whether* it is ethical to stay unconditionally alive. If we are concerned with the possibility of a negative ethics, maybe the next step is not to construct another normative ethics of *how to live*, but rather some kind of ethics of *resistance* to living or even an ethics of *desisting* life.

The question is: how can one lead an ethical life–consider the interests of others without manipulating them–after being born not "free" or "responsible" at the structural level, but merely counting on freedom as an intra-world invention, without any positive intrinsic value, within a painful, discouraging and morally impeded terminal structure, driven by the pressing need to give ourselves a positive value. This is the question about the very possibility of an ethics that fully accepts the human situation as presented in the previous chapters of this book.

Given the oppressive presence of moral impediment in the web of actions, living ethically is not plausible without a great "thanatic" (or deadly) investment. It could be a matter of making oneself disposed to death while alive, but to a death specifically guided by ethical demands which have been carefully considered. Suicide is merely one form among others of "making oneself open to death", and perhaps the most brutal, direct and least morally careful of them all. However, another form could be putting oneself at risk for a cause or protesting for emancipation; but not, for example, the practising of radical sports, whose disposition to death does not have anything ethical *per se*. The description of the human situation shows the terminal character of being as the very structure of life, and *all anti-ethical attitudes appear to be connected, in one way or another, with an intention to unconditionally preserve our own life.* But life itself is structurally terminal, so we must try, in a negative vein, to appropriate in some ethical way the thanatic movement of life itself.

In this line of thought, all negative moral imperatives should serve a fundamental thanatic imperative: *try to die ethically!* Rather than demanding an indefinite continuation of life or immediate literal suicide, negative imperatives require us to continue living as long as this is less ethically and sensibly harmful to others than the act of not living. *Act in such a way that you would prefer to disappear when your care for the*

terminal character of your own being incites more harm to others than your ceasing to stay alive.

Affirmative ethics has been ethics of *how* (how to be happy, how to be virtuous, how to have a "good life", how to live, how to be a good father). Negative ethics are ethics of *whether* (whether we can be happy, whether we can be virtuous, whether we can have a good life, whether we can live and still be moral, whether we must be fathers at all). *Affirmative ethics asks how to live life ethically. Negative ethics asks whether it is possible to live and be ethical*, whether there is not some profound mismatch between continuing to live and behaving ethically. Negative ethics asks not how to live ethically but whether we should unconditionally go on living after deciding to be ethical human beings; whether there are permanent ethical motives for staying alive. We no longer ask how to live ethically but whether we *can* be ethical and continue living.

In affirmative ethics, there is a systematic priority of life over morality. The moral question is about being as ethical as possible within the project of "continuing to live intensely and indefinitely". In the affirmative mode, ethics is not primary; life is. Negative ethics inverts the situation of living as intensely as possible within a project of being ethical. In the negative mode, ethics is primary, not life and its continuation.[2] It is the difference between being the most ethical possible that life allows (affirmative ethics) and living the most intensely that ethics allows (negative ethics). The ethics that an intense life allows is not significant, and in the extreme, it is not ethics at all. The life that a strict ethics allows is not significant, and in the extreme, it is not life at all (as an ethical disposition to death).

It is possible for philosophers to talk about an "ethics of life" because they already talk about some kind of *ethical* life when they use the term "life". There cannot be an "ethics of life" without some value element having been embedded in life first. Bare life cannot be ethical because the ethical demand puts bare life at risk. It is not just for life itself that we make ourselves available to death, but for a life that was already submitted to some ethical *dictum* that doesn't hold life paramount (paraphrasing Kant we can say: life is always a means, never an end).

[2] In Kant's Nachlass this negative moment is also present: we must not live, but we must live with dignity. "Living is not necessary, but living with dignity is; he who cannot live with dignity, is not worthy of life." Kant, "El suicídio" (On suicide), 192; my translation from Spanish.

Life Minimalism

It seems clear at this point that a negative ethics should be a minimal ethics, due to its acceptance of the structural human situation with all its constraints. In a situation like this, living according to maximal projects of "intense life" potentially carries the rejection or even destruction of the projects of others; my "good life" can mean a bad life for others. The projects of a long and intense life, of fulfilment and enjoyment, create more opportunities for the frictions to spread out, harming more and more humans. They open up ample spaces and occasions for the diverse conflicts, misunderstandings and damages in everyday life.

Given the structural circumstances of the human situation, it follows that the negative-ethical way should be paved with some kind of life minimalism, in the sense of a life that openly assumes the tense dominion of terminality over created positive values and adopts negative imperatives that would account for the structural lack of freedom, the negative inviolability and one's own availability to death, without a project of indefinite continuation of life.

Therefore, it is essential that negatively guided human beings do not have maximal life projects; specifically (and this will be deeply shocking for affirmative value advocates), this involves not making a family, not maintaining too many relationships, living in available and attentive detachment, preferring to engage in some political militancy concerned with the suffering of many people, and, in general, being concerned not only with the welfare of a small familiar or friendly group, but more interested in humanity than in humans. One could reply that this militancy can also be seen as a maximalist project just like forming a family. The difference rests in that while raising a family is a gamble on continuity and adaptation, militancy keeps the militant permanently at risk of death, fighting for beneficial changes for many people, many of them unknown or distant.

Most usual human relations are established in utilitarian terms, carrying their terminality in the form of fragility, insecurity and aggressiveness, something that increases when one gets closer to someone. According to a negative ethics, it is better to keep one's distance, but at the same time to remain accessible and available to others in times of need (to be disposed, day and night, to help or at least not to get in the way of people who need us). However, this does not require having constant or intimate relations with the others whom we join. *The ideal is to be close when the other is in a bad situation and needs us but to be as far away as possible when the other is well again and can walk alone.*

The foremost strategy of a minimalist life is obviously the refusal to procreate (a crucial question in negative ethics to which the entire second part of this work is devoted), a prescription that within the usual affirmative environment sounds absurd and cruel, but which is deeply motivated by the ethical concern of sparing others from the inescapable structural frictions of life, especially when handed asymmetrically and in a manipulative fashion for our own pleasure and benefit. Negative ethics is concerned with those who are already alive, with no eagerness to increase in number. To have at least one child is part of a maximalist project of life, and people in this situation can no longer assume a negative ethics. They will have to live according to some kind of utilitarianism or ethics of virtues if they still want to live ethically. One reason for this is that raising a child will make the progenitor unavailable to death when ethics demands so (in a political militancy or an act of heroism). Having just one son or ten is irrelevant; the relevant philosophical difference is between one and zero.

The Negative Education of Humanity

All "intense life" will have to be eradicated, together with all unlimited expansion, or any kind of predatory attitude or eager consumerism; the conditions for anti-ethical conduct must be minimized as far as possible; one has to be moderate and austere to the greatest degree, but not in a way that not "living intensely" is felt as a "loss" or a "resignation". To improve humans in an ethically negative sense of life would be to convince them that life does not have any great value, that all value derives from a huge human effort, that we are insignificantly inserted into a situation of basic indignity that equalizes us with all other humans and compels us to create or invent some intra-world dignity. Ethical morality has to emerge from an offended pride, making it evident that we have nothing to be proud of. Ethics would be possible if humans were disposed to significantly decreasing their anxiety about living "intensely" because intensity is extremely dangerous for others.[3]

As Friedrich Schiller wrote, morality will have to be produced through education, but in our case, specifically through a negative education of

[3] The totalitarianisms of the twentieth century were not brought on, as is often argued, by "negative" categories, but, on the contrary, by powerful affirmative forces of life. In all of these movements there was always an immense vital intensity, an unbreakable faith in certain values, and the enormous will to expand and impose them for millennia (See the documentary *Triumph of the Will* by Leni Riefensthal, showing Nazism's powerful "affirmation of life").

humanity (*Über die Negative Erziehung des Menschen*), which does not exclude Schiller's aesthetic dimension. We need to convince humans that life is not a good thing (and much less a gift!), that it is not good to reproduce or live too long, that it is absurd to fight others to death for things that we desire to have, do or be. We must promote more distant but not indifferent human relations, extinguishing aggressive and destructive euphoria based on the strange idea of the great value of human life. A powerful "vitality" has been present in the entirety of humanity's major and minor crimes, goaded on by an enormous desperation to live, by ideas of not "letting life pass by", "taking full advantage of life" and so on.[4]

Here the negative moral imperative could be: *drastically reduce the levels of vital intensity of your life projects*. We ought to be leading an unsatisfied, melancholic, productive and ontologically conservative life (not suppressing anyone, not procreating anyone), and perhaps meritoriously involving ourselves in emancipatory actions or in processes of artistic or philosophical creation that can function harmlessly in the world and can help others to bear the burden of life. No "celebration of life" is in order.

Morality, Sainthood and Heroism

Negative ethics is often accused of "confusing" morality with sainthood or heroism, of giving humans such a meagre and arduous existence that only heroes or saints could manage.

> If perchance they do exist, such saints belong to another world; they do not speak the moral language, and as a result, we cannot understand the moral phenomenon through them […][5]

Good moral philosophers tend to be bad meta-philosophers. Tugendhat seems to think that his way of understanding ethical morality is the only one; he cannot see his perspective as one among many others. We could perfectly well bring ethical morality and heroism closer or even identify both; why not? There is nothing "wrong" with this if such a position is sustained by arguments.

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[4] "Intense lives" like John Huston's or Steve McQueen's are usually celebrated and admired in spite of the harms caused to others (emotional damage to children, traumatic divorces, ignoring professional commitments and so forth) by their overwhelming and devastating "intensity".

[5] Tugendhat, *Diálogo em Leticia*, 104, my translation from Spanish.

In a negative ethics, the presence of moral impediment makes genuine ethical morality almost totally absent even from everyday life. *In a world that is so profoundly affected by moral impediment, it is perfectly plausible to think that the exercise of ethical morality can only take place in the heroic acts of extraordinary personalities, in the flash actions of a brief life.* In a long, mediocre, accommodated and politically indifferent lifestyle, devoid of risk and commitment, moral impediment has a long time to install and develop through the diversified and well-assimilated bargains of daily life. A life disposed to die at any moment in the face of a risky ethically guided course of action will not have all this time at its disposal. In a situation like that of humans, marked by the triad of sensible and moral frictions, ethical morality can only be heroic or not at all. Morality is so abased in our world that only extreme action can bring it from the depths of existence where it is buried.[6]

This approximation of morality to heroism should appear, in a world like ours, as something stemming from "another world", supernatural or magical, for angels only. However, what the obscure German soldier Anton Schmidt did–trying to save Jews from the extermination organized by his country–without any concern for the risk to his own life, is not just the stuff of angels but what any human being should be disposed to do in cases like that. Many things would be very different if there were more people with attitudes like Anton Schmidt's. It does not seem reasonable to place ethical demands on the level of human weakness and mediocrity. Maybe a negative ethics cannot be practised by prudent natures.

Although it may shock many readers, perhaps the prototype of a minimalist negative life would be Shane, the celebrated character from the homonymous George Stevens' film, a solitary, melancholic, austere, laconic, nomadic, virile and courageous hero, who we could not imagine having a family or raising children (although he is tender and loving with kids). He has no constant friends, but when he arrives in a new place, he puts himself at the service of someone for whom he is ready to risk his life. He is not guided by the ideology of the "value" of human life. He feels that all value emerges from the core of great actions. He has nothing to lose either. He knows that life is worth very little and that its value shines fugaciously in moments of supreme danger, in which it is worth dying so that something can come to have a real value in the world. Shane presents an excellent example of how this kind of negative survival can be

[6] "[…] the hero is the view of ethics par excellence […] Only through heroic excellence and its example can the heart affected by objectifying inertia be recovered by an ethical decision" (Savater, *Invitación a la Ética*, 60; my translation from Spanish).

enormously intense, and not languishing or depressed as is usually thought of minimalist styles of life.

Naturalistic Fallacy Strikes Again

One of the most unfortunate missteps in philosophical argumentation is the recalcitrance of some ideas strongly established in the community, which can no longer be contested with arguments due to their great social authority. This is the case with the famous "naturalistic fallacy", to which arguers return again and again without addressing the numerous counter-arguments already presented against the presumed fallacy. It originates from one text of Hume and states that in argumentation it is not legitimate to jump from a purely descriptive domain to a normative or evaluative recommendation. From "being" we cannot pass to "should be". G.E. Moore made this criticism famous later on, and scholars return to it insistently as if it were a sacred and untouchable reference, a final and decisive criterion for judging philosophies.

The "naturalistic fallacy" faces many problems of different kinds. I have already delved into this subject in great detail in my article "Ethics and the Human condition: remarks on a natural foundation of morality", published in 2007, and I will refer back to this text to address this issue for the last time, I hope. If the reader simply does not want to read my replies to the "naturalistic fallacy", and specifically about its supposedly successful application to the ethical theory developed here, then there is nothing more to be done. But this kind of attitude gives a reason for a rather pessimistic view of philosophical argumentation.

Firstly, I want to point out why the ethical theory developed here could be seen as committing the famous "naturalistic fallacy". We have started from a describable structural human situation[7] whose core consists of the fact that morality should be bound up with this situation, presented as given and structural, characterized by the terminality of origin (obtained at birth), as afflicted by the threefold frictions of pain, discouragement and moral impediment, resisted by the profuse intra-world creation of positive values trying to oppose, neutralize or soften the advance of the terminality of being.

This structural situation is common to all humans, something which we know before a human is born. Therefore, it can be said that the structural situation makes all humans equal. It is true that in the intra-world we encounter enormous inequalities between humans: economic, social and

[7] In that article, I still talked about the "human condition" whereas today I prefer to say the "human situation".

racial, as well as those due to the difference of customs, cultures, gender, sexuality, and so forth. In short, we find differences on the basis of which some humans try to justify discriminations against, and even elimination of other humans simply for being different (for not being noble, free, Greek, white, Aryan, Western, heterosexual, etc.). It is trivial to prove that all humans are equal in sharing the same structural situation, it seems obvious that all of these differences for which humans persecute and torment other humans should have been created in the intra-world; they are not structural.

It is in the intra-world that humans create "privileges" for themselves to harm other humans, sometimes reaching the extreme of denying them their very humanity. But executioners, free men, victims, slaves or Aryans are not categories that stem directly from nature; in fact, all these classes of people are all born simply as terminal, afflicted by pain and discouragement and morally impeded. We can perfectly well say that these segregationist behaviours are anti-ethical because they damage the structural equality of human beings in their more primary situation, which makes them virtually inviolable by one another. However, from the mere *description* of the human situation, we cannot legitimately pass to the moral condemnation of actions or to the idea of a moral inviolability. Therefore, naturalistic fallacy!

My first reply is that what is in question here is not about a purely *logical* passage from the domain of being to the domain of value. There is no pretention to *deduce* negative imperatives from the primary human situation. There is, however, a passage–neither logical nor deductive–from certain characteristics of being *to their sensible and moral impact* on beings like humans, in the form of concrete *discomfort*. It is not a matter of inferential passage from being to an abstract or theoretical value, but to a value that is *suffered*, endured and lived, having an immediate connection with the data of the human situation. It is an experiential and existential connection more than a conceptual one.

Allow me to explain this better. When we suffer pain, there is a very fluid and instantaneous passage between the factual experience of pain and the discomfort we feel in the form of an injury. We do not have to "demonstrate" logically that the pain is unpleasant for beings like humans (even for masochists, to some degree). If we conceive of humans as moral patients, it is easy to see how their effective factual situation and their sensible and morally impeded suffering are closely connected, so that there cannot be any problem with passing from "So-and-so is placed in a situation in which he suffers pain, discouragement and moral impediment" to "So-and-so is placed in a discomforted and disturbing situation

experienced as unpleasant)". It is not a logical passage, but a practical and existential one.[8]

If this reply is not convincing, I will move on to my second point. I have already repeated countless times that in the case of *any ethical theory*, whether affirmative or negative, deontological or utilitarian, ethics of discourse or of liberation, we will *always* have to reckon with what I call a "facultative stage", a decision of the will to pass from the description of a situation or facts to the fitting normative morality. For example, Kant described human beings as rational but regularly subjected to passions, so we have to *decide* whether we are going to take the side of reason or not. Because one could say: "Reason is in a struggle against passions; therefore, I opt for being carried away by passions without opposing any rational resistance" and this is a perfectly viable decision. Or, following an ethics of virtues like Aristotle's where he described human beings as lazy and negligent, we still have to *decide* whether we want to cultivate virtues to combat this laziness and negligence or not. One could very well say: "We are lazy beings. Therefore, I will sink myself into laziness without any virtuous resistance".

Similarly, if I am a utilitarian, I will start from certain descriptions that show, for example, that humans seek out happiness and well-being above all else. From this, I cannot pass straightforwardly to a utilitarian morality that recommends seeking out the fullest extent of the greatest well-being to the greatest number (this is why Mill was many times accused of having committed the "naturalist fallacy"). Again I need go through a "facultative stage" to *decide* whether I am going to derive a utilitarian set of moral rules to face that fact, because someone could always say: "humans always seek happiness and well-being above all else; therefore, I will do everything to keep them from achieving these goals".

In summary, morality (whether affirmative or negative) *always* depends on a choice grounded in some descriptions, on a decision that is never reduced to them. There is *always* a stage in which we *decide* that, based on these descriptions, we are going to derive (not formally "deduce"!) morality or immorality (in accordance with the terms of each moral theory). The necessity of this "facultative stage" is something on which *all* ethical theories depend, and not merely negative ethics. We always have to say: "Given that we are all immersed in the same

[8] A similar argument is found in Dussel, "Algunas reflexiones sobre la 'falacia naturalista'", in the context of the philosophy of liberation. The word "existential" (in the last sentence) has no connection to "Existentialism", but refers only to the fact that the connection is lived in a human experience and is not reducible to a logical demonstration.

structurally terminal, afflicted and morally impeded situation, and that therefore we are all structurally equal, *I shall decide* that I will consider the others inviolable; I will adopt an attitude to not persecute and not eliminate anyone, nor to take advantage of any intra-world difference". But it is clear that someone *could,* from the fact that we are all terminal, take advantage of this. From the premise, "Humans are subject to the terminality of being" the most diverse of attitudes can be derived: (a) Then, I am going to help them; (b) Then, I will distance myself from them; (c) Then, I will take the opportunity to torment them; (d) Then, I will destroy them, and so forth.

Morality is *always* the product of a decision. It is not a logical *sequitur* from the facts of the human situation (few ethical theories, if any, ever purported such a thing, so there are not theories that have clearly committed the "naturalistic fallacy" in their strongest formulations). All of the negative moral imperatives heretofore formulated are of this same kind; they were not "deduced" from the structural situation, but they assume an attitude, among many others, concerning it. Ethical morality is not the product of a deduction; it is a decision coming out of some description or other of the human situation. But this is the case with all ethical theory: its normativity emerges through a decision of its own descriptive elements.

In my article from 2007, there is a section called "The Question of the 'Naturalistic Fallacy'" where I explain in great detail why my ethical theory (and many others) are not affected by the infamous "fallacy". I summarize here in a few lines the four pages that I devoted to this question in that text.

1) The "naturalistic fallacy" has already been profusely criticized in the literature, starting from the well-known articles by William Frankena in 1939 and by A.N. Prior in 1952, to the arguments set forth by John Searle in "Speech Acts" (1969), where he even refers to the "fallacy of the naturalistic fallacy" consistent in insisting on the illegitimacy of a perfectly legitimate passage. (Searle presents many examples in his book of legitimate passages from descriptions to prescriptions). I do not mean to suggest that Frankena's, Prior's or Searle's arguments are definitive (there are no definitive arguments in philosophy), but these arguments should be at least examined and replied to by defenders of the "naturalistic fallacy", instead of them simply continuing to refer to the same formulation that has already been put in question, as if such criticism never existed. If not, philosophical argumentation will never advance.

2) The "naturalistic fallacy" has diverse formulations, some of which are not applicable to my ethical theory; for example, the one that expresses the fallacy as the attempt to *define* moral properties in terms of non-moral properties. I never attempted "to define" anything. The relations between facts of the structural situation and negative imperatives are not "definitional".

3) As Tugendhat brought to light, it is true that one cannot pass from being to wanting to be. One must concede that there is a facultative moment when people *decide* that they are going to be moral and not immoral on the grounds of the provided descriptions.

With these explanations, the sketch of an ethical theory presented here has no issue with the "naturalistic fallacy" as usually presented.[9] Of course, it will always be possible for the defenders of the "naturalistic fallacy" to reformulate it in other ways that allow them to return to attack and demand new counter-arguments.

[9] When a debater simply restates again and again the same objection that has already been answered, without taking into account the advanced replies, he commits a fallacy that I call the "fallacy of the omission of stages". This fallacy is committed when arguer A restates his previous claim already answered (satisfactorily or not) by interlocutor B, instead of considering B's response and evaluating its cogency. Unfortunately, this is a very usual move in philosophical discussions.

PART II

PROCREATION

CHAPTER NINE

THE PRIMARY ETHICAL QUESTION: THE MORAL JUSTIFICATION FOR PROCREATION

Over the years, since at least 1989, I have been presenting my philosophical ideas about procreation and ethics in literary pieces, aphorisms and essays. These forms of exposition perhaps gave the wrong impression that there were no real *arguments* on the subject but merely a narrative (in Emil Cioran's style). In the "Critique of Affirmative Morality", written in Spanish and published in 1996 in Barcelona, I had already presented a more argumentative version of my thoughts on this subject. In the present text, I intend to develop more extensively and minutely, step by step, the arguments that lead to my conclusions about the ethically troublesome status of procreation.[1]

It is sometimes seen as cruel or inhumane to pose the question about the ethics of procreation, as if it contains a rejection of those who will be born. This is a curious viewpoint. On the contrary, this reflection is deeply motivated by a very strong and responsible concern for potential children, and for the risk that their emergence into being is the consequence of constraining and aggressive actions against defenceless human beings. Within the influence of present prevailing values, people think they have the complete right to make plans for the emergence and development of these lives entirely at their will and to their satisfaction. The anger and immediate rejection that the simple posing of this question provokes in adults suggest that progenitors obtain a great deal of pleasure from the

[1] These ideas were put aphoristically in books like *Projeto de Ética Negativa* (1989) and in several other short texts, before and after the publication of *Crítica de la Moral Afirmativa* in 1996. For the question of the morality of procreation in a more "continental", literary-existential style, the book, *Porque te amo não nascerás. Nascituri te salutant* (2009) co-written in Portuguese with Thiago Lenharo, can be profitably consulted.

procreative act and from the enormous power that they acquire over those who are about to be born.

The issue of the moral justification for procreation is of primary ethical importance given the levity and frivolity with which children of all social classes are thrust into the world, as a form of entertainment or escape from the tedium vitae or through carelessness, without a serious evaluation of the circumstances and the impact of the procreative act upon the one who is being created. The process is entirely seen from the viewpoint of procreators. Couples talk about the number of children that they are going to have as if they were objects to be acquired in a sort of a "patrimonial procreation". And when the child is born, the progenitors "enjoy the child" as if it were a possession or purely a source of enjoyment. Exposing someone to a special sensibility surrounding the enormous ethical relevance of the decision to procreate can at least serve the function of removing from the act of procreation its current routine and unreflective character, maintaining on the horizon the prospect of not procreating at all in case the ethical antinatalist arguments are considered sound and convincing.

From the ethical point of view, the crucial question is that the argumentation should be advanced from the perspective of the offspring, of the unborn, this completely helpless small being that is going to be introduced into the world. The question of procreation has always been seen from the perspective of the "wonderful experience" of maternity or paternity, without ever questioning if the experience is equally as wonderful for the other party involved; we should ask if this experience so gratifying and intense for the progenitors, will also be so marvellous an experience for the one who is being manufactured and brought into human life.

This question does not have the easy affirmative answer that it is traditionally supposed to have, that the one who is born will be happy to have come into the world, as happy as the progenitors are now. In fact, we can observe throughout the life of newborn babies, small children and adolescents, a great deal of unhappiness, crying, pain, suffering, dissatisfaction, frustration, tedium and revolt. This is also true in contexts in which the one who is born is apparently being cared for judiciously, not in contexts of blatant cruelty or explicit negligence. The newborn's "happiness", if it exists at all, does not have the same quality and nature as the happiness of the progenitors; it is always a derived and coerced happiness, emerging from a unilateral and asymmetric state of things.

Without adopting from the beginning an axiomatic antinatalist position (the antinatalism will have to be, in any case, the result of a line of

argumentation, not its starting point), we must consider the question of "having" children and of "giving them a world" in all its seriousness and dramatic character, and not as a mere occasion for delight and enjoyment. A primary ethical question largely neglected by ethical philosophy is whether an *ethically justifiable procreation* is even possible and what its conditions may be. Usually, people procreate in instrumental or casual ways, as they do in other contexts of action. Nevertheless, the act of procreation is a very peculiar one. We can always begin the analysis of its moral status by asking whether it is a procreation resulting from a purposeful action or from indifference or negligence. But if the arguments about the moral and sensible lack of value of human life developed in the first part of this book are tenable, *any* procreative act–whether intentional or not–can be considered as the *original inauguration of the discomfort of being,* as the primary harm that humans can inflict upon other humans, and as the very initiation of the moral impediment.

In the negative line of argument, we cannot properly speak of "irresponsible procreation", which would presuppose by contrast an undisputedly responsible one; we can see procreation as the inaugural morally impeded action, as the original cause of the primary discomfort of being. Departing from these considerations, we can shed light on how the act of simply abstaining from procreating can be morally qualified. The decision to not procreate at all cannot be seen, as is occasionally argued in affirmative defences of abstention from procreation, as a "free choice", since, as we saw, it is precisely our birth that prevents us from having a radical freedom; we merely have a second-degree intra-world freedom. Therefore, not even the decision to abstain from procreating can be seen as a totally "free" act, as it is being exercised in contrived opposition against a world in which humans compulsively and profusely "have children". The direction of this "freedom" to abstain is already given. We can only abstain in a world in which humans usually procreate.

The moral merits of abstention will not lie then in it being a "free choice", but in the fact of putting forth, in action and not just theoretically, a criticism of the structural human action which inaugurates the discomfort of being. Abstaining from procreation can also be seen as an exceptional and somehow heroic attitude in the sense of going against natural procreative instincts. The following line of argumentation purports to sustain a kind of *structural abstention* of procreation, not abstention for mere psychological, economic or ecological reasons. And we'll see that abstention could also be regarded in an emancipative sense, as a kind of revolutionary action in a world of automatic and insensitive production and reproduction of human life.

CHAPTER TEN

THE PROC THESIS

Below, I will outline my arguments for non-procreation which I offset at the same time–given the controversial nature of the subject–with the objections that can be levelled at each step (recollecting, in fact, the recurring objections that have been presented to me over time). To indicate the objections, I highlight them in italic font while I generally maintain my own theses in normal font. I begin by formulating the main thesis.

The PROC Thesis

"If we understand ethics as a double demand to: (a) not manipulate others as objects and (b) not to place anyone in a situation we know to be problematic (marked by difficulty, hardship and suffering), THEN procreation (the begetting of children in general), equally whether carefully planned or the result of "accident",[1] is an action that cannot be ethically justified because it violates the double demand (a)-(b)".[2]

[1] I put this idiom into quotation marks because I have doubts about the very idea of "accidental" procreation (see chapter 12).

[2] We find tendentious wording of the procreation question such as: "Is it always ethical to give birth to someone?" which already presupposes that it is ethical in most cases. Or concerning other "mortal questions", like suicide: "Is it ever ethical to take one's life?" which presupposes that in general it is not ethical. In these traditional formulations, an immoral procreation or a moral suicide, are considered–if they exist at all–to be "exceptions". Negative thinking has to be cautious about these usual ways of putting questions and must replace them with others like: "Is procreating ethical?" "Is taking one's own life ethical?" and so forth, formulations leaving open the door to both positive and negative responses. Anyway, it is difficult, and maybe impossible, to put questions like these in a totally neutral way.

Objections

Objection O.1

"*The mere reading of the PROC Thesis produces immediate rejection, and it seems to enunciate something totally absurd, especially to people who experience paternity or maternity as one of the most beautiful and profound experiences of human life".*

Answers

This initial objection poses a rhetorical question connected to the "audience": the difficulties with an idea that challenges prevailing well-established values in the society in which the argument is advanced. The PROC Thesis is powerfully "unpopular"[3] in our time, in the sense that Kant considered the antitheses of his antinomies "unpopular" (the theses, on the contrary, enjoying "the advantage of popularity").[4]

Answer number 1

The PROC Thesis does not deny that paternity or maternity can be experienced, at least in our times, as beautiful and intense for the genitors, but this still does not justify it from an *ethical* point of view, as it will be better explained (in answer 4). Many experiences that are beautiful and intense for their protagonists can be ethically unjustifiable. The pleasure and intensity with which a certain experience is lived are not by themselves *ethical* justifications for it. On the contrary, acts producing enormous pleasure are initially suspect from an ethical point of view, not because–as sometimes traditionally thought–pleasure would be an indication of sin, but because in a hard world like ours, a pleasure could be suspected to arise from the immense power obtained over other people, or to detract from the pleasure and rights of others. We have to ask if we have the right to this pleasure by inquiring into the moral structure of the act which generates this satisfaction so profusely.

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[3] But not in other periods of history; actually, the attitude regarding procreation and childrearing was profoundly modified over time. See Badinster, *Um amor conquistado*, chapter 1, "The Absent Love", and specifically section 2, "The Condition of Children Before 1760".

[4] Kant, The Critique of Pure Reason, "Transcendental Dialectic", book II, chapter II, section 3, "The Interest of Reason in its own conflict".

Clearly anti-ethical experiences, like conquests, invasions, the subjugation of populations, taking prisoners, imposing doctrines, etc, precisely because they contain strong components of manipulation of others for the consequent increase of one's own vitality, tend to provoke an intense pleasure in their perpetrators. This shows that *the vital intensity and pleasure arousing from a human experience–such as maternity or paternity–do not imply its ethical quality*, and it may even indicate the opposite. Further arguments are needed in order to prove that the fact that the experience of procreation is extremely agreeable to its perpetrators, it follows that is therefore ethically correct.

Answer number 2

Regarding the astonishment and rejection that the PROC Thesis can evince, these reactions do not disqualify the stating of the problem in such a way. In fact, nearly all questions put forth by philosophy traditionally offend common sense by questioning what was well established and taken as obvious; this has been the task of philosophy since its very beginning.

In introductory books on philosophy and meta-philosophical texts, we will invariably find the claim that philosophy is a *critical* and *radical* task, characterized by asking what no one asks, by challenging what appears to be obvious, by inquiring about what no one inquires about, as absurd as that may seem to common sense or prevailing values. In general, this radical questioning of philosophy is widely praised. The question of the morality of procreation is, in this sense, a typical *philosophical* question: it questions the justification of something usually taken to be perfectly clear and established. Philosophy cannot be criticized by exercising the task that had defined its very nature through history, whether the result is unpleasant, surprising or socially irrelevant.

Answer number 3

From the strictly argumentative point of view, the fact that a thesis is strongly "unpopular" could be interesting by setting particularly powerful mechanisms of argumentation in action, because these mechanisms would face strong opposition from audiences steeped in the prevailing values that the PROC Thesis aims to put into question. An argument that attacks a set of convictions that the entire audience takes for granted will have a strict obligation, much more than usual, to be rigorous and convincing; in this case, the argumentation would have to find its warrants and persuasiveness exclusively in the force of its rationale rather than in the "sympathetic"

support of the audience. This situation seems to provide a motive for advancing the task.

In summary, I propose that the alleged "unpleasant" or "unpopular" character of the PROC Thesis be cast aside as an unessential rhetorical element and that we inspect the merits of the arguments themselves.

Objection O.2

"*Life is a very basic value, on which everything else relies; there is no sense in questioning life from a moral or rational point of view. As Nietzsche said, there is only life, there is nothing external to life that can judge it. Life in all forms has to be lived; it cannot be stopped, to the extent that every rational argument against life meets the resistance of life itself*".

Answers

This objection frequently has the intention of "stopping" the argumentation process before it starts by saying that the whole question is senseless and that we cannot really argue in this domain. Here is my answer to this objection:

Answer number 4

The refusal to enter into the argumentation process in virtue of the "basic" character of life is to place a stronger faith in an intuition or feeling than in an argumentation. However, in the sense that the opponent agrees to verbalize and clarify this sentiment (the "basic character" of life), he will have already entered into the argumentation process that he wanted to stop beforehand, declaring the whole subject "nonsensical". The objection makes full sense and deserves an answer; however, it cannot be advanced as a "prior" question that intended to stop the argumentation process before it started, *as it is already part of the discussion*. Thus, for instance, we could ask the formulator of O.2 to clarify his terms and justify his objection. For example, we could ask him to explain what the expressions "very basic value", "there is no sense" and "resistance of life itself" mean, or we could ask him to justify claims such as a "very basic value cannot be questioned". However, it is immediately apparent that the one who presents the objection, far from "stopping the argumentation process", is already "absorbed" in it. In attempting to demonstrate that life is a "very basic" value, the objection does not have the power to prevent the

development of the argument as "nonsensical", because, if it were so, the objection could not even be made.

Answer number 5

The PROC Thesis does not deny that life itself resists all rational arguments with its own expansive force, nor that life itself unfolds as a self-sufficient force without the assistance of any rational argument. This can be seen as obvious. However, the fact that life has to be lived as an irrepressible natural impulse still does not show that it can be *ethically justified* in the case of the impulse towards procreation. To the Nietzschean who insists that life cannot be judged because "there is only life", that life's judge is still life itself, that there cannot be an external reference to life capable of judging it, I answer the following. Evolution created a form of life (human life) capable, within its biological abilities, of judging and evaluating life itself–its own and the life of animals, plants, planets, stars and the whole universe. There is nothing contradictory or absurd about some form of life evolving to the degree that it can judge life itself, even while being a part of what is being judged. The Nietzschean point that being part of what is evaluated invalidates the evaluation does not seem to hold unless additional arguments are introduced.[5]

Interlude: Recalling the Characterization of Ethics

As a preliminary to our *ethical* scrutiny of procreation, it is indispensable to recall how ethics was characterized in the first part of the book. At that point, I decided to adopt what is already found in the contemporary literature on the matter. From the strictly argumentative point of view, it is beneficial for the PROC Thesis *not* to propose a new concept of ethics but to attempt to prove that procreation, being widely accepted as an obviously ethical act (and, at times, as one of the supremely ethical acts), can be contested *in accordance with the prevailing and well-established idea of ethical morality* as held by common sense, philosophy, and philosophical common sense.[6] To maintain the organic character of the present

[5] I recently found similar argumentation in the final sections of Ken Coates's Antinatalism. I had already advanced some ideas around Nietzsche's position in the Appendix of the Critique of affirmative morality in 1996.

[6] This reinforces the idea, which runs through various topics of the present book, that negative ethics is nothing but radical affirmative ethics; negative ethics shows what can happen if we follow moral demands strictly. The ultimate objective of this line of reasoning is to attempt to make clear that affirmative ethics, not

argumentation, I reproduce here some of the main points assumed by the characterization of ethics.

The Do Not Harm Demand (NHD): When actions, norms or agents are considered ethically correct (not just pragmatically, functionally or legally correct), this means that they are correct in the sense of *not harming* and if possible of *favouring or supporting* other humans (who, for their part, behave in the same way). This is what was summarized before: take into consideration those who also take into consideration others' interests, in the sense of not doing them harm, not obstructing their projects, not placing them in harmful, constraining or painful situations, and if possible, sparing or saving them from these situations.

The Do Not Manipulate Demand (NMD): Ethics has to do with the autonomy and respect for the will, interests and desires of each human being, as well as the interdiction of manipulating other humans or treating them instrumentally as a means of deciding on their behalf, imposing conditions on or placing them in situations–even when not harmful or unpleasant–without their consent. Ethics is the field where the respect for the other should come above all impulses and interests of domination; it is the precise domain for self-management and decisions aimed at non-interference and non-encroachment on others (even in cases in which manipulation is meant well as regards our paternalist and protectionist attitudes). Being ethical means, on this second reading, not manipulating or not treating others as mere instruments or as a means to an end.

We could consider the MEA (Minimal Ethical Articulation) in order to combine NHD and NMD. These seem to be the fundamental components of any ethical structure, as commonly understood in the West. An ethical attitude is characterized by the respect, acknowledgement and consideration for the welfare or well-being (or at least non-damage) of others, and by autonomy and self-determination. Others cannot be harmed or manipulated, and their interests should be considered together with ours. NHD and NMD are two basic demands that make an attitude ethical, by expressing what should be preserved in a deontological theory by the exercise of duty, in a utilitarian theory by the analysis of consequences, in a theory of virtues by the exercise of practical wisdom, in a discursive

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coherently, puts the defence and preservation of life above moral demands. By contrast, by extreme foregrounding of the ethical demand, negative ethics shows that consistent ethics must put human life in question (our own life and the life we are able to procreate), instead of indefinitely committing to the profusion of more and more (possibly anti-ethical) life.

ethics by consensus, and in an ethics of liberation by revolutionary actions.[7]

An action, norm or agent is *ethical* if it observes NHD and NMD. In the traditional jargon, actions, norms or agents that do not observe them are called "immoral" or "amoral", where "amoral" applies to an action, norm or agent that does not obey NHD and NMD without offending them either. The PROC Thesis is cautious about the ethical justification of procreation; it remains ambiguous to the *amorality* or the *immorality* of the act of procreation. This question will become clearer in what follows.

The very formulation of the PROC Thesis alludes to two forms of procreating: deliberate and accidental. A large percentage of births are the result of chance, carelessness or mistakes. It seems obvious that this kind of procreation, because of its casual and unintentional character, will be difficult to defend as ethically sustainable procreation from an ethical point of view. Against the attitude of justifying many actions committed through accident or carelessness, I adopt here the attitude of ethically burdening this kind of action: *what is made by accident or negligence is at least as ethically imputable as what is purposefully done*. In my present argumentation, I am mainly focused–although not exclusively–on deliberate procreations. I will dedicate more time to specifically so-called "accidental" or non-intended procreations in chapter 12, "A few words on accidental births".

Planning births carefully would seem at first glance to possess the traits of an *ethically sustainable procreation*, sensitive to the well-being and consideration of the one being born, as well as to the well-being of the

[7] It might be helpful here to return to part 1, chapter 1 on the MEA and read again for a complete preliminary set of assumptions for the further discussion on procreation. If the reader thinks this characterization of ethics is dubious or controversial, I will answer that it is the one that is commonly found in the literature. If it is problematic in the present work, it should also be in all the other places where it appears. In their classic, *Principles of Biomedical Ethics* (2-5), Beauchamp and Childress speak about a "common morality" that encompasses further substantive items such as not killing, not provoking pain, making sure bad things or damage do not occur, keeping promises, not punishing the innocent, and so forth. As was mentioned before, Adela Cortina talks about a "minimal ethics": "The objectivity of a moral decision does not consist of the objectivist decision on the part of a group of experts […] but in the intersubjective decision of everyone who finds themselves affected by it. *(Ética Mínima*, 56; my translation from Spanish). Following Vlastos and Ulpiano, Tugendhat affirms: "[…] he or she is just who acts in such a way as to take the rights of everyone who has interests into consideration […]" (*Diálogo em Leticia*, 62-64). Authors like Apel and Habermas follow this same trend.

genitors. Nevertheless, we will see that not only does deliberate procreation not escape serious moral questioning but the extreme planning of a birth in all details accentuates–even more than in accidental procreation–the damaging and manipulative character of the procreative act.

CHAPTER ELEVEN

DEVELOPMENT OF THE PROC THESIS

The PROC Thesis, which sustains the ethically problematic character of procreation, is developed in two sub-theses, which later on will be joined to support the overarching main thesis. The first one of these sub-theses is the following:

PROC-1 Thesis: The act of procreation is manipulative

"Procreation is a structurally unilateral act in which one of the parties involved is brought to life by force through the action of others who decide that birth as a function of their own interests and benefits, or as a consequence of negligence".[1]

Explanation

One can see that manipulation in procreation primarily lies in the unilateral character of the act, because of the fact that procreating is *per se* inevitably asymmetric, whether it is a product of premeditation or negligence, depending on the progenitors' interest or disinterest. The PROC-1 sub-thesis appears to be formulated in this strong sense, and does not merely refer to obviously manipulative procreations, wherein the unborn is explicitly used for something: to produce heirs for one's assets, resolve family crises, increase one's responsibilities, prove virility, give happiness to a loved one, or simply to have the child "do what I couldn't do". These are all attitudes wherein the unborn is openly taken as a means

[1] I do not make use here of the expression "without the consent of the newborn", that I (and many other authors) employed in previous writings, because–following Wittgenstein's methodological remark–this suggests that this consent could be acquired in some way. It seems senseless to speak of the absence of something that cannot be present at all. Progenitors can be accused of having procreated when it is perfectly possible not to procreate, but they cannot be accused of having procreated without consulting the newborn because this consultation is perfectly impossible.

or an instrument for the purposes or interests of the genitors and/or related individuals. This sub-thesis is not limited to these clear cases; it also applies to those in which these evident manipulative elements are not ostensibly present. The child always and inevitably emerges within the scope of a foreign project. As such, the act of procreation is exercised *against* NMD so that it is not merely amoral, but positively *immoral* or anti-ethical.

Objections

Objection O.3

"*One cannot speak of manipulation in the case of procreation because there is simply no one to be manipulated; in order to make sense, manipulation, in terms of treating someone as a means, presupposes that this someone already exists and can be manipulated or treated as a means*".

Answers

Answer number 6

There are some linguistic problems in properly expressing what exactly is manipulative in the conduct and attitudes of progenitors with respect to the unborn. For it would seem that we are supposing that the unborn "is" in some actual place awaiting its genitor's decision to "bring him" from this mythical place into the real world and that they are therefore manipulating what we could call a "possible being". This language difficulty appears in expressions like "giving birth to *someone*" or "bringing *someone* into the world" because it seems that the being already exists somewhere and is waiting to be brought. It would only make sense to talk about the manipulation of a potential being if this were the case. So the objection goes.

But suppose that a man and a woman are in a full-blown conjugal crisis and decide conjointly to have a child to resolve it. We can say, making complete sense, that they are assuming a manipulative attitude with respect to the child they are thinking of having–in spite of the fact that there is not anyone to be manipulated at present, because they are reserving a place for him (not in the sense of someone determined, but of *anyone* born within the bounds of this project) chosen unilaterally within their own life planning. The object of this manipulating attitude is the very

idea of a being (not determined). I see no problem in the understanding of this phrasing.

In order to reinforce this, we can imagine that when the child is finally born, he grows up and learns that when his parents were thinking about having a child (not *him*, *any* child), they planned that this child (who happened to be him) would serve to save their conjugal crisis, he might very well feel retrospectively that he was manipulated (just as R.M. Hare declared, for example, that I, as I actually am today, can say that I am grateful to my mother for not having aborted me, I can say that actually I, just as I am today, may resent my parents for bringing me into the world in order to resolve their conjugal crisis).

We do not, therefore, need to talk of manipulating a "possible being" but merely of "having a manipulative attitude concerning the possibility of a being (anyone)". The idea is perfectly plausible: we can be planning, with a manipulative attitude, to have children without there actually being anyone to be manipulated. Someone who remains still undetermined will eventually be manipulated when he comes to occupy the space that has been determined in a manipulative way, an attitude that could be recapitulated later on by the one so affected.[2]

Answer number 7 (still to Objection O.3)

On the contrary, the act of procreation can be seen as the peak, the apex, the very core of manipulation, since what is being manipulated is the very *being* of someone and not any particular human feature. There is nothing present that is manipulated because it is the very possibility of being that is manufactured. In this sense, it could be said that the manipulation in procreation is the strongest and most indefensible of them all, because this generated being (not someone determined, but anyone) has no possibility of escaping from the situation of manipulation. He is being used as a means *in his own being* and not in relation to determined

[2] I want to make a more general remark here. Objection 0.3 brings out a tension, quite common in philosophy, between language and experience. Sometimes, as in this case, it is difficult to find a better way to express strongly intuitive ideas. Many philosophers think that language has the final say in the decision: what cannot be expressed in language does not exist or is a flaw. Other philosophers tend to give experience the last word: if a profound human experience cannot be expressed, the fault could be with the limitations of language. I think that language and experiences should both be taken into account and be maintained in tension. We cannot discard experiences merely because we do not succeed in formulating them clearly, but we cannot discard arguments in favour of "unfathomable experiences" either.

states where the affected could still defend himself or be defended by others.

At this point, the opponent could attempt to contest the premise that "When the manipulated cannot defend, the manipulation is stronger and more unjustifiable". Of course, he can do this, as every argument admits counter-arguments. However, let's suppose for now that the opponent has accepted that there is manipulation in procreation or that he postpones that decision until later. Suppose the opponent goes on to question the premise: "If there is manipulation, there is ethical transgression".

Objection O.4

"*We are not doing something ethically reproachable or reprehensible every time we manipulate someone. For example, forcing a small child to take a painful vaccine, or saving against their will someone who is going through a temporary or permanent mental disturbance, can be ethically justifiable. Analogously, procreation can be ethically justifiable despite being manipulative*".

Answers

Answer number 8

Accepting the evident truth that sometimes we perform ethical actions that benefit others without their consent, and leaving aside the risks of paternalism in this kind of behaviour, it is still to be proved that procreation is precisely one of the actions in which manipulation is ethically justified. Given that procreation is clearly one-sided and done for the sake of others' interests, whether it is a product of negligence or detailed planning; and given that we do not know how the unborn will confront the life that is being imposed on him (we do not even know whether he will manage to bear the frictions of life without seriously harming others or himself), the question of the ethical morality of the procreative act remains open.

To counter this reply, an opponent could generate two new very crucial arguments:

Objection O.5

"*If there is manipulation in procreation, this is something totally unavoidable, for nature stimulates us to reproduce just as much as society,*

so it doesn't make any sense to question its legitimacy. It is even absurd to speak about manipulation in this case because there is not any possibility of consulting the unborn" (The natural-social argument).

Objection O.6

"*If there is manipulation, it is fully justified because life is a very valuable gift that the unborn will certainly be happy to receive, and for which he will accept having been manipulated and treated as a means*" (The value of life argument).

Sometimes O.6 has been reinforced by what can be called the "love argument" which could be seen, as a part of a wider line of argumentation, as the "feelings argument" that can be formulated in the following terms:

Objection O.7

"*Procreation is justified by the fact that the 'gift of life' is being granted through an 'act of love'. A large part of the considerations set forth in PROC-1 is strongly anti-intuitive and even absurd because the moral demand appealed to excludes all affection and every emotional element; it is a rational demand ignoring fundamental dimensions of humanity. The procreation problem cannot be tackled by casting affections aside*" (The feelings argument).

Answers (Against O.5)

Answer number 9

It is not possible to consult the unborn, but it is perfectly possible *not* to procreate, *if* we are convinced of the relevance of taking seriously the ethical demands. Within the tradition from which MEA was extracted, we should distinguish *ethical* demands from *natural* or *social* ones, which could follow non-ethical moralities. No action can be deemed as *ethically* legitimate only by the fact of responding to natural impulses or established social conventions. We also have natural tendencies towards violence, an incessant readiness to defend our selfish interests and a need to obtain immediate pleasures; however, ethics commands us *to resist* these natural impulses. Trying to justify procreation by saying that it responds to a strong natural impulse does not constitute, *per se*, an *ethical* argument in favour of procreation (in some ethical theories, this would even be seen to signal non-morality).

Secondly, we can live in a society in which unjust laws (racist, misogynist, and so on) are admitted, when ethics commands us to maintain a critical attitude concerning these values and even not to accept them when they defy the ethical obligations. To say that procreation responds to an established social habit does not itself constitute an *ethical* argument in favour of procreation.

Answer number 10

It is perfectly possible to live without procreating, and especially, no part of the MEA is transgressed by someone's abstention from having children (or, at least, not any more than any other action within the web of actions). In spite of the fact that evolution directs us towards reproduction and socially established practices reinforce this tendency, we can always, within the scope of a genuine ethical life (with a second-degree freedom) maintain an attitude of disinterest in reproduction.

Any argument that attempts to justify manipulation in procreation by alleging that in order to reproduce, manipulation is naturally or socially inescapable, should answer the fact that procreation does not constitute any authoritative natural or social obligation that should not pass through the inspection of individual choice (which will decide whether to follow these factual inclinations or not). In fact, the widely accepted affirmative morality omits to mention that many human beings in the world choose to lead their lives without children (people who at present congregate in increasingly larger clubs and associations throughout the world), but no one has yet been able to come up with a sound argument to judge these people as doing something *ethically* wrong. Sometimes they are considered "selfish" for refusing to share the so-called "goodness" of human life with children. In answering this charge, it is good to re-read the PROC-1 Thesis, which suggests, to the contrary, the strong egotism of the procreative act; and read attentively the answers to the counter-argument O.6 to follow later. But before that, I want to pay special attention to the "feelings argument".

Answers (against O.7)

Answer number 11

Feelings are in no way excluded from the present line of argumentation about the morality of procreating. On the contrary, they are crucial. The ethical questioning of procreation is not the crude and fleshless outcome of

cold rational arguments, but a diagnosis obtained from vivid descriptions of human life wherein feelings are essential. I already expressed this in a footnote in the first part of this book, where I remarked that I agree with the idea of philosophical argumentation consisting both of a logical and a "pathic" element, which led me to coin the term "logopathic". According to this conception, a philosophical idea also needs to be felt, not merely understood. Specifically in the case of procreation, there is a powerful element of pity and compassion concerning the weakness, fragility and helplessness of the unborn, a strong feeling of concern and worry for people who are generated without moral protection, in a careless and irresponsible way or for the mere pleasure of others. Feelings and sentiments are therefore extremely important in the evaluation of procreation.

In any case, by admitting the necessary and indispensable character of feelings in the understanding of the main points of the present work–moral impediment, ethical questioning of procreation, negative arguments against abortion, and so on–it does not follow that feelings will introduce some essential modification in the ethical demands of considering and not manipulating (NHD and NMD), nor that feelings will provide any element to attenuate this double ethical demand. Accepting feelings and emotions in an ethical argument does not imply any need to *replace* argumentations with feelings; rather feelings are used to support and strengthen arguments. This means that when we do not have solid arguments, feelings cannot replace them or fill the void; but when we do have solid arguments, feelings can lend them more force and substance.

Explanation

In fact, modifications in the formulation of the ethical demand have already been attempted by introducing sentimental elements such as sympathy (Adam Smith, David Hume, Hutcheson) in ethical considerations. My initial point concerning these attempts is whether the introduction of feelings can make us change our view of the ethical demands or not, whether feelings can modify in some relevant sense our obligation to not harm or manipulate others. Is, by chance, an "ethics of feelings" preaching that we can freely manipulate and harm people if our feelings move us to do so? Reading attentively any one of the aforementioned thinkers, we can see that this is not the case. Feelings are brought in as an effective means of detecting what is beneficial, fair or generous, an emotional participation with what we see as being ethically

correct; but not at all with a purpose of transforming the wrong into a right or vice versa through the pure influence of feelings.

Thus, it seems that the "ethics of feelings" preserves the ethical demands of not harming, respecting the autonomy and not perpetrating injustices on those who observe the demands. It's good to recall–particularly in the context of the procreation question, a subject so vulnerable to feelings–something that had already been said in the first part of this book, that sympathy and other feelings cannot be part of the characterization of the ethical demand as such, for feelings are not ethical *per se*. Sympathy is not naturally respectful or beneficial since humans can be sympathetic to monstrous things and unsympathetic to excellent things; thus, a notion of ethics prior to sympathy should be accepted and presupposed. From an ethical point of view, something should *deserve sympathy*, and this deserving asks for something more than mere sympathy. We have to count on a resource that precedes sympathy, something that can distinguish between good and bad sympathies. A *sympathetic* attitude towards procreation, however prevailing or imposing, is not yet an *ethical* attitude without additional arguments.

In the "ethics of feelings", there seems to be a confusion between *motivation* and *justification*. Perhaps humans need to feel sympathy in order to make an ethical precept become concrete and applicable; sympathy moves them in the direction of morality as a support for the action. However, this is not the same as *justifying* an action as ethical on the basis of emotional elements we experience. We need some prior ethical criteria to be able to direct sympathy towards the objects deserving of it. It seems that an "ethics of sympathy" will always be parasitic on some other ethics; it cannot subsist on its own.

Objection O.7 seems to follow the intuition that procreation could be ethically justified in an "ethics of feelings" because giving birth to someone would be guided, for example, by a feeling of *love*. But from what we have just seen, a feeling–however touching–does not by itself carry any positive value. Humans are capable of loving people, objects and actions of very dubious ethical value, even embracing atrocities, loving what does not deserve to be loved (like a genocidal political cause) or carrying out actions in the name of love that cannot be ethically justified. It still needs to be shown that the loved object or the action performed for love observe the demands of consideration, non-harming, non-manipulation, and so forth. Love *per se* does not guarantee ethical morality.

On a first approach to the matter, it would seem that, at the very least, love and ethics should be carefully kept apart. Accepting that one

procreates for love (something that could be questioned in the face of the manipulative elements previously pointed out, and given the fortuitous and careless character of a large number of births), love is a natural feeling like hate or contempt; so, claiming that one procreates for love does not provide in principle any *ethical* justification for the act of procreation. We can love and manipulate, love and disrespect, love and mistreat. Love is an impulse, and like any other impulse, it can construct or destroy. Even Hitler–as his biographers report–loved his mother profoundly and mourned her bitterly when she died. Ethics is rather more necessary when dealing with people we *do not* love but whom we should still treat with consideration and not manipulate. Thus, love cannot ethically justify anything at all. Justifying procreation by love is the same as justifying homicide by hate or suicide by self-hatred.

If, on the other hand, the "ethics of feelings" holds that something is ethically justified by being the object of sentimental approval by the majority of people, or by the communities to which we belong, I vehemently disagree. Such an attitude would mean the impotence of philosophy as a critical activity in the sense exposed in Answer number 2 above. Births, in our societies, arouse happiness, euphoria and sympathy for those involved, and we ourselves–in unreflective daily situations–can share sentimentally in these manifestations almost by contagion. However, placed in a reflective attitude, we still have to see if all this euphoria and sympathy is not caused, precisely, by the great pleasure and heightened joy that inconsideration, manipulation and absolute dominion over others usually provoke in their perpetrators (in this case, over a small and defenceless being).

It is then very important to see that we enter this reflection not merely guided by pure and cold reason, but also by feelings of compassion, concern and fear for the newborn in the midst of the celebratory exaltation of adults. We may also experience feelings of compassion and displeasure as regards the exhibition to which a small baby is frequently submitted in public places. We may feel indignant, ashamed or saddened when witnessing coercive behaviours towards small children. All of these are also *feelings* to be taken into account by an ethics that purports to include feelings among moral considerations concerning procreation. Being moved by pity or by unease as regards public baby handling *is* also a feeling, although not a socially approved one. But as philosophers, we cannot simply base our thinking on socially accepted feelings–like the unconditional approval of procreation or the cult of maternity–but must always be able to question whether or not these feelings deserve ethical

approval. Therefore, feelings *are* important; the reflection around the PROC Thesis is not, as some think, a matter of purely cerebral arguments.

In summary: the presence of feelings in situations where an ethical question is at stake does not change the ethical demands of consideration, of not harming, not manipulating, and so forth; thus, natural or socially acceptable feelings should still pass the inspection of the ethical demand in order to see whether the objects of these feelings do deserve them. Ethically problematic actions can provoke strong feelings of sympathy or jubilation. What the PROC arguments attempt to show is that procreation can be seen as one of these actions.

From Schopenhauer to Negative Ethics

With O.6 we arrive at the crucial point of the procreation argument, the question of the "value of human life". This is precisely the point at which the opponent believes to be able to totally justify the unilateral manipulation that seems difficult to deny. It is claimed that manipulation would be ethically justified by the fact that life (whether given "by love" or by accident) is a very precious gift, the most valuable one in the world, so valuable that if the unborn could be consulted, it would certainly choose it (this is a typical affirmative argument in bioethics against abortion: if the unborn could ask his mother not to abort, he would certainly do so). Given that human life is a very valuable or a very precious gift–the objection goes–manipulation would be justified in this case only, with the NMD to be observed from birth onwards; the act of procreation is exempted from this ethical demand, and this "transgression" would be largely compensated for by the enormous benefit conferred on the unborn.

However, if the claim of the "value of human life" is to go beyond a diffuse feeling or a conviction due to some religious belief, if it deserves to be supported on a solid *philosophical* basis, then the "value of human life" should still be proved by arguments in some way. Here, the results of Schopenhauer's analysis in Book IV of *The World as Will and Representation* (as well as in the work's Supplements written years later) appear to be relevant. We do not need to involve ourselves in the metaphysics of the "Will to live" but merely take advantage of Schopenhauer's rich phenomenologies of suffering. Thus, what Schopenhauer shows is that human life cannot be seen as a precious or valuable gift, but as something extremely problematic.[3]

[3] Long before Schopenhauer, the great classic of negative ethics was Seneca; Schopenhauer being his most important modern representative. In any case, what is interesting about Schopenhauer here is his negative critique of traditional ethics

Through the years, I produced my own arguments–independently from my readings of Schopenhauer–in an attempt to expound and clarify the arguments about what appears as a very dubious notion of the "value of human life". These arguments are mainly presented in texts of mine published from 1989 onwards. If at least Schopenhauer's arguments and mine against the claims for an intrinsic or basic "value of human life" are sound and tenable, *the opponent (if he has already accepted the PROC-1 sub-thesis) will no longer be able to justify the manipulation of the unborn by virtue of life being allegedly a very valuable gift*, with which the manipulation argument becomes stronger, as we will see next.

Life Is Not Beautiful[4]

Answers (Against O.6)

Here we must advance the second sub-thesis that was announced at the beginning of this chapter:

PROC-2 Thesis: The act of procreation is harmful

This sub-thesis, unlike the PROC-1, consists of several parts:

1) Any human life, independent of its specific contents, in its very *being*, is structurally a terminal emergence afflicted by the threefold friction of pain, discouragement and moral impediment. As human beings, we are equipped with strong mechanisms for positive value creation which we must use from day one to defend ourselves in an attempt to survive. Humans are cast into life and removed from it in painful and disturbing ways, to a greater or lesser degree. The terminality of being is daily and regular. Facing it, human beings are compelled to constantly create positive values in order to endure their structural decaying being (*The structural argument*).

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rather than his own proposal of a "morality of compassion" with Buddhist overtones, which for the most part seems susceptible to his criticisms of ethical theories in general.

[4] Throughout this and the following chapters, I will inevitably repeat some ideas about the value of life that I have already set forth in the first part of the book; this appears to be necessary for the present exposition.

Explanation

The frictions of sensible and moral suffering are regularly present as the triad of physical pain, psychological discouragement and moral tribulations: the suffering provoked by uncomfortable to excruciating pain (from daily headaches to amputations for diabetes), by the lack of strength to keep on living (from mere tedium to serious depressions); and finally by the suffering provoked by aggressions and injustices (exercised and suffered) in relation to others (from mere gossip to serious discrimination and persecution).

Certainly, the lack of value carried ontologically by our terminal emergence in terms of pain/discouragement/moral impediment affects each human being relative to their particular type of organism, sensibility, nervous system, sexuality and natural and social conditions. There cannot be any action or object "valueless in itself". However, this relative lack of value is sufficient to sustain the present line of argument concerning procreation (we do not need an *absolute* lack of value, whatever it means).

2) Given the situation of radical affliction, human life becomes inescapably reactive or "rejective". Humans are driven, by suffering, to invent positive values of all kinds (moral, aesthetic, religious, scientific, erotic, artistic, sportive) in order to put aside suffering and to open new spaces for self-realization and pleasure, thereby delaying the consummation of their terminality. No moments of happiness and plenitude are bestowed but must be wrested and snatched with great effort from the terminal structure of life, in hard opposition to it. Humans are constantly attempting to escape pain and discouragement, and in their evasion, they disregard others' projects of survival (as the consideration of some implies the non- consideration of others in a very complex web of actions). (We can call this the *argument of damaging flight*).

Explanation

Every pleasure, satisfaction or achievement–whose effective existence *in* the world is never denied or doubted here–can only be *reactive*, or rather, performed in the mode of flight, in an oppositional way. Pleasures exist, but they are not of the same order as sufferings which (in the triad of pain-discouragement-moral impediment) belong structurally to the terminal emergence of being, while pleasures simply have a reactive character. Pleasure comes at a cost, both in terms of eroding one's own organism and of provoking displeasure and discomfort in others. Every

pleasure, satisfaction or profit is mediated by diminution and wear. Beings like humans can become accustomed, accommodated or resigned to the terminality of their beings, but they cannot live out their own terminality in the mode of pleasure or happiness.

3) A great number of human beings all over the world do not succeed in keeping up with this uphill and constant struggle against the decaying structure of being and opt for destructive solutions, for themselves or others: suicides (whose rates increase year after year), mental illnesses of a greater or lesser importance (from the great number of humans that cannot bear life without medication to the more serious psychoses), or aggression *en masse* (from isolated shooters and serial killers to genocidal programmes). Thus, when someone claims that we are giving the "gift" of life at birth, it should be kept in mind that an enormous mass of the world population "returns the product" as unwanted, rejects this "gift" as something not endurable (through suicide, madness, neuroses, compulsive medication and so on). I call this the *desistence argument*.

This line of argumentation is intended to show that human life–against all usual compensating intuitions–*is not good*; but not that human life is *unbearable* (that is if we are lucky enough; most of the world's population currently live in material poverty and discrimination). That life is *bearable*, even in dramatic circumstances, is something that can be accepted (although through serious illness or great social injustice, life can become *unbearable*). However, it does not seem to make much sense to produce a being just for it to be enduring, reacting to, fleeing structural suffering in the hard effort to create positive values.

It can also be accepted that humans are capable, by their own merit and effort, of making life not just bearable but also rather pleasant (although not for everyone, since pleasure, due to moral impediment, always has a price). Nevertheless, it seems problematic to procreate someone so that he may try to make his life pleasant, against the resistance of the structural situation given at birth. It seems more reasonable to think that it would be better not to put the newborn in the situation where he will have to labour arduously with very uncertain results. No justifications *we* have (people already born) for continuing living (at least within the ethical demands as we saw in part I, chapter 8) make sense to anyone who hasn't been born yet.

Evaluation of the present stage of the argumentation

The PROC Thesis is obtained by joining the PROC-1 and the PROC-2 sub-theses in the following way:

1) The unborn is submitted to unilateral manipulation;
2) to the benefit of the interests of others (genitors and related people);
3) who have the possibility of not procreating.

(These three items indicate a transgression against NMD of the MEA, showing that the unborn *is manipulated*, or used as a means).

4) The unborn will be provided with something of very problematic value (sufferings in the way of pain, discouragement and moral impediment);
5) with no guarantee of whether the interested party could at all endure the "gift of life".

(These two items indicate transgression against NHD of the MEA, showing that the unborn *is harmed*).

It is usually argued that life is a kind of destiny, that it is imposed, and that the problem of "being born or not being born" comes too late because when it comes we are already here and have to live. *But not being–or not having been born–is perfectly possible for our potential offspring. Their* lives are not predestined precisely because they are an option *for us, their potential genitors*. If this option is guided by the ethical demands, reinforced by a powerful feeling of pity and concern for the fragility of the helpless being that will be created in such problematic circumstances, the conclusion is that abstention from procreating seems to be well grounded by ethical categories–in the sense of the MEA (I will return to this important subject later).

Objections to the "Life is not beautiful" Argument (against the PROC-2 sub-thesis and thus against PROC)

The first three objections are very well-known counter-arguments to the question of the "value of human life". They are the following:

Objection O.8

"*Schopenhauer and the rest of the pessimists present a partial and distorted vision of human life. There are sufferings in it, but there is also a great deal of happiness and pleasure. For one who lives wisely and with moderate expectations, life, despite everything, can be very good, with very intense and meaningful moments of happiness and fulfilment, despite the suffering*" (*The see-saw argument*).

Explanation

Philosophers, particularly of the analytic trend, some of them also utilitarian, from the classics like Stuart Mill to the contemporaries such as R.M. Hare and Peter Singer, have emphasized the features of a "good life" based on things that can make us "intensely happy": using our senses, developing our intellectual skills, experiencing the pleasure of sexuality and moral contentment in relationships with other humans, performing physical activities (like sports) and intellectual ones (reading, writing, painting, making films or enjoying the intellectual works of others), as well as activities combining different kind of pleasures (like travelling). A life that offers us so much can be called a "good life" in an austere sense, guided by wisdom and without excessive expectations; to accentuate the dimensions of suffering results in a partial and tendentious view of human life produced by a morbid attitude, insensible to the many gifts of life.

Answer number 12

First, the objection seems unable to prove that human life is *positively good*; it seems to prove only that "it is not as bad as it is sometimes described". For proving the first–that life is positively good–it should be possible to prove that a human life can have some guarantee of being exempt from significant amounts of sensible and moral suffering, or that this suffering is negligible. All of the arguments in favour of the value of human life are forced to be arguments of the "in spite of" kind ("In spite of pain", "In spite of suffering"). It means that the very objection already admits that all the humanly possible happiness could only be built on the "in spite of" kind of argument, *within affliction and in a fight against it*, a point accentuated by the "argument of the damaging flight" (happiness, and all positive values, are always oppositional or reactive, as was extensively explained in the first part of this book). The counter-argument proves only that life can be (although without guarantees) *tolerated* and

endured, a statement which was never in doubt, and which is very much weaker than "life is good".

Answer number 13

The meaning of objection O.8 moves in the direction of accentuating a supposed *symmetry* between pleasures and sufferings according to which pleasure is obtained in opposition to suffering but suffering could be endured in opposition to pleasure. As is often said, "*In life there is everything, there are good things and bad things; some days it rains, on others the sun shines*". But, as was seen before, the symmetry between pleasure and suffering only exists in the intra-world field of "estantes", not in the domain of being. In the domain of "estantes", we are, in fact, sometimes sick and at other times healthy; sometimes we are happy and other times we are sad; sometimes prosperous and other times impoverished, and so on. This fluctuation is typical of our intra-world lives. However, in the domain of our terminal emergence affected by friction, there are no ups and downs. This domain is plainly monotonic. It simply does not happen that some days we are older and other days younger, some days we belong to a health-risk group and other days this diagnosis is rescinded, and so on. *There are no fluctuations or seesaws in the domain of being, which monotonously consummates its initial terminality, independently of the intra-world ups and downs.* By showing that terminality cannot be lived in the mode of happiness, but at best in a state of being resigned to it, we prove that suffering, being ontological, is not symmetrical to pleasure, which occurs entirely and exclusively in the intra-world. (There cannot be, for beings like humans, any pleasure in terminating, even if they can resign themselves or get used to it).

Explanation

In opposition to this, many people claim that the mere being, the mere fact of having a life, is already a pleasure in itself (the pleasure of feeling oneself living, or of being alive). We can see this as a real and a very profound life sentiment, a full-bodied experience, an irresistible psychological state, but not an argument. It is pure sentiment, and sentiments, as we have seen, cannot replace arguments, only reinforce them. Besides, this is one peculiar sentiment that can only be felt if we totally disconnect life from decaying and corruption, closing our eyes to the whole human situation as we usually do. We cannot conceive of a terminally ill patient in a hospital or a political prisoner under torture

declaring that the mere fact of living is a pleasure in itself. If someone declares that the mere act of breathing is pleasant, some line of argument can show that even simple breathing could kill, that there are conditions for breathing well and there are respiratory illnesses (even if humans proved many times to be capable of heroic attitudes in confronting all these handicaps courageously).[5]

In my more informal and literary books on the issue of procreation, I used to present some *images* at this point of the exposition. They are distasteful, but their unpleasantness constitutes part of their heuristic power. These images can vividly clarify the sense of the fundamental asymmetry between suffering and pleasure and fulfil the argumentative function of illustrating and emotionally reinforcing the structural argument and PROC. They can also stimulate the moral sensibility of potential procreators. (Of course, these images alone are not enough for making the case).

a) *The Fall*. Human life can be seen as a kind of free fall that cannot be stopped. We see the ground getting closer and closer, in the absolute certainty that we are going to smash into it at any moment. Meanwhile, during the fall, we feel the pleasure of the wind on our face, the almost omnipotent sensation of flying; we enjoy a privileged vision of the world, and we manage to have interesting and intense relationships with other humans who are also falling. All pleasure and happiness experienced during and within the fall do not represent ups and downs of the fall (the fall is strictly downward and never upward); our pleasures do not

[5] The American actor/singer Bobby Darin was born poor and with a very severe heart disease; the doctors gave him 15 years at best. Bobby managed to live 37 years during which he transformed himself into one of the most important singers of his generation and the world, selling thousands of copies of his songs, becoming an idol, winning various important awards and nominations for others. This is absolutely astonishing, just like the case of Stephen Hawking, confined to a wheelchair, speaking through a machine and writing important books and winning honours. These experiences in which humans surpass their limits are very touching. The problem here is whether these are valid motives for generating a new human being in the expectation that, if he turns out to be severely handicapped, he will have enough forces to overcome the difficulties. What is relevant here is that, upon procreating, we can create someone who is seriously handicapped and who lacks these heroic forces of resistance. We can never be sure whether our son or daughter will confront difficulties or be destroyed by them, as happens with a great mass of anonymous human beings whose sufferings do not share Bobby Darin's and Stephen Hawking's fame in publicity and marketing.

influence the fall, in the sense of stopping it, but merely distract us from the final crash.

b) *The Cell*: All pleasure is obtained through "estantes" and not from the being itself; this is clearly shown in the experiment of solitary confinement, widely practised in all the prisons in the world, where a prisoner is left completely alone in a cell without anything to do (without company, reading, music or any form of distraction, just by himself). It can be said that the prisoner is left alone with his pure being. If the being were something "good", being left alone with it could not be the worst of tortures. When left alone with the terminal being, pain and discouragement become overwhelming; and if some other human were introduced into the cell, moral impediment will also immediately resurge (humans placed in this situation behave like wild animals with one another). The prisoners will only have their own body for company, the only "estante" left between them and the pure being, but it will not be enough. Humans have a powerful need for "estantes" in order to be entertained or distracted from the inevitable advance of their terminality.

c) *The first Cry*: While we have to learn to laugh, we do not need to learn to cry. A child's first smile and laughter are late and forced, products of the learning process for survival, strongly induced by the adult's behaviour and conditioning. By contrast, we are born desperately crying without anyone teaching us to cry. It seems that our primary and original contact with our bare being happens to be crying, whether from helplessness, apprehension, insecurity or fear. Babies progressively learn to exist within their social and family milieu by acquiring defence "estantes" (such as pacifiers, toys and blankets) against world aggressions, and then much later they *will learn to smile*. It seems that laughter, happiness, pleasure and relief are all hard work, while crying is directly provoked by merely being born.

Thus, Schopenhauer and the pessimists do not present "a partial and distorted vision" of human life *but an asymmetric situation that can be perfectly identified and explained.* The "partiality" does not come from the negative approach, but from the world itself.

There is still a further argument to reinforce the reply to O.8:

Answer number 14

The intra-world joys and happiness that are adduced as proof that life has a value can occur at a high sensible and moral cost. Precisely because it gives us pleasure, we tend to overuse our senses, our brain or our body so that this particular search for more pleasure can, later on, become a source of suffering: the intense use of the eyes can lead to myopia; the intense use of the brain to neurological sickness; there are specific illnesses that afflict athletes and sedentary people. *All pleasure is potentially a source of suffering*, and it is quite likely that people will suffer more from what was once intensely enjoyed in life, not speaking of the pleasures obtained at the expense of the suffering of others (*The high price argument*).

Objection O.9

"*Why do people then generally have a strong impression that human life is a gift, that being born is a blessing, that dying is terrible because it takes from us what is most precious… and that the worst thing a person can do is to take another's life? If your philosophical arguments were right we should lament births, celebrate funerals and reward killers*" (*The intuition of the "good life" argument*).

Answer number 15

When it is not a mere question of animal impulse, of grabbing onto something to keep from drowning (something totally disconnected from any presumed "value" of life), the superficial and unreflective impression that human life is a gift proceeds from the great effort invested by humans in the construction of a bearable and liveable life, even under the worst of conditions (misery, persecution, illness). Human beings, especially from the disadvantaged and more exploited classes, have the incredible capacity to compensate for their bad conditions of life, to surpass their limitations, to endure the worst suffering with composure and even happiness, and still to be grateful for the little they have managed to obtain.

This ability to compensate is quite heroic; it is related to merit and not everyone succeeds in attaining the same results. *Suffering is internalized and lived in the flow of life, as something natural which is not worthwhile dwelling on*. Humour, insensitivity to suffering and sporting spirit (to bravely confront difficulties as if they were challenges in a game) are

crucial components of this fluid and natural way of living sensible and moral suffering, both manifested and concealed at the same time.

Explanations

The concealment of the terminality of being is a customary human phenomenon, and it should be properly elucidated in an adequate analysis of daily life. People cornered by problems, worries and sufferings of all sorts (from perpetual health problems, persistent economic needs, difficulties in human relationships, injustices, misunderstandings, displeasures, aggressions and shortages, suffered in one way or another by all social classes, but in particular by the poorest) prefer to mask their pains in the presence of others, for simple shame or to avoid the gloating of enemies or the sadness and pity of friends. In the daily exchange of greetings and short communications, the terminality of being is regularly hidden underneath comforting and distracting "estantes". The terminality remains completely smothered and invisible and only philosophical reflection can succeed in excavating and extracting it from the depths. (Philosophy interrupts the flow of life through the articulation of reasons and the exposition of arguments. Philosophers are the archaeologists of life and therefore very unpopular figures, for unearthing what everyone would rather keep buried).

In fact, humans know perfectly well that their lives are not good. They live constantly amidst their pains and setbacks but they think that surrendering to life's miseries or becoming pessimists can make things even worse than they already are. A humorous, brave and light-hearted attitude can help to carry the heavy burden of life forward. This encourages an ongoing insensitive moral attitude concerning others ("Better not to worry more than necessary"). The popular idea that "in spite of it all", life is something good, when not rooted in religious persuasions, remains grounded on a diffuse expectation that things will be better one day, thereby admitting that life is never "good" enough, except for rare moments, when all of the mechanisms of concealment are functioning successfully. Most of the time people go on living automatically, guided much more by crude routine than by any conviction about the positive "value" of life.

The following counter-argument seems to me to be particularly compelling. It attempts to prove that even if all previous arguments were accepted, a "value of human life" could still be defended (and therefore an ethical morality of procreation could still be maintained).

Objection O.10

"*I accept that there is manipulation in procreation and that life is not a gift, as was convincingly argued (our being is terminal and full of frictions, our body is frighteningly fragile, we are forced to defend ourselves all the time, exposed to the risk of suicide and madness). This view is not distorted or tendentious but the purest truth, and if we do not see it that way, it is due to the strong and persistent work of concealment. However, the PROC Thesis still does not follow from all these premises; from the fact that procreation is manipulative and gives newborns a valueless life, it does not follow that procreation still cannot have an ethical justification. The kind of procreation that gambles on the possibility of the newborn managing to lead a good life, in the balance between the terminal structure of being and the positive values constructed in the intra-world, could still be defended as an ethical act. To justify the morality of procreation, it is not necessary for what is given to be valuable in itself; it is enough to provide the conditions for turning something valueless into something valuable"* (*The gamble argument*).

Explanation

I assume that O.10 is the argument of a "sensitive procreator", a human being who does not procreate by mistake or carelessness, but deliberately, and who, moreover, has enough moral sensibility to think carefully about the act of procreation along the following lines: *"Since the idea of having a child gives me pleasure and will bring me, my spouse, my family and others, much joy and satisfaction (despite also some difficulties such as the expenditure of time and money and loss of freedom); knowing that my potential child will unilaterally be brought into a difficult situation full of problems; and since I am neither naturally nor socially forced to do this, as strong as the instincts and social pressures may be; and knowing that I do not have any guarantees that my child will have the physical and psychological structure to support the rigours of life; can I generate a human life in an ethically responsible way?"*

In general, human beings do not feel that they are doing something immoral by having children, because they think that (and this is precisely the basic intuition that O.10 exploits) in spite of pain and struggle, it could be pleasant for the child to face this basically discomforting situation and make efforts to try to construct things that can be seen as valuable. The gamble is as follows: *the quantity and quality of values created in the intra-world are going to allow the newborn to enjoy life*. Therefore, the

arguer presenting O.10 thinks that the value of a human life can be defended not as something guaranteed but as the open possibility of some delicate balance between the intra-world creation of positive values and the structural lack of value of the terminality of being. So, the value of life is not given but it can be gained at the permanent risk of failure. Having conceded the ontological lack of value, the gamble is on the ever-open possibility of a value constructed in the domain of "estantes", and that life, finally, could be lived in pleasure, enjoyment and profit. This would be enough to guarantee the value of a human life and the ethical morality of procreation.

Answer number 16

Since it is a unilateral and avoidable gamble, in the first instance benefiting genitors, and knowing full well that they would provide the unborn a terminal structural being from which he will have to defend himself from the very beginning, without any guarantee of being able to endure life successfully, *the progenitors seem morally guilty of manipulation and harm independently of the results of the gamble*, no matter how it will turn out for the newborn. If manipulation and the lack of structural value of life are accepted (as the sensitive arguer did from the beginning), whatever the results for the child of his progenitors' gamble, this *does not exempt them from the moral responsibility of having made it,* knowing perfectly well that it could have gone wrong. This shows that the gamble (in favour of the prevailing of the intra-world invention of positive values over the terminal structure of being) cannot be defended on strictly *ethical* bases.

Moral imputation refers to the mere *possibility* of harming and not to its effective accomplishment. In procreating, the progenitors bet (unilaterally) on the possibility that harm will not outweigh the benefits for the procreated being. Therefore, progenitors are morally imputable even if the procreated is successful in attaining some equilibrium between the terminality and the positive created values. (And, of course, the gamble argument, however compelling, cannot avoid the issue of manipulation; the "success" of the newborn is constructed entirely within other people's life projects).

Explanations

In daily life, the gamble argument typically runs as follows: "*We do not have to abstain from procreating, for even if we accept that life is very*

problematic and the act of procreation is manipulative, your child could like life and be thankful for having been born". Well, it is patent that the child already put in the world will be absolutely forced to "like life"! What can he do now other than adapt quickly to his difficult situation? *The newborn will have to cling anxiously to the life that was just imposed* on his shoulders and will immediately have to react to the triple suffering of his decaying being for the rest of his life; from then on it is adaptation or disappearance. *The question of the moral onus of procreation remains with the attitude of the progenitors and not in the further (and rather predictable) reaction of the newborn.*

Of course, the possibility of the newborn not having the strength to endure the life struggle is just a possibility, not a necessity. However, the point is that its mere possibility is enough for moral imputation. There are no strong causal relations between methods of education and raising of children to shape their destinies in life. As they say, a child is "a lottery". The precautions that progenitors take to avoid certain risks for their children could be precisely the ones that expose them to greater danger. The many human lives that end catastrophically seem to illustrate the very high price to be paid in an attempt to ethically justify the "gamble" of procreation, even if made in the most serious way by the sensitive procreator.

However, it is important that even when none of these catastrophes occurs, the success of the newborn in life does not exempt the progenitors from the moral responsibility of having put him at risk of falling victim to one of these calamities. Moreover, even for the child who has "won" the gamble, his "success" will remain forever and indefinitely connected to the unilateral nature of the procreative act. The gamble will have been won, but this will never be the child's *own* bet. The newborn may get lucky and "win the gamble", but he was never in a position to refuse to enter into the competition.

Closing explanations about the very nature of the PROC Thesis: on structural and empirical approaches to procreation.

The preceding argumentation aiming to prove the morally problematic nature of procreation claims to be of a *structural* nature, in the same sense as the structural argument concerning the lack of value of human life advanced in part I of this book. Let us recall that this demonstration showed how human life is bad because structurally it is besieged by discomfort in the threefold modality of pain, discouragement and moral impediment and we already know about this discomfort before birth

occurs. The lack of value of human life is not thereby grounded on the eventual or contingent discomforts of life (like toothache or remorse). The sub-thesis PROC-2 states that procreation violates NHD because this act imposes on the newborn the structural discomfort, even in a life devoid of toothache and remorse. And the manipulation alluded to in the sub-thesis PROC-1 is no less structural because it does not refer to eventual or contingent manipulations (like authoritarian paternalism or deceit). The sub-thesis PROC-1 states that procreation violates NMD because this act treats the newborn as an object, even if he is never subjected to authoritarian paternalism or deceit. The structural nature of the argumentation is then explicitly present in the two sub-theses of PROC.

We must sharply distinguish the structural demonstration of the immorality of procreation from any kind of merely *empirical* analysis based on a calculus of "good things" or "bad things" *in* life, with the primacy of bad things over good ones. Procreation is morally wrong not because people give to their offspring a life where bad things predominate over good ones, but for giving them a life structurally affected by pain, discouragement and moral impediment, independently of the fact of the particular balance that certain people succeed in achieving between good and bad things in their lives. Poor people living on the streets and "winners" like Steven Spielberg share the same terminal structure and are doomed to insecurity, sickness, old age, deterioration, anguish, depression and subjection to cruelty (famous and rich people are not usually persecuted or disturbed by the police, but their privacy is constantly invaded and they are frequently killed by fans).

This insistence on the structural nature of the lack of value of human life and of the immorality of procreation, and the distance intentionally taken by the present demonstration concerning a merely empirical analysis of life, may be taken to dangerously approximate to some kind of metaphysical approach. Well, I think this may not be at all dangerous if we at least distinguish between three types of metaphysics: (a) Onto-theological metaphysics, cultivated by Ancient and Christian European philosophers; (b) Transcendental metaphysics, arising from Cartesianism and Kantism in modern times; and (c) Existential metaphysics or metaphysics of life, from Schopenhauer and Nietzsche to Heidegger and Sartre. I am particularly against all forms of metaphysics of type (a), I'm indifferent to type (b), but I agree substantially with the main theses of metaphysics of type (c) (despite disagreeing with all the rest): the idea that *there are constant and regular structures of human life*, and that it is not true that every single human birth begins entirely from nothing (Hannah Arendt's idea of birth as an absolute *novum*).

I think that pessimism (and consequent antinatalism) based on these structural features of human life is much stronger than any empirical pessimism, which could be viewed by adversaries and optimists as a mere idiosyncrasy of some particular kind of people.[6] But to avoid this, it is good to have on hand a few existential-metaphysical categories of thought, and in particular the difference between what happens *inside* the world and what the structure of the world itself is. Heidegger talks–in his intricate jargon–about "ontological difference"; this is the distinction between being and beings, similar to my own difference between being and estantes. Leaving aside all the enigmatic Heideggerian declarations about this difference, this seems to me, a very crucial distinction for the assessment of the value of a human life. I stay on the surface of things if I consider life good because I obtained a very good scholarship for studying philosophy in Germany, or I consider life bad because I was abandoned by my girlfriend or lost a lot of money at roulette. In a proper assessment of life, structural features must be scrutinized, regarding the harm and manipulation of the very coming to being at birth. This seems to be the philosophical relevance of the existential insight about life having structures not reducible to momentary features.[7]

Empirical pessimisms are always at risk of the attack of meliorists, people who think that the world may sensibly improve in quality in the future. For example, we could look forward to a world where, in the not so distant future, medicine could discover the secret of ageing so that people no longer die from aging and go on to live indefinitely, or a world where the replacement of deficient organs by new ones would be a simple procedure, or where serious illnesses would be things of the past.[8] Meliorists talk of a genetic programme for well-being, a change in the eco-

[6] This happened frequently with Schopenhauer, whose structural pessimism was considered a result of his troubled and grumpy personality and disqualified as such.

[7] Antinatalist literature is conspicuously marked by the relative absence of reference to "continental" sources, like Heidegger, Merleau-Ponty or Gadamer (with the sole exception of Schopenhauer, perhaps singularly used to exemplify pessimism). This bibliographical "gap" may have some important philosophical consequences that I cannot address here. (I will go on to some of these in the discussion on abortion, in chapter 16). Just as an example: the idea of life as not worth living could be arrived at by an extremely "objective" analysis of the human condition that does not take into consideration the ways life is effectively lived by people in the flow of living. This distinction between objective life and lived life (the "vécu" in Merleau-Ponty's philosophy) could certainly bring new insights and conceptually enrich the analysis of life and procreation.

[8] Benecke, *The dream of eternal life*, chapter 3.

system and a re-writing of the genome, in the search for a world full of unprecedented benefits, which would greatly compensate any damage that still remained. In this view, Homo Sapiens would be the only species able to save the world from suffering, so that it is vital that humans survive on earth. According to these meliorists, it is rational and ethical to continue to engender people in a world, which though still bad, has good prospects for improvement, even if this mammoth task will require the effort of many generations to come. It is difficult to see how merely empiricist and utilitarian methodologies can deal successfully with this type of objection. Experience is open and science–not just metaphysics–allows us to legitimately have these kinds of expectations.

The structural point of view of Schopenhauer, I think, is better equipped to meet the objections of meliorists like Benecke and Doyal, who believe in the "brave new world": the crucial problem is not in changing the world but simply *in creating a world* (any world); the terminal nature of coming into being will continue to exist in this world even with disease or ageing removed; when the technical procedures to obtain these benefits are available, they will block the birth of new generations, not mentioning the many social, political and economic conflicts that these scientific advantages will bring.

Finally, I want to point out the primarily *ethical* nature of my deliberations on procreation. In the antinatalist literature, harm features mainly as a highly relevant element in preventing procreation, as the most serious damage to be imposed on the newborn; and sensible harm is expressly insisted upon, especially pain.[9] In my approach, the more important damage caused to newborns is the moral damage, the fact that we cast them in the situation of moral impediment, that we propose to create a new morally impeded human being who will be unable to be ethical towards others and will be treated equally unethically by them. On top of the immorality of procreation, we create more immorality, more immoral human beings, even if they themselves choose not to procreate (because in the web of actions they will inescapably be ACI, PCI or DI. See part I, chapter 5). The starting point of my demonstration is manipulation rather than harm, and manipulation is a moral fault; the harm

[9] It is remarkable that the subject of tedium or boredom, so ubiquitous in Schopenhauer's account, has not received due attention in the literature. But tedium is a very important element for explaining human immorality, not only procreation. Homicides, rapes and vandalism are perpetrated out of tedium in cities and towns all the time. To my philosophical thinking, what I call "discouragement" (which includes boredom and many other phenomena) is as important in moral analysis as pain.

caused by pain and discouragement appear only in the course of the argumentation. From an ethical perspective, harm is not essential, because human life could be such that it allows the justification of procreating a life full of pain; but the crucial ethical point is that, in procreating, we bring to existence a human being who will not be able to survive without offending the MEA in some way. This, and not pain, is the main ethical motive for not procreating.[10]

Coda

The terminality of being, as covered in the preceding chapters, is what human beings attempt to postpone or conceal, among other strategies, by "having" children (in the usual "patrimonial conception" of procreation). This is, at least in part, what makes the experience of paternity and maternity so "wonderful", that genitors forget their own terminality for a good while. Throughout the entire process of engendering, caring for and educating, it is as if life were magically preserved and "saved", as if nature had given progenitors a sacred task during which nothing bad could happen to them. Children do not emerge as receivers of a sublime "gift" or deservers of some guaranteed "good being", but as the most extraordinary way of distracting oneself from and forgetting the discomfort of being.

One way or another, children appear with the mission of improving, or even rescuing, the unsteady or tottering life of their parents, even if the effect is one of powerful distraction, and even if the "pleasure" that children bring is limited to the simple fact of having created them (the father can disappear right after the act of procreation as frequently occurs, although not exclusively, in the lower classes). *The engendering of children is one of the most powerful mechanisms of intra-world value creation, and therefore of postponing and distancing the terminal structure of being.*

Humans whose lives were empty of meaning or interest suddenly receive a powerful stimulus from the act of procreation. Everything that genitors used to do without interest or involvement obtains a new motivation when done for the benefit of this small new being. The genitors–especially when poor–feel their lives justified by enduring hardships and making "sacrifices" for their recently born child ("There is always food for the baby, even if we have to go without"). It is impossible not to see here the high degree of manipulation to which the child is

[10] In the same way, the extinction of humanity is not ethically relevant if made just to escape from pain and suffering. Humanity has still to discover an ethical motivation for its own extinction.

submitted as a means to the existential sustenance of others, and it is perfectly understandable that this constitutes a fundamental part of the "marvellous experience of paternity". *The ethical problem is whether we have the right to bring children into the world in order to protect ourselves from our decaying being, instead of bravely getting on with it without having to make use of this small and helpless life.*

In the more oppressed classes, the manipulation of children appears in very different social configurations. While petit-bourgeois genitors plan to have their children in an overprotective manner, proletarian parents often have theirs in more unreflective ways (without discarding this also in the upper classes). Many of these careless procreators have children out of clearly selfish interests (for example, having someone who cares for them in their old age), yet others procreate as the result of quite disorganized relationships. In each case, children appear as a means, whether in loving or aggressive situations, always with the view of eschewing the fearful advance of the decaying being of life.

CHAPTER TWELVE

A FEW WORDS ON "ACCIDENTAL BIRTHS"

There exists the following objection to the PROC Thesis, specifically concerned with non-intentional procreation: any moral questioning of procreation should presuppose having children as a perfectly purposeful, voluntary, deliberate and planned act; but if procreation is a product of a sensibly unreflective action in sexual relations, moral judgement is entirely out of place.

This objection purports to exempt from moral charge any sensible and impulsive act of procreation. All of the allegations of "immorality of procreation" do not cover the numerous procreations (maybe most of them) that occur in unreflective and non-deliberate ways. This objection does not contest at any moment my argumentation about the structural lack of value of human life. It is simply argued that the effective harm caused by being born cannot be morally imputed when procreation is not deliberate but impulsive.

My reply in the face of this quite common argument can be developed in three successive stages:

1) It is questionable that there really are unreflective or non-deliberate procreations.
2) Admitting that they exist, they would not morally exempt their perpetrators.
3) Admitting that they do exist and that they morally exempt their perpetrators, this very argument ought to also morally exempt murderers, which is an undesirable result.

It is clear that if the first reply is accepted, we need not bother with the other ones. We go to (2) only if (1) does not hold; similarly, in accepting (2) we need not go to (3); we go to (3) only if we reject (2). But for the sake of argument, I will examine *all* of the alternatives.

Beginning with (1): Thiago Lenharo, my collaborator on the book *Nascituri te salutant*, has already expressed his empirical doubts (which

correspond to mine) regarding the alleged "accidental" character of some procreations. In a personal communication, he writes:

> […] anyone who has a sexual relationship knows about the possible implications […] and depending on how the sexual relation is "done", it may be highly probable that there is an implication of procreation […] especially today when there are innumerable ways of having sexual relations (still the conventional ones) making it almost impossible to generate a new being (much safer methods than the age-old coitus interruptus and the rhythm method) […] there are contraceptives in the form of skin patches, pills (daily doses and for emergencies), injections that can last a month or a couple of years, vaginal rings, Mirena IUDs, diaphragms, male and female condoms, sponges, spermicides, and soon enough there will be a contraceptive pill for men too […]

These would be the "normal" means at one's disposal, casting aside the ones used by people who *really* do not want to have children, such as sterilization surgery (vasectomy for men and tubal ligation or Essure implants for women) or practising non-penetrative sex. Lenharo concludes:

> Is there a way to defend that humans who maintained conventional sexual relations without using <u>any</u> of these methods, given all the information available, did not want (with whatever degree of deliberation) to have a child? It seems to me, to the contrary, that the person was "asking" for one!

The argument seems strong. Just like car racers flirt with death so that we should not be surprised when they suffer accidents; or just like the political activist who flirts with police repression so that we do not find it strange when they are taken to court or prison, so, in a similar fashion, people who have frequent unprotected sexual relationships flirt with procreation and we would not be surprised if they engendered a child, while claiming that it was an "accident". All of these actions are blatantly ambiguous: humans who expose themselves, in an "absent-minded" way, to risk and are afterwards "surprised" at the perfectly predictable result of the practice of their activities. The risk of engendering a child is present in any sexual act, even in the "careless" ones, and the desire to have the child can be sneakily present in this "carelessness". Even in "mistakes" we find the same ambiguous and disturbing human oscillations, when men and women involved "want" and "do not want" procreation. This makes it very implausible, at least in the 21st century, for someone to be still proclaiming that they had a child "without wanting to" or completely "by accident".

If someone does not accept this first line of argument and thinks that "accidental" procreation does exist, I would very much like to hear his arguments. But let's suppose we are convinced and accept that there are *totally involuntary* procreations. In this case, we pass on to reply (2): "disregard" or "inattention" do not fall outside the realm of ethical imputation, or at least of the suspicion of having contributed to the harming of others by negligence. Thus, someone who is cleaning a weapon carelessly and lets it fire, harming another human being "by accident" is ethically imputable, like the careless and negligent driver (even if sober) who hurts a pedestrian because of his incompetent driving. It could also be said that citizens in a totalitarian society who acquiesce and remain indifferent to the sufferings of others are just as guilty as those who align themselves with the hegemonic party (obtuse and optimistic intellectuals who underestimated the possibility of the rise of Nazism can be morally charged as also being responsible for the events).

In the specific case of procreation, all the problems connected with harm and manipulation previously described would persist even if the conception were really "accidental". These are negligent procreations even when not intentional, and so are morally (even if not always legally) imputable. If the harm and manipulation in connection with having been born were accepted, we perhaps could see being harmed and manipulated through negligence as an even greater mistake than through a cleverly planned action. The parents of the victim would feel that their child suffered more wrongdoing by the "accidental" and stupid gunshot–made while someone was negligently cleaning a weapon–than if the child died courageously defending himself from an intentional aggression. Thus, we have enough motives to consider stupidity and "carelessness" as perfectly anti-ethical forms of conduct.

But let's suppose that this argumentation is not accepted either, that the existence of totally accidental procreations is defensible and that their being ethically imputable is flatly denied. If these two theses are accepted, we pass on to our argument number (3). Following the same line of argumentation, we can state that murders executed under sensible impulses without deliberation or planning should be ethically justified (and in fact, lawyers often attempt to save their clients by depicting them as having been moved by violent emotions and acting "without premeditation"). However, it is ethically problematic to defend a human action by alleging it was produced "by impulse" because ethics always recommends trying to control one's impulses as a means of attaining moral improvement. Violence and aggressiveness are also impulses just as procreation is, but

ethics demands us to control natural impulses instead of using them as a justification to avoid being ethically imputed.

CHAPTER THIRTEEN

PHENOMENOLOGY OF THE CHILD

The newborn suffers from the moment of birth through adolescence and youth, and during the whole process of his "education". He is subject to a foreign project from which he will constantly try to free himself. He is put in the realm of frictions that hurt him until adulthood, but it is remarkable how this suffering of the child through the years is not respected or even taken into account by adults. On the contrary, it constitutes an object of enjoyment or indifference. That's why paternity/maternity is an important bio-political issue which has not yet received the attention it deserves.

It would seem that, at the very moment of the explosion of birth, any rejection of life would not exist for the baby, who could be seen as pure "lust for life". However, this natural (or animal) desire to live should be distinguished from a supposed sensible or ethical "value" of human life, since humans can comprehensibly cling anxiously to something valueless. When babies are thrust into the world their first reaction of crying is already a protest against the discomfort of their very emergence into being.[1] The baby is born in initial despair and abandonment, in a primary terror that adults will immediately try to allay with caresses and attention, a movement that will be repeated throughout the whole of life: initial desperation followed by protective gestures of caring. In the coming days, the baby will be attacked by multiple discomforts (hunger, thirst, boredom, irritation, cold, heat, anxiety and fatigue), from which he must be protected. He is located, from the beginning, in an uncomfortable position from which the others–with some luck–will try to protect or shelter him.

Babies express their discomfort in several ways. At the most elementary level of their generation, babies already live out their

[1] This analysis of the explosion of birth is always biographical and not purely biological, to use the distinction made by Ortega y Gasset (*El hombre y la gente*, chapter II, among many other places throughout his work). Although surgeons will give multiple biological causes for the baby's cry, it is primarily–from a philosophical viewpoint–a biographical manifestation of discomfort. This is the crucial human fact, in addition to, for example, the biological usefulness of crying in decongesting the lungs or as a mere "physiological reaction".

terminality through body movements, reactions to light, and first helpless and frightening interactions with others. Babies are in profound discomfort in the process of being brought into being, without the conditions of "wanting" anything or of "affirming life" and are just compelled to hang on to life in order to endure the frictions attacking their small beings. These desperate movements of self-preservation that the optimist interprets as "pure desire for existence" originally derive from very difficult primary necessities, caused by the unfolding of his original terminal being. The baby's supposed "pure desire for existence" is an anxious reaction to a strong initial world aggression. The reactive and defensive attitudes of babies *are commonly interpreted as approval of their birth*, but what babies seek are elements of their intra-world which would help them in the urgent task of resisting the frictions of the terminal being that they received. Their apparent "approval" is already a resistance; they do not "accept" being; they flee from it!

It is shocking to see how children's desperate tears, during and after birth, are not taken seriously by adults. Quite the contrary, the baby is surrounded with immense joy, euphoria and celebration. The baby's helplessness is drowned amidst commemorations, gifts, toasts and laughter; the cheerfulness of parents, grandparents and friends totally muffles the unattended agony of the fragile and helpless baby, literally stunned by frightening and overblown attentions, cries and gestures. It is a very stark contrast indeed: the crying child surrounded by the laughter of exalted adults. How is it possible that no painter, no photographer, no cinematographer has ever focused on this moment of severe disparity of attitudes, such asymmetry of emotions and reactions?[2]

A good deal of uncertainty and suffering will still await the baby after the primary crying stage. The baby will have to be nourished, one of the most delicious ceremonies for the two proud genitors. However, for the baby, it is still not very clear what goes in and what comes out of his small body. He does not know what it means to eat or defecate, but both things are unpleasant, so he cries bitterly at the moment of wanting to ingest and at the moment of expelling. There is not for him much difference between the two (the baby has not yet been taught to conceal this shameful proximity). All of the inescapable and tyrannical bodily necessities are already presented to the baby in the form of new cries and sufferings. Progenitors will become increasingly conscious of this and they will keep saying: "He's crying; maybe he's hungry"; "He's crying; maybe he's

[2] Of course, we are focusing on the best of cases, leaving out parents who, far from protecting their sons, contribute, from the beginning, to a substantial part of their suffering by wilful mistreatment and abandonment.

cold"; "He's crying; maybe he's tired", without ever arriving at the ominous "He's crying because he was born".

Small children continue crying for many years; they cry and cry. This is a very usual spectacle that we constantly observe in the streets, children crying incessantly, most of the time met with a wall of indifference from adults, or else with laughter or impatience. Crying children often bother us, but we have to make a philosophical effort to understand that, from an ethical point of view, *they are perfectly right,* they have the right to cry. Moved by their tears, we have to accept their vindication, even if cries are strident and bothersome; we must learn to see children's crying as ethical responses or instinctive political facts, as a perfectly fair and understandable reaction to what was done to them. Children's tears must provoke our most profound respect, because they come from the depths of their structural helplessness, of their being made by force.

Some children go on crying until they are quite old, later finding other forms of protest. A small child is a hive of explosive and irresistible needs, aspirations and desires. There is nothing a child says more than: "I want, I want, I want". Children are constantly torn by desires they are now forced to manage in order to endure the life that was asymmetrically imposed on them, and to which they are compelled to live. The progenitors will deny their children most of what their offspring believe they must have, by telling them that the world does not revolve around their wants, ironically as these same parents endowed their children with bodies full of insatiable desires. Children constantly fall prey to their desires, especially under the multiple forms of painful expectations, discouragements and boredom, which require their parents to shield their offspring from the mortal danger of the being given at birth.

This is, of course, the role of toys and of the entire paraphernalia of objects that parents are now compelled to put between their small children and the terminal being they have imposed on them. In the streets and in shopping malls, we see small children crying loudly, asking for this or that, being dragged away by irritated, placid or excessively attentive parents, or indifferent ones, who have neither the sensibility nor the patience to attend to their children's complaints, unhearing and absent-minded, as if the small ones' demands were irrelevant and did not deserve attention. One may say that a few minutes later the child will be smiling or laughing again; but note that this happens just for a while when he finds some type of distraction, something that diverts his attention for a short period of time.

In the initial stages of the first years of life, very small children are still perplexed by shapes, movements and lights, and they do not perceive the

world in all its dangers. They want to pass through incredibly narrow spaces unhurt, or to climb to high places in the blink of an eye. Later on, they will want to jump from the roof and fly or climb trees as nimbly as squirrels. They do not realize that their bodies are not omnipotent, that there are obstacles and dangers everywhere, that the most part of things they want to do are not feasible (and many small children *die* because of this). Little by little, parents will show their children that the world is not so kind and safe, that there are many obstacles to be confronted, many terrible threats against which they must be protected.

The first years of a child's life are an immersion in distracting "estantes", in total dependence on the parents. These are very happy moments for the mother who likes to exercise omnipotence over her small children, to dress, comb and nourish them as she wants. There is nothing more pleasant than to have this small life entirely in one's hands, to take it wherever we want. This is why maternity/paternity is a "marvellous experience", the sensation of having a human life entirely in your hands, and why educating children provides such an immense pleasure to the genitors despite being such hard work.

At a few months old, a baby is already a perfectly self-centred human being, exclusively oriented towards himself and his own needs. He experiences with astonishment and sometimes with dislike the loving (let alone the openly scary) harassment of adults, who constantly pick him up, touch him, kiss him, place him on tables to enjoy his gestures, reactions and funny clumsiness. But the adults and the baby inhabit entirely different worlds. The only thing that interests babies about adults is how they serve to defend them in the already difficult world that they still do not understand; adults are only a means. On the other hand, for adults, babies are something central and crucial in their lives. It is curious to note how adults make a constant effort to bring babies into the adult world, calling for their attention, demanding reactions of love that babies automatically offer in return without really understanding what's happening. Thus, the baby will never consider his parents as ends or something of central interest, and he will abandon them as soon as he can to make his own life, to stand on his own feet. In fact, when the baby grows up, he will want to go where he wishes and to make his own decisions, systematically frustrated by his parents for years and years. He fights to free himself from the hands of adults, insisting on crossing the street without help; he anxiously seeks his independence until he grows up and can act out his long-postponed wills and desires.

There is then a very strong asymmetry in the parent/child relationship: since children are anxious patrimonial investments, parents oscillate

between excessive protectionism, exaggerated affections, plain indifference, open threats and brutal punishments. It is an evident fact (pointed out by Hegel in an addition to his *Lessons on Philosophy of Right*) that children love their parents less than their parents love their children. A child is an extraordinary event in his parent's lives, and for many humans the biggest event in their whole existence, while the child never succeeds in filling this heavy and difficult role; his progenitors are never the most important thing in his life but really just a bridge to be passed over. A child has an attitude towards his parents that ranges from distancing and estrangement to indifference and aggressiveness, or even distracted and routine affection, pity, tolerance, or automatic fondness. However, none of these attitudes come close to equalling the tremendous importance children have to their progenitors, in one way or another.

Sartre described a human being as one that never succeeds in coinciding with what he wants to be; when he tries *to be* something, he is already beyond it, he transcends himself. He illustrates this with the well-known example of the waiter at a restaurant, who is trying to be a waiter in order to become one. However, the mother's performance (the maternal theatre) is a much better example. We see a father and a mother in a restaurant with their small child in a high chair that the waiter (who is trying to be a waiter), brings with the automatic smile that waiters tend to glue on their faces when they are attending to couples with children who are trying to be couples with children (as part of their own Sartrean theatre). The mother begins her performance by checking to see if her child is comfortable in his high chair. Her movements and gestures are extremely caring and attentive, as she is convincingly trying to enter the role that the audience expects of her of a very dedicated and loving mother. Then, she will peruse the menu with affected attention, occasionally consulting her husband in trying to carefully choose the most digestible food for her child. She repeatedly calls the waiter over to explain to him at great length how the food ought to be prepared, its exact temperature, and whatever else she needs to feed her child.

While they are waiting for the food, the loving mother straightens out her dress as well as the boy's or girl's clothing. She will do this many times without really needing to do so, profiting from the opportunity to touch her child's little face, check their temperature, and once in a while (sometimes with compulsive frequency) planting a loud kiss on its cheeks. The kid will get goose bumps from the contact and will start staring at indefinite corners of the restaurant, wiggling his arms and crying, which will occasionally evince approving and smiling attention from other clients (or a dirty look if they were in Germany). When the food finally arrives,

the mother feels an immense pleasure in grabbing her child's dish with one hand and a small spoon in the other and shoving the food–after blowing at it with extreme care so he won't get burnt–into the small child's mouth. She plays at being a mother, trying to become a mother in the mode of never entirely being one, constantly transcending her role. She puts so much effort in complying with everything that she thinks is expected from a good mother (and the very demanding audience is watching the whole time) that her performance does not convince the critical eye: overacting betrays the bad actress. According to Sartre, overacting is the human way of acting, the human way of being. The mother is not a worse actress than the respectful prostitute or the waiter at the restaurant. She merely stages what she will never completely be.

The phenomenology of the child goes on. The first ten years of a child's life are largely unconscious and unreflective. Life moves without their knowing where, with no sense of what is happening. A child's viewpoint, so expressively manifested by his initial disgust in the primary crying, ends up silenced during this long period, merely cadenced by new cries and complaints. In this sense, the recently born baby is more critical and veracious than the small child. It is as if, at the moment of birth, the truth of being were completely and instantaneously revealed, full of the "pathos" of the violence of "coming into being" (much before the terminality of being is discovered and analyzed by philosophical thought). The first ten years of life, especially between the ages of five and ten, are marked by immersion in games, friends and jokes. But the automatic and unconscious immersion of small children into the world during this long period says nothing about their "happiness". They are simply adapting, in the best possible way, to the being unilaterally imposed on them. Aristotle wisely says in the first chapters of the *Nicomachean Ethics* that children cannot be happy. The reason is that happiness is a complex intra-world construction, a sophisticated invention not yet available to small children (who, nevertheless, were already originally and spontaneously unhappy in the very act of their birth, without anyone having taught them to be so).

It is during adolescence, between the ages of thirteen and sixteen (although it varies according to degrees of precocity), that this panorama suffers a fundamental philosophical change. At this age, boys and girls begin to become aware of the existential theatre and their part within it, in the sense of their being pieces of an alien mechanism. They gain consciousness of representing the hopes or expectations of their progenitors, who manifest enormous anxiety regarding their future. This is the usual way that children take notice of the fact that, despite being the central focus in their genitors' lives, they are not in fact treated as ends but

inserted in projects in which something is expected from them. Indifference and negligence also show this in another way, as if children had been merely dumped there and immediately forgotten.

So, whether products of close planning or plain indifference, children are not really the *subjects* of their lives. One way or another, taking notice of the manipulation in having been brought into the world and being used, children react to this fact in very different ways, to a greater or lesser degree violent or resentful, cynical or sceptical, humorous or resigned, making an effort to recover their being by trying to live "their own lives", to escape from the sticky influence of their origins. Eventually, children begin to feel their parents' demands in other ways, by being forced to *do* something with their lives instead of simply *living them* (having to consummate instead of merely consuming their lives). And at this very philosophical age, adolescence, children begin to ask themselves why they have to *do* something, *be* something, instead of not doing or being anything at all.

Many children get seduced by a wise laziness, a clever scepticism, in seeing their parents inexplicably excited with the enthusiasm that they–the children–bring to them.[3] They feel in their bones that they are projects that have to "be successful", that should *work* to fulfil their parents' expectations, and that all of this, as hard and difficult as it may be, is always "for their children's own good". Children born of negligence and indifference perceive that they will have to open a way for themselves alone or simply live automatically without a defined course of life. At the same time, a child has to believe that, in a certain magical way, his birth was not an avoidable option for his parents, but a kind of strange need; they *had* to have kids, even this precise one now. The naked and crude contingency of birth is concealed: under some hypothetical and fantastic necessity, the child should not discover that his birth might not have happened, despite this being the most trivial truth on earth.

But this is precisely the concealment that begins to collapse during philosophical adolescence. The child perceives his contingency, and when he retraces each path leading to his origins–just as a theologian looking for God through the causal chain–he merely finds the brute fact of his parents wanting to "have him", or having emerged into being "by accident" and no more. The life of their children offers meaning to their parents, but this life that children now have to live and not merely contemplate–which is what the parents do–does not make any sense to the children. They feel that they will have to construct this meaning in order to endure life's hardships; but

[3] A recent film which sensitively depicts this existential adolescent detachment is Richard Linklater's *Boyhood*.

they also ask, at this age, why *must* they construct this meaning at all, why *must* they live up to their parents' expectations? Their consciousness of having been manipulated thus far arrives here at its highest degree.

Someone could reply that the child is not in all cases his parents' project, that this is only the case for some kind of parents who plan out the lives of their children point by point and impose their own will on them. There are all kinds of parents, they say: authoritarian, overprotective and also permissive and tolerant. However, all so-called "responsible progenitors", whether they are more tolerant or more overprotective or authoritarian, want their children to "succeed" in one way or another. There is not a progenitor who does not feel unhappy and frustrated seeing their child not wanting to be or do anything but drink, drift and "enjoy life" without thinking about the future. *But for a life-fact immersed in contingency, the idea of a successful "accomplishment" does not make any sense; it only makes sense in the context of a life project that the child can never live as his own project*. The life of the child is not primarily *his*, such that he cannot "accomplish" it but merely consumes it as a sheer fact (and this is precisely what frightens his parents more, that their child's life, part of their own project, will simply be squandered by them like a mere life-fact; that their child sees his life simply as life).

What happens here is that the progenitors work hard, over the course of years, to persuade and infuse the child with the idea of a life project, and the child (depending on how critically minded he is) ends up convincing himself and transforming his contingent life-fact into a life project of his own. One can say that this is what education consists of. *But this process of transforming a brute fate produced by another into one's own project is a very strange process, something that cannot occur without the influence of an intense and persistent work of persuasion.* (This strangeness ultimately derives from the total absurdity of our birth and from the possibility of abstention that our parents decided not to exercise).

An ethics of procreation needs to work a great deal on the correct reconstruction of *the child's point of view*, after the primary outcry, and in the critical and usually underrated stage of adolescence, the diffuse and rich period when we are neither children nor adults. Yet it is precisely for this reason, due to its indetermination and lack of direction, that this age is possibly the most tragically thoughtful, a period of misfit and rupture when water guns and dolls no longer suffice but the "great commitments" of adulthood have not yet been assumed. Adolescent boys and girls are in a privileged position to contemplate at will the absurdity of human life (let us as well not forget that adolescence is a highly suicidal period).

Pain and discouragement were already strongly experienced during childhood, but the *moral* absurdities become particularly apparent in adolescence. Ethics was always formulated and developed by adults; it is an adult invention. From the point of view of "education", the child is thought of as a "small adult" who must go through a moral training in order to become a "person", and specifically a "good person". Children are forced to enter into a moral story that was not written from their point of view, and in which they have to "fit". However, teenagers feel that this moral story continues being told without them, that they are not really *subjects* in it, even when sometimes "consulted" about their "preferences". They feel that it is too late for that.

If pain and discouragement were the everyday rations of little babies, moral dilemmas would be the daily bread of adolescence (in addition to pain and discouragement, as it is a cumulative process). Already in games of childhood and adolescence, and especially in school, questions of power and domination will loom large, and the child very quickly realizes that he will have to seriously defend himself in order to survive. He will be surrounded by other teenagers who are as anxious to live and grow as him, and who want the same things–teachers' favours, indulgence, awards and compensations. The strongest boys will make the weakest their victims, and the child will have to learn to fit in the group of the stronger so as not to be destroyed. But by doing this, the child realizes that he will not be able to always be honest and well behaved, that sometimes situations are so complex that he will have to act ignobly, not out of maliciousness but for the sake of survival.

This will be injected into the child especially when he becomes the victim of some blatant injustice (for example, his more malicious peers manage to get him punished for something he didn't do). He perceives that he will have to be very alert, and to study his regular lessons alongside the hard lessons of life. If a child is too quiet or introspective, he will be the target of teasing and hurtful jokes, from minor humiliations to moral damage and even physical harm. School is a frightful place for children; it is not primarily a place for studying but rather one of vindication and power. Children and young people will have to study harder after leaving school, because it is very difficult to learn anything in this harsh environment where they have to constantly defend themselves. The child, who during the first ten years of his life had grown accustomed to the idea of not living without pain and discouragement, now in adolescence realizes that he will also have to live without too much honesty.

His parents will help him with hardening his consciousness. When they find out that their child is having problems in school or on sports teams

with stronger and more daring kids, they will say to him: “Don’t be a fool, fight back! Don’t just stand there, don’t tolerate insults. When someone offends you, respond in kind. You have to make others respect you!” A “good father” teaches his child to defend himself in a tough world; he knows that many challenges and threats await his son, and that if he lets up now during the formation stage, later on, he will not have the spirit to “manage” in a hard life, and to reach a dignified place in society leaving others by the wayside. The kid will have to get clever and smarten up.

Progenitors are not worried in the slightest about situations of general social injustice but merely about their own kids. They do not teach their children to fight against moral impediment but take advantage of it as a fact of life. Parents attempt to give their son some “life wisdom” that cannot be grounded in pure goodness and generosity but in fight, opposition and confrontation. This is a crucial part of any “moral formation”. But this not sentimental education conceals the lack of moral value; in a similar way as pain and discouragement were covered up, the necessary moral impediment that children need to survive in a world like ours will be concealed as well. Despite raising the child to fight others in order to resolve problems, moral instruction will constantly repeat to the new being that he will have to be a “good person” and an “honest citizen”.

As the period when it was still possible to cry out of revolt or disgust is drawing to a close, the child will have to make a hard choice: either he considers himself a project, assimilating his parents’ life project as his own and becomes a “good son”, or he revolts and regards his own life as a mere fact and becomes a “bad son”. However, even the “good son” will be frequently turned into a dishonest and deceiving bloodsucker, living off his parents’ tab, calling them only when he needs them, making the parents expressly face up to the commitment of having brought him into the world, while he himself openly assumes his own role of his parents’ “investment” or “risk capital” within the business of patrimonial procreation.

Many children feel deeply the contrast between the tremendous seriousness of what was imposed on them (and the decisions that they will now have to make) and the light and quiet joy and cheerfulness with which their parents contemplate their existences, as a kind of gratifying spectacle always provoking a pleasant curiosity (“what will he be like at 10?”; “what will she be like at 20?”). Many children, possibly the most lucid and sensitive ones, are not interested in this “initiation” process and pass through life without really doing anything, without trying to fix on any kind of being, any definite form of life. These are the “bad children”, those who disappoint their parents, who never “find themselves”. They are

maybe the most authentic and profound, the ones who sink into the human situation with its entire contingency, gratuitousness and lack of sense.

These "bad children" refuse to become useful citizens or compete for awards that communities distribute among their most distinguished members. They prefer to wander about, drinking, doing drugs, making love, selling arts and crafts or playing the guitar in the streets. In general, they die young "without having done anything" or better, having "done nothing", the very nothingness of life. They maintain themselves almost at the level of the primary outcry; they are "lost causes" like life itself. They perform life without its usual ornaments. The perdition of the "lost ones" illuminates the very "perdition of being" and the misguided nature of procreation.[4]

In light of this situation, the ethical obligations of parents concerning their children must be seen as absolute and unconditional, but those of children towards their parents only as relative and conditional. This asymmetry arises from the very core of an ethically unjustifiable act. Given the dubious value of life and the quantum of one-sided manipulation in every birth, children do not "owe" their parents anything at all *by virtue of being parents* (obviously, they owe them actions and behaviours that any human being deserves, according to the MEA). The lack of a genuinely ethical attitude towards small children, changed by pure unilateral coercion and authoritarianism (as correctly pointed out by Tugendhat),[5] is an unavoidable consequence of the lack of the morality of birth, the fundamental ethical transgression from which all others derive. Therefore, there cannot be an affirmative solution to Tugendhat's problem. Such a solution would be forthcoming only if we could provide rational and objective evidence for the value of human life, in which case we could ethically and rationally justify the morality of birth, and consequently the unilateral attitude towards small children (something inevitable but justified, in this case, by the giving of a supposedly very valuable gift). In this case, the coercion would be ethically justifiable.

However, as was previously shown, this test is not available, and therefore neither is the affirmative way out of the problem of morality towards small children. *But the negative way is still open*, grounded in the idea of an infinite dependence beginning at birth and expanding to childhood and even adulthood. It is our *being* that was coercively imposed,

[4] A good example of a "bad son" (the "black sheep") is the young Cal, the moving character from the novel *East of Eden* by John Steinbeck, immortalized in the cinema by James Dean. In Elia Kazan's film, Cal does not want to do anything precisely because he is obsessed with the question of his origins.

[5] Tugendhat, *Lições de Ética*, lecture number 9.

so that the question of ethical morality towards small children comes too late. This strongly suggests that the minimal ethical demand is then purely and simply that *we should not procreate*. After procreation, we have already sunk into a situation with no ethical way out. We cannot turn birth into something genuinely human; birth should be taken, as it usually is, as a pure biological need, as any other form of coercive action.

Ethical relationships are composed of attitudes and actions *regarding the other* (Kant's strange "duties to oneself" were already criticized by other thinkers and I am not considering them here).[6] The MEA demands that, in addition to my own interests, the other's interest should also be considered. This seems to be the minimal nucleus of any ethical morality. The problem with procreation is that the child is never a genuine *other* for his mother, but essentially the *same thing,* a being that, even after being constituted, will never stop being part of his mother's body. *The child is not and cannot be an "other" to his mother, and consequently, he cannot maintain specific ethical relations with her by virtue of the fact of her being his mother*. That is where we observe the enormous absurdity of considering the mother/child relationship as the paradigm of an altruistic moral relationship (as Hans Jonas did)! How can there be "altruism" without a genuine *alter*?[7]

It is not possible therefore for a mother to have *ethical* relationships with her children. She will merely have sensible relations of love, indifference or even hate. Thus, every action of the mother apparently directed exclusively at the "other", with complete renunciation of herself– as displayed by the current official mythology of the completely generous mother entirely devoted to her children–is really done for her own benefit. It is the mother who wants suffering and "sacrifice". *The mother acts permanently for the benefit of her own body, of which the child is a part and always will be*.[8] Therefore, relationships between mothers and children cannot be expressed in moral vocabulary, because they are not affected by genuine otherness. Moral respect can only occur between people who do not engender one another. Therefore, it does not make any sense to consider maternity as the paradigmatic ethical relationship. On the contrary, maybe motherhood is the paradigm of self-interest; and it is the only case where this happens, it is only in maternity that "the other" is *the same* as its own being. Maternity is the very locus of "sameness", a place

[6] See chapter 15, on sexuality and procreation.
[7] See later "Hans Jonas looking for the 'Good Being'".
[8] In other situations, as we'll see later in the discussion on abortion, she does not hesitate in the least to kill her child when it endangers her own life, something that is widely legitimated by law in many countries.

where ethical morality cannot flourish; which gives rise only to natural relations like love, indifference or hate.

The family is an eminently affective community, not an ethical one. When someone forms a family, he encloses himself in a small human group disposed to provide unconditional support and protection, even contrary to ethical demands. People need a group disposed to give more importance to their members than to morality; one does not need to be good or honest to be loved and protected by one's family. Not lying, not stealing and not killing are usually advanced as paradigmatic moral demands; however, a "good mother" or a "good father" are certainly disposed to lie, steal or even kill to defend their children, and society will applaud them for it. The word "good" when referring to a mother or a father is not taken in a moral sense.

This phenomenology of the child deserves some epilogue as a tribute to women. Maybe without the necessary philosophical means to express their misgivings and reservations concerning the moral risks of procreation, many intelligent and sensitive women are not really interested in maternity; they may feel deeply that maternity was neither made for them, nor constitutes some kind of a woman's destiny. They think that maternity is not the most important experience of a woman's life, but merely an option for a large number of women, possibly most of them, but only that. Not that these reflective women are totally satisfied with what they do (their professions, their artistic abilities), but simply that they do not feel prepared to assume a new being, having many other important things to do in life. These women who reject maternity, women frequently cursed and exorcized, in some unintentional way make the effort to recuperate the contingency of procreation.

In this feminine (not feminist!) way of thinking, we can end this brief phenomenology of the child on a remark in praise of these women: a woman who rejects maternity and dedicates herself, for example, to making sculptures, cannot be proud of her innovative technique without other people making strong and malevolent criticism of what is seen as intolerable vanity, of someone who might try to be more modest. Meanwhile, when a mother is enormously proud of her child, everyone applauds and understands, and comments: "How could she not be so proud of such a handsome and healthy child!" This means that a woman can feel legitimately proud by simply having exercised her primary biological function, something that any woman without any moral quality, ability, goodness or sensibility can do, but that another woman is denied the right to be legitimately proud of having made a work of art (sculptures or others) requiring more talent than most people have!

CHAPTER FOURTEEN

EDUCATION AND PUNISHMENT

Being eternally grateful for a valueless being?

One of the main motives commonly adduced in favour of procreation is the establishment of a relationship between parents and children, which is seen as very important for "flourishing in life". David Wasserman, for one, declares that

> […] the risks and costs of procreation to the future child […] can be offset by the value […] of the parent-child relationship it is intended and expected to enter.[1]

Quoting Susanne Gibson:

> The goals of this relationship will be many, although one of the most important goals will be to aid the child in developing a sense of her own value […][2]

Then, following Christine Overall:

> The best reason to have a child is simply the creation of the mutually enriching, mutually enhancing love that is the parent-child relationship.[3]

And mentioning two other authors:

> Being a father will really feel wonderful, to have someone who I helped create and to have my own child means that I would have someone to protect and be there for.[4]

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[1] Benatar and Wasserman, *Debating procreation*, 143; see also 183.
[2] Benatar and Wasserman, *Debating procreation*, 184.
[3] Benatar and Wasserman, *Debating procreation*, 185.
[4] Benatar and Wasserman, *Debating procreation*, 186.

This relationship is conceived as child-centred, where children are ends and not mere means and their good is the main goal[5] "[…] you want to give a good life and a loving, nurturing relationship to a new being".[6]

This well-known collection of clichés, counting on the general support of our affirmative communities, should be submitted to philosophical scrutiny and careful examination. In these times of biopolitics and biopower debates, some taboos should be broken around the power of progenitors over their children, perhaps one of the most invasive and doctrinaire human relationships. In the preceding arguments, I made perfectly clear that: (a) Love cannot provide any ethical justification for procreation; (b) Protecting newborns is at the least paradoxical if we see birth as the act of putting someone in a world full of risks; (c) The parent-children relationship is "marvellous" only for the parent side, being harsh, sad and rough for children, who at most only adapt to a difficult and unavoidable situation; (d) Developing their own value is something that children are compelled to do in order to survive; it's not a marvellous and free gift; (e) The feeling of having one's own child to protect and love is a sentiment of a very strong possessive nature: the satisfaction of having another's life entirely in one's hands, being able to provide this unasked assistance is a source of immense pleasure to progenitors, not to the offspring; (f) The very expression "child-centred" is paradoxical because of the asymmetric nature of the act of procreation; it is too late to be worried about what is best for children, given the sensible and moral sufferings we inflicted on them in the act of birth.

I do not claim that these topics are absolute or that they entirely decide the question, but they must be taken into consideration and answered one by one, instead of resorting to incantations of the same well-trodden ideas about love, care and flourishing relationships. It is the task of a philosophical ethics to deconstruct prevailing values if they do damage by pretending to be beneficial and generous. The genitors' tyranny is particularly fascinating insofar as it is masked with abnegation and sacrifice. The primary question ultimately relies on the quite dubious ontological idea that "being is good", that life is "valuable", and the consequent idea that we should be eternally grateful for our birth. All this masks the fact that the conferred being is defective, and that our uphill and inglorious task, from now on, is to try to improve the quality of the product for which we are expected to be eternally grateful. *The idea that something very valuable was given to us inaugurates a long chain of*

[5] Benatar and Wasserman, *Debating procreation*, 190.
[6] Benatar and Wasserman, *Debating procreation*, 192.

moral domination of extensive consequences, which a radical ethical and bioethical reflection should denounce even at the expense of shocking well-established values.

The first and clearest symptom of this anomaly comes to us from the most marginalized social classes, where thousands of humans are thrust daily into situations of utter misery and where absent-minded or flighty progenitors often declare: "I gave life to you, which is the most important thing; you can sort out the rest", an idea that disguises sheer wickedness under the guise of alleged "generosity". The "life" that the progenitors boast to have granted so graciously is frequently the quick and inconsequential product of a clumsy sexual act which gave some pleasure at the time. This "rest" (of "you can sort out the rest") is precisely the more difficult to obtain (much more difficult than the sexual act), quite complicated and almost unavailable to many, given the closed and aggressive structural hierarchy of human communities, where it is hard to make one's way even for mere survival.

What is most curious about this is that the members of the most oppressed social classes cultivate a limitless adoration for their mothers, for having raised them with enormous sacrifices. Children suffer all kinds of misery or extreme poverty, illness, delinquency and discrimination in the very difficult situation where their parents put them. And when the child commits some harmful act on account of desperation and lack of perspectives, many people sympathize with this "poor mother" for having "such an ungrateful son". All the inherited misery is magically passed over as the son's responsibility! To reason thus is to apply the same argument scheme as in old theodicies: we have the good Father who made his children with love, giving them something very valuable; then children fall by free choice into sin and spoil something very precious which was given to them, to the great displeasure of their poor and good Father. Yet exactly the reverse seems to be the case: our parents gave us, out of self-interest and for their own pleasure and benefit, something of a highly dubious value that we now have to try to improve with a great effort, under conditions of compulsion and necessity, far from any genuine "freedom". While not inverting this form of valuation, which strongly prevails in our societies, our ethical categories will continue to preserve all kinds of mythologies.

In the middle classes, the ideology of the "immense value of human life" and the demand of eternal gratefulness for it, justified for decades the dominion of progenitors over their children, throwing in their face the sacrifices made for their benefit. But ontologically, progenitors gave nothing to their children but a devastating terminality, equipping them

with reactive values through which they must try, with greater or lesser success, to improve the poor quality of what was given. The "eternal gratitude" ideology is not confined to the domains of life's beginnings but is extended throughout one's entire life. The question of parenthood reveals a mechanism of power, an issue of biopower still insufficiently focused, whereby even physical violence in punishment is justified in favour of the "formation" of those who were flung into the world.

An issue still not properly developed is the existential vindication of children, the inversion of roles in relationships of paternity.[7] Recently, newspapers have reported about children killing their parents. The subject was approached sociologically and psychoanalytically. In the context of the present inquiry, children killing their parents can be seen to mirror the situation of parents putting their children in a decaying being. The life that was asymmetrically manufactured will try from the beginning to constitute itself in opposition to its dubious origins. But this is a task doomed to failure since children are infinite debtors to a being arising from a foreign project. Nothing will change that, not even the parents' deaths. The son could attempt to recover his lost autonomy by killing his origins, but this cannot be done in a deep sense; it's an impossible vindication. Killing one's parents can be seen, on the surface, as a kind of extreme attempt at vindicating one's "owing on mortgage". However, if there was never anything that parents could *give* to their children, there cannot be anything that parents could now "return" to them in the moment of the supposed vindication; what children do not gain upon killing their parents is the same as what parents did not have to "give them" at birth.

Educating

Before the 18th century, children were seen as sinful, savage, born into sin and even lustful in the act of breastfeeding. They were seen as amorphous beings that are yet to be brought into the realm of the spirit, abominable accomplices of their own unfortunate emergence into being.[8] Given the natural maliciousness of children, the callousness of fathers and the mother's refusal to breastfeed are fully comprehensible as the values of that time. Children were seen as small animals and infancy as a kind of evil. "Maternal love" for children and a mother's obligation to personally protect them–attitudes that we mistakenly consider eternal or natural–

[7] Something connected to this was alluded to in my old book *Project of Negative Ethics* (1989), recently reedited as *Ethics and Its Negations* (2011), chapter 1, "Paternity and Abstention."

[8] Badinster, *Um amor conquistado*, 55.

were, according to this author, actually born in the second half of the 18th century, in large part for economic and demographic reasons more than strictly ethical. It is, therefore, a cultural construct, not a natural instinct.

Confronted with this historical genealogy, one might think that in the 20th century, children have finally come to be ethically considered, after a long dark period of dismissal. But this is not the case. What has happened is that the processes of objectification, manipulation and non-consideration of children now operate through other means, notably through the ideology of "love" and severe "formation", viewed as something that is always done in children's interests; the asymmetry of birth has not been cured in modernity, but merely processed through other mechanisms and values.

Already before birth, future humans are planned and objectified through the careful ceremony of their naming (baptism), in a ritual. The gratuitous and burdensome character of the emergence of children into being is now billed as lovely diligence. During the "education" process, punishments are essential, in the past and now. Nowadays, small children–and in many cases also adolescents–are regularly beaten or submitted to psychological torments in the form of penitence, deprivation and disappointment, with the objective of "shaping their character" and "preparing them for life" (not allowing them to be "spoiled"). These violent acts are justified in the name of "love" and administered "for the children's own good" in such a way that, in the future, they will certainly be grateful for that.

Progenitors feel strongly gratified to be the absolute managers of these small lives. But at the same time, this feeling of active dominance will be sometimes counterpointed by a passive dimension. This can be seen in the very usual attitude of new parents allowing themselves to be apparently "run" by their baby or small child, proclaiming "now the new king of the house is in charge". Under the spell of this irresistible bibelot, the expansive parents feel immense pleasure in allowing their child to "dominate" them through some kind of sweet tyranny. In fact, this apparent "passivity" is a dimension of domination: the small child, totally dependent in his feeding, sleeping and life activities, permitted to apparently "dominate", is like a king commanding inside a prison, which confirms his dependence. The ideology of the "value of life" serves here as a theoretical background for these usual practices, as a powerful element of domination.

In his analysis of the so-called "golden rule", of not doing unto others as we would not have them do unto ourselves, Harry Gensler put some interesting points about education, and specifically on the issue of the

punishment of children. According to him, it would seem absurd to say–apparently following the *golden rule*–that you should not punish your child (when he "deserves a few smacks"), for the reason that if you were in his place, you certainly wouldn't like to be punished. In all of the examples that Gensler adduces–apparently problematic for the *golden rule*–he declares that this is the "trickiest", for it involves an ambiguity and an absurdity. For him, it is obvious that a child should be punished when he "deserves" to be; and if from the literal application of the *golden rule* it follows that he shouldn't, there must be something wrong with the rule.

But there is nothing wrong with the *golden rule*. If we apply it strictly, *we really should not punish, beat or psychologically torture children through penitence and deprivations that we would not like to suffer ourselves.* All these acts are ethically reproachable. If they become unavoidable in pragmatic terms (this is the typical parent's usual allegation, that punishments are indispensable because children do not understand any other language), this again would show how the engendering and treatment of humans cannot be guided by ethical categories. On the contrary, Gensler's "solution" goes against the *golden rule* and in favour of the punishment of children: "We see that the punishment is justified in the very interest of the child".[9] According to him, in this case, we should not reason in the following way: "If I were in my child's exact position, I would not desire, as a child, to be punished"; but rather, as follows: "If I now, as an adult, were in my child's exact position, I would desire to be punished (for my own good)". This means that the victim of the punishment, if consulted, should recognize that he deserved to be punished.

It is remarkable that this was, in part, the attitude of the Courts during the Spanish Inquisition. It was not enough that the Court established the defendant's guilt; he or she also had to admit it from the heart, with due gratitude to the executioners. Similarly, during the Spanish colonization of the Americas, it was widely believed that indigenous and black people were favoured by their submission to Christianity. Even though they resisted the persecutions and punishments resulting from the process of their evangelization, once converted into good Christians they will be grateful for having been "civilized", albeit by such violent means. *This seems ethically abominable in all cases*, but it is precisely what is demanded from small children: that after suffering their parents' bitter tyranny for decades, as adults they must acknowledge that they deserved

[9] Gensler, *Formal Ethics*, 97.

all the punishments they received, compensated by the fact of having been converted into good and productive adults. "I am happy that my parents punished me in such circumstances", as Gensler graciously concludes.[10]

The usual parent's argument is pragmatic: if you do not punish children, if you do not repress their desires, you will spoil them; you will create children accustomed to getting everything they want. This is certainly convincing. However, seeing that children are manipulated in their existence and essence, *they really have the ethical right to rebel.* Children are patiently indoctrinated to respond automatically that they are so very grateful for the fact that their parents punished them during their childhood. But actually, those punishments and deprivations left inextinguishable marks of resentment and rebellion buried under socially articulated behaviours. Children are constituted so that when they grow up they will absolve their parents and blame themselves, branding their chests with the mark of an eternal debt. This is a powerful source of suffering, the feeling of having been unfair to our parents, of having been "bad children". But on a more profound moral reflection on human life, we ought to free children from this groundless sense of guilt.

We could ask at this point what a so-called "negative education" might offer. At first glance, an education of preparing someone for the terminality of being would seem impossible. It is only possible to educate someone against this. Minimalist life and the disposition towards death (part I, chapter 8) are attitudes that only an adult can assume. If the morally problematic nature of procreation and the fact that life is not a gift but rather a heavy burden are conceded, then when a child, despite it all, is put into the world, we are absolutely faced with asymmetric and tragic responsibilities. One possible attitude would be to fully accept the child's revolt; once we give them life, we must provide them with everything they want; this is a kind of negative duty and a tame way towards compensation. But this is not practically doable (imagine what would happen if we allowed children to do everything they wanted or to have all they wanted to have). We created a being tormented by desires and we now have to defend ourselves from him. But this chaotic situation suggests that, from the strict ethical point of view, we must not procreate at all, because putting somebody in life means unavoidably coercing them to regimented conduct and authoritarian education. The only way to avoid this is not to procreate. A "free education" (Paulo Freire) is a contradiction in terms.

[10] Gensler, *Formal Ethics*, 98.

Regarding Adoption

Procreating and educating are both manipulative (transgression of NMD) and harmful (transgression of NHD) human actions. If we decide to live an ethical life and not one merely guided by the expansive forces (destructive and procreative) of life, we should abstain from killing and from procreating. And we must also arduously dedicate ourselves to trying to improve the life of the already born, instead of thrusting more and more children into a decaying being from which they should be protected until being finally defeated. By concerning ourselves with those who are already here more than with the forthcoming generations (on which, by the internal logic of negative ethics, we should not count) the radical ethical idea should be to stop procreating at all.

Within this desolate panorama, part of a negative style of survival could include the adoption of already born children who were abandoned by their genitors or left deprived of them by death. The adoption of children has the enormous advantage over the creation of one's own in that we did not asymmetrically manipulate them at birth; someone else did. Adopted children have no debt of ontological gratitude towards us; on the contrary, we may appear to them to alleviate the original damage they suffered. We are not guilty of their emergence, so our caring is neither contradictory nor cynical (it is free from the paradox of protecting what we ourselves put in danger) and can be extremely convenient and opportune for these helpless human beings. Adopted children also present the opportunity of correcting, partially at least, the unethical action of the progenitors who deserted them.

In any case, all the scepticism and criticism concerning the overrated parent-child relation applies equally to the situation of adoption. The moral impediment, the complexity of the web of actions, love as ethically inefficient, authoritarian asymmetry and marks of punishment, possessive attitudes of having someone in our hands and the eagerness to control a child's life, will be the same as in the case of biological children.

Abstention does not work either?

In a possible objection to the preceding line of argument, someone could still consider as too naïve the thinking that abstaining from procreating ultimately reaches the platform of genuine ethical morality (something very close to an ethics in the first degree). Perhaps the very structure of the world is such that not even abstention from procreating is free from aggression and manipulation. Leaving aside the fact that, by *not*

procreating, we can be harming someone who is already alive (for example, my parents, who are anxious to have grandchildren), if each of us could decide, according to our own autonomy, how we wish to live our terminal being, would it not be more ethical to allow birth and to see how the newborn resolves this situation personally? *Having* children is part of the progenitors' life project, but *not having* children similarly belongs to the possible progenitors' life projects. We harm the children we put in the world, but maybe we just as well harm the children we *do not* put in it. If life is not so intolerably bad as to disallow abortion (see below, chapter 16) why could it not be similarly considered to allow non-abstention as regards procreation? This is how the objection runs.

Part of this has already been answered in the responses to objection O.10 (the gamble argument). I would just want to add the following: in the case of procreation, we are talking about possible beings (but not, as already argued, beings who are in some place waiting to be born). There is no one whose autonomy we hurt by deciding *not* to procreate; possible beings do not have autonomy, and therefore, they cannot lose it or feel its lack. But in other cases (for example, imagine what a brainless baby would say about his birth under these conditions), we speculate about what the party who is absent from the discussion would say. Why could we not make the same type of assumption in the case of non-beings? Just as we do not have the ethical right to kill or abort even though we know that life has no structural value, we may also not have the ethical right to *not* bring someone into being simply by knowing that life does not have structural value.

Perhaps, in the negative approach, the "tiebreaker" could come from the following move: if I make someone be born, the motivation for this will have been exclusively provided by the intra-world, in terms of some kind of advantage or prerogative (if the previous arguments are sound, there are no *structural* ethical reasons for procreating, and there are further reasons for *not* doing so); whereas if I abstain from procreating, the motivation *can* be purely structural (even if it can also be intra-worldly; for example, for economic reasons). *There is no structural-ontological reason for procreating, but there can be one for abstaining*. Abstention can be ethically and ontologically founded, in a way that procreation could never be; it could only have intra-world justifications. My reasons for not procreating are ethically grounded in structural information telling us that the one to be born will gain a merely reactive and morally impeded terminal life. On the other hand, all of the reasons for procreating are intra-worldly, and already affected by the moral impediment.

This argument is not entirely convincing. If it is not accepted and the objection proceeds, if not even by *not* procreating can we perform a genuinely ethical act, then this would reinforce even more the structural pessimism defended in this book. It would show that even abstention from procreating is affected by the moral impediment and that human life has no ethical way out, not even a negative one.

If we should not procreate for whom do we write our books?

Somebody could see some incongruence between my attitude against procreation–and the consequent unethical continuation of humanity–and my desire to perpetuate myself through the legacy of a philosophical work, an intention explicit in my long practice of writing books.[11] How does someone who vehemently advises abstention find readers for the works he wants to leave behind (to leave behind for whom)? And in the case of books on negative ethics, these only add further suffering to life, since such books provoke sadness and anguish in many minds. Ultimately, it would seem that what does not come to the world in the form of children will come anyway in the form of books, carrying similar ethical problems.

Answers

This seems to be a very important and interesting objection. Supposing that a human being does not procreate (not have even a single child), and supposing that he considers that staying alive is more ethically dignified than disappearing (even while making himself ever available to death), this human being may feel a strong desire to express himself through making works (philosophical, literary, cinematographic, or in dance, sculpture and poetry). Many people manifest this desire. We must try to understand in what way the creation of works is a coherent attitude after the refusal to procreate has been accepted. Who is going to receive and host our artistic or philosophical legacy?

This objection is perfectly well put. A human who makes works of any kind and bets on them as a form of surviving implicitly or explicitly supposes and desires the continuity of the human species in the form of a virtual audience. Thus, the fact that a human being makes works, even

[11] At the moment of writing this new work, I am the author of around 15 books and numerous articles, which comprise nearly 8 volumes about 300 pages each, and approximately 12 volumes of unpublished writings.

when having decided to abstain from procreation, still points to a basic trust in the continuity of the human race, and therefore, indirectly, in procreation. This seems a very serious objection because such an attitude would appear to be ethically unjustifiable, since abstaining from procreation could be sustained only if we count on the *non*-universalization of this attitude. (It would be like saying: "I will not have children, because I prefer to make works of art; but you should continue procreating because I am going to need readers").

The first answer to this would be that, according to the Moral Impediment thesis, even having clearly shown the ethically problematic nature of procreation and the ethical morality of abstention, *humans will certainly continue to reproduce* (humans systematically choose life against ethics). According to the categories of negative ethics, we know that a universal abstention from procreation adopted by an ethical motivation will never *actually* happen. The presence of the moral impediment, in accordance with which humans systematically put life above ethical demands, assures that procreation will, in fact, continue, or at least, that it will not be deterred by the ethical motives of not manipulating and not harming others. The destruction of humankind, in affirmative societies, will come through endless wars or irrational exploitation of nature, never for ethical reasons. We can count on that.

There is a radical disassociation between a philosophical result and effective human practices. It is absolutely unimaginable, or no more than a mere mental speculation, to think that humans, deeply moved by my arguments (or by those of Seneca, Schopenhauer, Cioran, etc) and convinced that the world is an awful place to live, will abstain from having children precisely by virtue of this ethical motivation. This is a factual (not a logical) impossibility. If the conditions of human life do not change substantially (for example, through some profound natural cataclysm or social catastrophe of the kind depicted in apocalyptic movies), *humans will, in fact, continue to procreate,* even after having perfectly understood and accepted that this violates the rules of not manipulating and not doing harm.

This phenomenon has already been noted by many thinkers: humans continue to practise damaging acts even when they acknowledge that they are wrong to do this. In negative ethics, procreation is wrong; but humans, even understanding and accepting the arguments, will continue to have children. Therefore, even if the negative survival showed, without any shadow of a doubt, that it would be better to cease procreating, procreation will continue as a persistent and indestructible human (or animal) fact. This fact is enough to maintain the rational expectation that the works that

we produce will, unfortunately, continue to have readers. If the Moral Impediment thesis holds, humans will continue, against the ethical demand, to produce children, and therefore, audiences for our works. And in the particular case of negative books, it will be useful and convenient to continue to show the ethical problems of procreation to these not desired but imposed future generations of receivers.

Books of negative ethics will continue to have readers because humans will never behave in accordance with their theses. They will continue to have children precisely because the Moral Impediment thesis holds: humans will continue practising the immoral act of procreation, thereby permitting the continuation of the race of readers. If the Moral Impediment thesis were false, there would be some expectation that humans, perceiving the immorality of procreation, would cease practising it. The persistent supply of readers is not a desire of negative ethics (as that is incongruent with its principles), but rather a painful confirmation. This is my first answer to this question.

A second answer is that there is nothing incongruent about putting the creation of works within the unstable expectation of staying alive, if the project of creating works can at any moment be interrupted by the ethical demand of dying, and never be interrupted by the engendering of children. Creating works can never be considered a good reason for refusing to die when ethics demands so, and procreation can never be considered a good reason for ceasing to create works. It is true that he who creates a work presupposes that the human species will not end, because then there would be no one to inherit the legacy of his produced works. But such a creator does not require that his creation of works serves as a motive for the human species to go on indefinitely. The negative creator of works should permanently embrace the most radical possibility to desist, which makes him amenable to ethical death and rigorously un-procreative. Making works is therefore subordinated to the negative imperatives developed in part I, chapter 8.

My third answer is: *works and children exist on radically different domains*. Works are resources of provisory and tragic resistance to hard life; children are problematic and manipulative gambles in an uncritical persistence of life. I do not accept the claim that no matter what you create, children or works, it is as if it were all the same! The great ethical differences between creating works and having children should not be overlooked. When we procreate, we manufacture a human consciousness, we inaugurate it unilaterally and absolutely; it is an act unparalleled by any other, because other acts, however unilateral and manipulative, are inflicted on already living beings, with a previously engendered

consciousness, who can defend themselves, have opinions, refuse, complain or run away.

It should certainly be accepted without further questioning that books, movies and all other human works could cause harm. However, the most harmful of books could be avoided, cast aside, counteracted with other readings, banned, censored, hidden or burned. The harm provoked by birth, by contrast, does not concede any kind of defence or prevention. The possible harm from a book is always in reference to a being that already has a being, while the act of procreation harms the being itself.

Besides, a work minimally has a cultural elaboration, a creative design, a selection of elements and a synthesis of values. Usually, what is published passes through diverse criteria of quality control, committees, editorial advice, and finally the consideration of the readers. The fabrication of a human being passes no quality control whatsoever. Any human, even the most abject, vulgar and immoral, can procreate at any moment; thousands of children are born in the most deplorable conditions all the time. It is true that a great deal of pernicious literature is released to the market; but apart from the fact that this literature can always be avoided or ignored, all artefacts possess elements of elaboration and aesthetic distancing, because works are created with an intention, with some purpose. By contrast, people are born in plain absurdity; we were not created by talented authors; we cannot be masterpieces.

It is clear that the more critical, incisive, radical, non-conformist and crude our works are, the more they will repel conservative, conformist, superficial and consumerist readers. Negative works may depress optimists, but for thoughtful readers, controversial and pessimistic works always carry, in addition to their shady delight, the satisfaction of a deep existential demand, an elevated *quantum* of clarification of the human situation and a profitable self-awareness. Only humans without any existential density need hopeful literature.

Hans Jonas searching for the "Good Being"

Affirmative moral philosophers have the tendency to take into account only particular questions of the human situation without visualizing its structural components. Hans Jonas is one exception to this. He is an ontological thinker who even considered the possibility of an ethical option for the non-being. Nevertheless, on the other hand, he makes an immense effort in trying to lay some philosophical ground for a moral option for being. He is the only thinker, to the best of my knowledge, to develop affirmative ethics on a radical ontological level.

In a strictly ethical domain, Jonas is basically concerned with an ethics "oriented to the future", with being responsible as regards coming generations of humans. But he conceives this task only in terms of *preservation of life,* through actions guided by a principle that demands that humanity must continue to exist. Thus, every option for the non-being would be, in his opinion, unethical:

> […] for there is […] an unconditional obligation on the part of humanity to exist, which cannot be confused with the conditional obligation of existing on the part of each individual […][12]

However, in accordance with the arguments advanced in the present book, negative attitudes and actions, like abstention from procreation (an option for non-being), could be, from an ethical point of view–however strange or paradoxical that may appear–compatible with the kind of morality that Hans Jonas is looking for. An ethical option in favour of future generations cannot consist only of passing on to them a world in whatever state without some ethical condition. Humanity's survival has to be conditioned on some more fundamental ethical demand which, if not fulfilled, could make the physical disappearance of humanity ethically preferable and advisable.

Indeed, as we'll see in the argument about sexuality (chapter 15), if humanity disappears, obviously there won't be any moral subjects or any exercise of morality, because there simply will not be anything at all to perform this exercise. In this purely material sense, the physical persistence of humanity obviously constitutes a *factual* precondition for morality, but not at all a *moral* condition by itself. From the negative-ethical point of view, humankind cannot persist *under any conditions whatsoever*, but only in a way that responds adequately to some basic ethical demands. Jonas seems to concede this point when he speaks of a humanity that should exist "*with integrity*", in a "*dignified*" and "*authentic*" way.[13]

It makes an enormous ethical difference, therefore, if humanity disappears in a free-for-all war (which is the most likely) or in a heroic or sacrificial way (which is, for now, a mere speculation). Jonas's affirmative ontological enterprise is far from simple because he purports to embed some kind of affirmative normativity–for the factual persistence of humanity–into the very nucleus of being, instead of leaving this normativity as an open option for being or not being.

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[12] Jonas, *O Princípio Responsabilidade*, 86; my translation from Portuguese.
[13] Jonas, *O Princípio Responsabilidade*, 21; 45; 47.

In several places throughout his book, Jonas considers the relation of parents to children as an ethically paradigmatic relationship. I will quote him extensively because of the importance of the topic at this juncture in my investigation.

> We already have in traditional morality a case of responsibility and non-reciprocal elementary obligation (which profoundly moves the simple spectator) and which is recognized and practiced spontaneously: the responsibility to children, who would succumb if procreation did not proceed through precaution and assistance. […] *This is the only kind of wholly altruistic behaviour provided by nature*. This non-autonomous relation with progeny, from the very biological fact of procreation […] is the genuine origin of the idea of responsibility […] *Herein one can find the archetype of every responsible course of action,* which fortunately does not need to deduce just any principle, but which nature planted solidly in us (or, at least, in the part of humanity which procreates).[14]

It is my hope that the reader understands at this moment of the present philosophical reflection that, in light of what was herein developed this affirmation is quite absurd, based on naiveté and a serious failure to describe effective human actions and attitudes. All of these appeals to the supposedly indisputable "altruism" of procreation, which Jonas considers obvious or self-evident, must pass the scrutiny of the extensive and careful argumentation presented in this book. That procreation and education are "the prototype of moral altruism" is not something "provided by nature", as Jonas is ready to suppose, but constitutes a very controversial claim needing strong additional support. It is an extremely problematic thesis that must be carefully justified.

I do share Jonas's concern regarding the preservation of an *ethical* humanity, or of a future that we can be antecedently proud of. However, the preservation of humanity cannot be unconditional (in the sense of guaranteeing *just existence* without inquiring about its ethical nature). The humanity of "integrity", "dignity" and "authenticity", will not arise automatically from mere self-preservation; these ascriptions must be carefully earned by something more than mere perpetuation. If the quality of existence is not previously elaborated, we could have the sheer persistence of the contemptible and the vile (as in the scenario where Hitler succeeds in winning WWII and institutes National-Socialism in the entire world, which will no doubt be a form of assuring the persistence of humanity).

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[14] Jonas, *O Princípio Responsabilidade*, 89-90, my italics.

It is important to return at this point to our description of human life not just as sensible suffering (in the registers of pain and discouragement) but also as morally impeded. Any "persistence" of humanity seems to have to confront this fundamental impediment, which makes it very problematic to consider, without qualifications, the mere persistence (or the "option for being") as an *ethical* demand. Affirmative ethics based on this demand will also include the persistence of manipulation, persecution and elimination of the other, the usual components of an existence concerned with nothing but survival. The persistence of humanity is a prior condition for ethical morality […] *and for immorality as well*. And if my arguments are correct, it is the unethical which would seem to prevail.

Jonas would first have to show by sound arguments that, at the ontological level of reflection, "being is good". This is the crucial point. And he should do this, as he resorts to claiming it quite often in his book, independently of religious categories. At times, he seems to consider this as an evident point despite some suggestive reservations of style.[15] He also concedes that a purely subjective value would not quite suffice to lay the foundations for a solid choice of being. He strives for some kind of "ends of nature" in the service of preserving being and legitimizing an imperative of continuing to be. But it is highly dubious that pure preservation can be an "end of nature" by itself. Nature "wants" many things: giving life, nurturing, sheltering, but also destroying and destroying itself. In any case, it is difficult to know what the "ends of nature" are (just as once it was difficult to know what God really wanted). The unconditional imperative of being and of continuing to be is not "embedded in nature" to be made use of, as Jonas likes to suppose.

As any other mother, Mother Nature also remains ambivalent towards affirmation and denying, generating and corrupting, preserving and destroying (and self-destroying). Our mothers give us life and death, flourishing and decaying, with the latter stubbornly concealed by humans. Nature's movements are many and affirmation is merely one of them. Jonas only wants to see the movement of nature in the affirmative direction, especially when, paradoxically, death constitutes a serious threat to life (152). He infers from this that, being a product of nature, humankind should wish to follow the same path.

But if nature endowed human beings with their own will, it would be as "natural" to say "yes" to life as to say "no", and Jonas himself acknowledged this from the beginning. He clearly claims that self-preservation does not need to be ordained, for it does not need any

[15] Jonas, *O Princípio Responsabilidade*, 103.

persuasion apart from the pleasure associated with life.[16] But–according to the typical ups and downs of the intra-world–one could also say that self-elimination does not need to be ordained for it does not require a persuasion other than the suffering associated with life. It is perfectly "natural" that humans should think about eliminating themselves when the circumstances of their lives are terrible or ethically unacceptable. Why does not Jonas simply accept that the "yes" to being is just one of the available moral options (of second-degree), instead of wanting to embed this movement of affirmation into the very core of nature itself?

Despite the radicalness of his reflection, Jonas seems to accept uncritically–like the vast majority of moral philosophers–the unconditional imperative of being and of continuing to be. Therefore, he considers the responsibility for small and unprotected children as responsibility *par excellence*. But as I argued before, such a principle of unconditional being cannot constitute an original *ethical* precept, in the sense that there can be (and there is) a prior responsibility to the small child: the responsibility due to the child who does not yet exist, and whose (non) existence is in our hands, a radical concern that Jonas does consider but which he resolved tendentiously on the affirmative side, out of a moral obligation to the maintenance of life.

The original helplessness of children can be radically healed through abstention, but an ethically guided one. There cannot be any intrinsic commitment between the ethical protection of the helpless and being, because non-being may just turn out to offer the best protection. One could think about the original responsibility of *not* giving birth as a kind of radical *protection*, and Jonas himself has acknowledged that this "negative" possibility is always open.

The original ethical responsibility, therefore, cannot be the unconditional "yes", but rather the ethically conditioned "yes or no". *Opting for the negative cannot be discarded as an ethical option.* The negative option should not be stigmatized as pure immorality. The ethical carefulness of the "responsible procreator" should be able to coexist with the ethical carefulness of the *responsible non-procreator*. Abstention from procreating can provoke profound pain and go strongly against what Jonas has called the "instincts of procreation"; but it will not be the first or the last time that, in order to be ethical, we need to sublimate some primary instincts.

Jonas claims that responsibility can be a basically asymmetric attitude with regard to those who cannot take care of themselves. But in the

[16] Jonas, *O Princípio Responsabilidade*, 153.

absence of any ethical demand to procreate, the most primal responsibility would not be our asymmetrical concern with those who have already been born and are in need of protection, but with those who are not born and who, upon birth, will inevitably be without protection. *Not engendering unprotected beings with whom we are fated to have asymmetrical relations could well constitute an original ethical demand.* We have the moral right to protect present existents only if we had originally refused to be genitors of new ones; because it is at the least paradoxical (if not cynical) to concern ourselves with protecting precisely those whom we put in the situation of the most radical lack of protection.

CHAPTER FIFTEEN

PROCREATION MEETS MORE ETHICAL PROBLEMS THAN HETERODOX SEXUALITY (AN AFTERTHOUGHT ON KANT)

It should be evident that the ethical-philosophical arguments in favour of *abstention* are not arguments in favour of *abstinence*, in the sense of refusing sexual relations (for example, in the manner of a monastic, virginal moral life that Augustine of Hippo adopted after conversion). A sexually exuberant life (whether heterosexual, homosexual or perverse) can be perfectly *ethical* within the negative framework, against the usual prejudices that morally stigmatize sexuality–even the heterosexual one–as if it were the very locus of wickedness and even demonic. Let's recall that the two pillars of the minimal ethical articulation (MEA) were: (a) Do not harm others by subjecting them to something we know to be bad (NHD); (b) Do not manipulate others by using them for our own benefit (NMD). Here we inquire whether sexual activities of whatever kind, *insofar as they are sexual,* go against these two ethical demands.

Many cultivated and intelligent human beings think that people who maintain heterodox sexual relations (especially with people of the same sex or relations of a perverse[1] nature) are doing something ethically wrong (if not monstrous). And many (maybe the same ones) also think that people who procreate (have children) are doing something ethically right (if not sublime). *I want to assert that contemporary moral enterprise would make a very significant qualitative progress if we could challenge these two basic convictions*. Negative-ethical thinking stands this two-fold position on its head by trying to show that procreation (along the previous lines of argumentation) presents greater ethical problems than sexuality (hetero, homo or even perverse). I will now attempt to show this in detail.

[1] I use the term "perverse" in the technical Freudian sense, alluding to the sexual pleasure obtained from the contact with clothes, objects or residues and, in general, with sexual practices not connected to genitals.

To begin with, take a single heterosexual male leading a life of flirtation and promiscuity, going from one woman to the next without thinking about marriage or having children; or take a homosexual male who leads a similar life (promiscuous and sexually erratic) with his partners of the same sex; both are going to hurt and manipulate their partners (and others involved) and be hurt and manipulated by them, as in all other human relations in the situation of general moral impediment previously described. Both of them will conduct their actions within the holistic web and will not be ethical in all circumstances: we can harm or benefit someone with our sexually promiscuous way of life just as much as with our austere and modest sexual behaviour. By leading a life of promiscuity, I can, for example, make my parents uncomfortable or compromise my boss in front of his superiors, or hurt my partners for my readiness to trade them in for new ones, and so on; however, none of these damages are directly related to the *sexual* character of these actions.

In effect, I could just as well make my parents uncomfortable and hurt my bosses for being, for example, unpunctual or careless in my handling of documents, and I could harm my employees by constantly moving them from one department to another, when no sexual component whatsoever is involved. What I mean to say is that all strictly *ethical* problems regarding sexual conduct are assessed in the same way as situations that arise in non-sexual contexts, pointing to the fact that sexuality is not really what is at stake, but rather inconsideration, manipulation, irresponsibility, and so on, the plethora of anti-ethical attitudes that at times appear in sexual contexts but that are not sexual *per se*. If human beings of whatever sexual orientation manipulate or harm someone else, this happens within the general situation of moral impediment and is not something specifically connected *to sexuality*.

Not even in heinous cases of paedophilia and rape (and, in a more attenuated sense, adultery), can the indisputable moral guilt for these actions be attributed to specifically sexual motives. The paedophile and the rapist are ethically condemnable because they prevail by force and physical domination over a more defenceless being, a fact which has nothing to do with sexuality (The same argument could be applied to any human that tried to dominate and harm another: for example, a policeman that tortured an arrested protestor without having any sexual interest in him). Paedophilia, raping women or abusing minors are clearly unethical behaviours, not because they are sexual practices, but because they are impositions over the will of another, unprotected human being. If an adult tricked a child or someone suffering from a mental illness into giving

away their money, this action would be ethically wrong for the same reason as abusing minors; sexuality is an irrelevant factor.[2]

Similarly, the adulterer is not unethical for engaging in sexual relations but for cheating on, lying to and manipulating the person to whom he is permanently bound. If instead of having a lover, he had a fortune kept hidden from his partner in order to exclude him or her from sharing in the benefits, the action would be equally as unethical without its bearing any relation to sexuality. It does not seem that sexual actions transgress the MEA differently from any other non-sexual human actions. If a single, heterosexual or homosexual man has relations with many partners, and they all obtain pleasure and satisfaction in these relationships without directly disturbing others–we know that within the web of actions they will ineluctably disturb someone as with any human action, sexual or not–the MEA will not be transgressed beyond the usual. On the contrary, they will benefit the partner in terms of pleasure that will hold off or relieve the frictions of his or her own decaying being. No one is unilaterally manipulated here more than they would have been in any other human relationship, sexual or not, and no one is damaged if the relation is based on the reciprocal pleasure that consenting adult partners are able to afford one another.

Homosexual or perverse practices, or masturbation, can provoke loathing, disgust or repugnance in someone, but this does not authorize considering these practices *immoral*. At most, they can be considered unhygienic or dangerous to one's health. But this view of things could be attributed to the external point of view: for those who live these relations from the inside, there might not be any feeling of filth. Moreover, a homosexual might be repulsed by heterosexual sex. Similarly, we might feel repulsed when confronted with the details of birth, but that is not *why* we morally condemn it. (In fact, the reader will not find any "argument because of disgust" in my previous lengthy argumentation on the morality of procreation). We may also feel disgust when watching a small child being fed, with saliva and the leftovers running down its cheek; nonetheless, the parents may see this as charming. All of this can be

[2] The sexual practices shown in Pasolini's last film, *Saló o Le 120 Giornate di Sodoma* (*Salo or the 120 days of Sodom*), are not unethical because they are sexual, but because they are inflicted in an authoritarian and unilateral way on men and women kept in a house against their will; however, if they all wished to participate and could leave the game at any moment, there would not seem to be any ethical transgression taking place, assuming that no minors were involved, that other people were not disturbed, that they did not invade the house, and so on.

applied to heterodox sexual practices as well: the fact that they provoke some external disgust in someone does not condemn them *ethically*.

In his *Metaphysics of Morals* **(**MM**)** and other places, Kant advanced some arguments considering the acts he chastely called "*crimina carnis contra naturam*" as immoral and even monstrous.[3] Kant is not a thinker indisposed to negative ethics. On the contrary, he himself is a negative philosopher concerning, for example, his pessimistic conception of humankind. The Kantian notion of morality is extremely close to the MEA such that his concept on the question of sexuality has to be seriously taken into account. Kant' condemnation of heterodox sexuality (and also the orthodox one in some sense), if strictly grounded on the principles of his practical philosophy, is an incongruence in Kant's moral thinking that can be better explained by biographical facts than by systematic motivations. I will attempt to develop this point.

In a first approximation, one might think that heterodox sexual practices are immoral in the Kantian theory because they do not pass the test of the first formulation of the categorical imperative: Act only in accordance with the maxim that can at the same time have value as a universal law. But in the case of sexuality, there is also a relevant question involving the concepts of "natural" and "unnatural". Kant writes:

> Nature's end in the cohabitation of the sexes is procreation, that is, the preservation of the species. Therefore, one may not, at least, act contrary to that end.[4]

And more specifically:

> Lust is unnatural when humans are compelled not by a real object but by an imaginary representation of it (…) creating an end against the natural end; in this way, imagination brings forth a desire contrary to the end of nature, even more important than the love for our own life, since this aims only to the individual preservation, whereas the end of nature is the preservation of the whole human species and not only of the individual.[5]

He seems to think that there is always something ethically wrong with all kinds of sexuality when exercised as a purely corporal activity. However, at the same time, he seems frightened by the remote or impending danger of humanity ending–and morality along with it– and so

[3] Kant, *La Metafísica de las costumbres*, part 1, chapter 2, section 24, 277.
[4] Kant, *La Metafísica de las costumbres*, part II, chapter 1, section 7, 426. My translation from Spanish.
[5] Kant, *La Metafísica de las costumbres*, part II, chapter 1, section 7, 425.

then sees procreative sexual relations as a perhaps painful condition for the possibility of exercising morality. Sexuality is not particularly desirable, but it ought to be maintained within decent limits, so that humanity persists and so that the exercise of morality can continue. To resolve this dilemma, Kant claims–without a great deal of originality–that human sexuality, in order to become morally legitimate, should take place only within marriage, making sexual relations constant, restrained and reciprocal:

> Natural sexual union takes place either in accordance with mere animal nature […] or in accordance with the law. Sexual union in accordance with the law is marriage, that is, the union of two persons of different sexes for the lifelong possession of each other's sexual attributes.[6]

Therefore (and this point may be crucial), procreation is not, according to his textual declaration, a *moral obligation* for the legitimacy of the union in marriage:

> The end of begetting and bringing up children may be considered the end of nature via the mutual attraction of the sexes; but it is not mandatory for granting the legitimate character of marriage that human beings who marry must have as their end having children, because otherwise marriage would be dissolved when procreation ceases.[7]

However, this seems to weaken the argument that heterodox sexuality is immoral for disallowing the engendering of children, since this is not ethically obligatory even in marriage. This kind of sexuality cannot be called immoral for not being reproductive and putting the species at risk; because if we put the non-obligation to have children in marriage to the universality test, it would put the continuity of the species at risk just as much as heterodox sexual practices do.

On the other hand, knowing Kant's moral thinking, it is at least surprising to see him using "nature" to condemn "unnatural" human practices, if we keep in mind that this philosopher has always put reason and morality in an almost inverse relationship to nature (in contrast to what happens with speculative theoretical reason). Morality cannot emanate from nature but only from a determination of pure practical reason. In a certain sense, all morality is unnatural, in the sense that it goes against the sensible determinations of nature; and Kant himself often insists on the human capacity to resist the calls of nature with reference to

[6] Kant, *La Metafísica de las costumbres*, part I, chapter 2, section 24, 277.
[7] Kant, *La Metafísica de las costumbres*, part I, chapter 2, section 24, 277.

concupiscence, aggression, etc. Why all of a sudden, and precisely in sexual matters, does nature happen to acquire this unexpected authority on morality? Nature incites us to violence, but ethics demands that we resist violence; similarly, nature incites us to reproduce and have sexual relations with partners of different sexes, but humans should not be obliged to follow these indications of nature just to be natural. It seems evident that Kant is mixing here different notions of "nature", and that when he condemns sexual practices as "contrary to nature", he presupposes a nature that is already impregnated by culture and the work of the spirit; it is not the same nature that incites us to violence.

Actually, going even further, Kant does not dare to derive from his moral philosophy a fact that may be frightening: *the preservation of the species is not an ethical motive per se but merely a material means for the practising of ethical morality*. And in fact, at various moments throughout his works, Kant voices the idea that the ethical demand is stronger and more important than any tendency towards the preservation of life. I have already quoted the passage where Kant declares that living is not an obligation but that being worthy of life is; one who is not worthy of life does not deserve to live. *From this it follows, radically, that all humanity could perish if the ethical demand so requires;* why wouldn't what is demanded from each individual apply to humanity as a whole?

It seems obvious that here the aim is to preserve the species as the mere material condition for exercising morality; but the possibility that morality could demand that humanity disappear for the sake of dignity is never contemplated. In the same work, Kant also declares: "[…] *if justice perishes, human life would no longer have any value in the world*".[8] When comparing the attitudes of those who prefer to be condemned and forced to work in jail instead of dying, and those who prefer death, Kant states:

> I say that the man of honour would choose death, and the scoundrel would choose servitude […] for the honourable man values his honour more highly than even life itself, whereas the scoundrel regards a life, even covered with shame, as better than no life at all.[9]

Kant formulated this same idea about morality *pereat mundus* (let the world perish) in many other places; the world has no reason to continue at the expense of morality; *ethics is more important than the mere continuation of the world, since this is only the material condition of ethical morality, without itself being an ethical condition.* The scope and

[8] Kant, *La Metafísica de las costumbres*, part I, chapter 2, section 49, E, 332.
[9] Kant, *La Metafísica de las costumbres*, part I, chapter 2, section 49, E, 334.

nature of the universality test must be here properly understood. This refers not to a merely numerical universality (humanity as species) but to an ethical universality whose observance is not incompatible with the material disappearance–for universal ethical reasons–of the concrete physical humankind. To this extent, orthodox sexuality cannot be unrestrictedly defended from the ethical point of view on the grounds that it assures procreation, an action perpetuating only the mere existence of the human species. Procreation is not, even in Kantian philosophy, ethically mandatory (humans who do not reproduce are not immoral for this reason). Therefore, heterodox forms of sexuality cannot be ethically stigmatized for not being procreative for the same reason. The argument that, if universalized in a mere material sense, humanity would finish, is not valid against abstention from procreating, in the case of the ethically motivated *pereat mundus*.

Let's then put aside the condemnation of heterodox sexuality by the first formulation of the imperative and move on to the second one, namely, of not manipulating or using the other as a means: Act so that you treat humanity, whether in your person or in the person of every other, always as an end and never merely as a means. In Metaphysics of Morals, he writes:

> Man exists as an end in himself, not merely as a means for arbitrary use by this or that will: he must in all his actions […] be viewed at the same time as an end.[10]

Kant admits that we always treat each other as a means in one way or another; the demand is for this attitude not to be exclusive. Specifically applying this imperative to the question of "unnatural" forms of sexuality, Kant writes:

> Sexual union is the reciprocal use that one human being makes of the sexual organs and capacities of another. This can be either a natural use (by which procreation of a being of the same kind is possible) or an unnatural use; the latter takes place either with a person of the same sex or with an animal of a non-human species. Since such transgressions of law, called unnatural or also unmentionable vices, do damage to humanity in our own person, there are no limitations or exceptions whatsoever that can save them from being totally repudiated.[11]

[10] Kant, *La Metafísica de las costumbres*, part II, preface, section IX, 395.
[11] Kant, *La Metafísica de las costumbres*, part I, chapter 2, section 24, 277.

In another passage of the same text, he asks, given the fact that nature supplies us with sexual inclinations geared towards the preservation of the species:

> […] if a person is authorized to direct the use of his sexual attributes to mere animal pleasure without having in view the preservation of the species, would thereby be acting contrary to a duty to himself. In the doctrine of Right it was shown that a human being cannot make use of another person to get this pleasure apart from a special limitation by a legal contract putting two persons under obligation to each other.[12]

In the strict domain of virtues, there would be here, according to Kant, a transgression of a "duty to oneself", by committing the vice that he calls "lust". This notion of a "duty to oneself" seems to be Kant's strongest piece of argumentation for condemning the manipulation committed by this specific kind of sexuality, and therefore I will proceed to examine it with more care.[13]

What exactly is a "duty to oneself"? The expression is strange and as Kant himself admits, almost contradictory, since moral duties are above all formulated with respect to others. He explains the point as follows. One of the ends of life that are at the same time moral duties is what Kant calls our "own perfection".[14]

> Bound up with the ends of humanity in our own person is the rational will, and so the duty to make ourselves worthy of humanity by culture in general, by searching or promoting the capacity to realize all sorts of

[12] Kant, *La Metafísica de las costumbres*, part II, chapter 1, section 7, 424.

[13] In the remainder of his text on this subject, Kant confines himself to declaring rhetorically that the immorality of this act "occurs to everyone immediately, with the mere thought of it, and stirs up an aversion to this thought to such an extent that it is considered indecent even to call this vice by its proper name. This does not occur even with regard to murdering oneself, which one does not hesitate in the least to present it to the world's eyes in all its horror" (Kant, *La Metafísica de las costumbres*, 425). Later on, he writes: "[…] it is not so easy to produce a rational proof that unnatural and without end use of one's sexual attributes is inadmissible as a violation of duty to oneself. The ground of proof is, indeed, that by it the human being surrenders his personality, since he uses himself merely as a means to satisfy an animal impulse […] such a vice in its unnaturalness indicates a supreme violation of humanity in his own person" (Kant, *La Metafísica de las costumbres*, 425).

[14] Kant, *La Metafísica de las costumbres*, part II, preface, section V, 386.

> possible ends […] man has a duty to cultivate the crudest disposition of his nature, by which the animal is raised into the human being.[15]

The "duties to oneself" are divided into those that humans have as animals (staying alive, making natural use of their sexual inclinations, their consumption of food and drink), and those which they have as moral beings (preserving one's own dignity, cultivating an attitude of acting out of duty with the proper purity of intention, rather than merely playing out a game of inclinations). Then, basically, heterodox sexuality would be immoral as a manipulation of the other and of oneself for the benefit of mere "animal pleasure", degrading to both insofar as they do not make an effort in order to maintain their perfection, thereby submitting themselves to their inclinations.

Manipulation is unavoidable in human relations, as Kant himself concedes in the very formulation of the imperative, as well as in his description of sexual relations in general:

> Even the permitted bodily union of the sexes in marriage (a union that is in itself merely an animal one) requires much delicacy so as to throw a veil over it when it is to be mentioned in polite society.[16]

It is as if, even within the bounds of legitimate marriage, partners must constantly guard against transforming their sexual relations into mere lustful manipulation. In this case, heterodox sexual relations do not seem any more manipulative than orthodox sexual practices (as well as other non-sexual ones), to the extent that they are voluntary, reciprocal and not imposed against the will of others. It is not possible to involve oneself in a sexual relationship (and in human relations in general) without using the other as a means, in orthodox as much as in heterodox relations.

Secondly, the MEA and ethical theories in general (and even Kant in his own way) are concerned with not harming others and, if possible, benefiting them. In sexual practices in general (always assuming that we practise them with mutual consent and without pressure), we use the body of our partner as a means, but we do not do so to harm it. On the contrary, we use the other's body to give him or her pleasure and contentment. Perhaps sexual pleasure is, in my terms, one of the most intense manifestations of the intra-world creation of positive values, against the advances of the terminal structure of being. Apart from arguments driven by religious motives considering pleasure as something "intrinsically bad",

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[15] Kant, *La Metafísica de las costumbres*, part II, preface, section VIII, 392.
[16] Kant, *La Metafísica de las costumbres*, part II, chapter 1, section 7, 425.

it is not comprehensible how sexual relations involving mutual, consensual and reciprocal manipulation, resulting in pleasure for both partners, could be something immoral in hetero or homosexual relations. (Kant himself speaks of "reciprocity" as part of the legitimization of orthodox sexual relations, but in heterodox ones this same reciprocity is equally essential, always assuming that everyone participates of their own will).

This is true even for the human being who likes to practice perverse sexuality (for example, sex with things–fetishism–or with animals–bestiality–or sadomasochistic practices, playing with excrement or urine, or even pleasures obtained from non-genital practices). If it does not involve anyone underage or handicapped, if everyone takes part of their own accord and not through coercion, and if there is no direct harm to others, these practices would not seem to transgress the MEA any more than usual (at least no more than, say, organizing noisy parties or reciting religious prayers loudly after ten o'clock at night). Sexual manipulation, if done voluntarily by both parties, is a strongly symmetrical relationship, without partners using each other as a means any more than they would in any other human relationship. And given the strong interest in the pleasure of both parties, sexual relations–of any kind–are in general more egalitarian, or less unequal, than most human relationships, where the partners have unequal interests and greater chances to damage and manipulate.

As it seems evident that sexual relations in general, including heterodox ones, do not offend–beyond what is normal within the general situation of moral impediment–any of the demands of the MEA (of not manipulating and not harming), it seems that Kant's trump card against heterodox sexuality is his famous "duties to oneself". We can accept that humans have the obligation to cultivate themselves, to try to elevate their humanity through the cultivation of their abilities; this seems perfectly correct and I do not intend to raise any suspicion of "contradiction" in the expression "duty to oneself"[17] (for example, by asking up to what degree one could "manipulate oneself"). My line is another: Kant seems to commit here an "Everything or Nothing fallacy" (quite common in his philosophy). He seems to think that someone who practises sadomasochistic sex once in a while has permanently plunged into irredeemable "animality" and completely lost interest in cultivating his own capacities.

But, in general, and particularly in middle and upper classes, people who practice heterodox sexualities also tend to be very cultivated human

[17] This was the line followed by Schopenhauer in his book *Sobre o Fundamento da Moral*, II, section 5.

beings (and it is quite possible, in a psychological subtlety impossible for Kant to understand, that the two things are profoundly interconnected). We must address here the particular temporality of sexual activities. There are relevant differences between someone who thinks about erotic practices constantly and dedicates his life to them casting aside everything else, and another who inserts their heterodox sexual practices among a very wide set of interests, that include the cultivation of one's own capacities and the elevation of culture. In Kant's style of thinking, the religious idea that a single "fall" condemns all existence to eternal damnation seems to be present; a theory of radical "moral contamination". It is clear that a single sexual experience can leave an indelible mark on our life, but the same can happen in orthodox sexuality as well; in both cases, the exercise of sexuality can be sporadic and controlled, without perforce "contaminating" the genuine cultural and spiritual interests of a whole human life.

If we manage to overcome all the usual prejudices, "disgusts" and instinctive repulsions and think seriously about the matter, it would seem wiser and more correct to consider all sexual practices as ethically acceptable–or, at least, as not offending basic ethical demands–to the extent that they are realized reciprocally, not coerced and not followed obsessively to the exclusion of all other interests, including higher cultural ones.[18] We do not need to read Freud or Nietzsche to know that what Kant calls "lust" is an unavoidable element in any normal human life, even under surprising guises such as asceticism (recall the third dissertation of Nietzsche's "Genealogy of morals"). Lust is part of our being in the world. Since we were asymmetrically thrust into the world by our genitors, with a terminal being to live out and die, we are disposed to enjoy pleasure in all of its forms (intellectual, sexual, and so on), as a means of counteracting the inexorable advance of the decaying being that was given to us at birth.

On the other hand–coming back to the preceding arguments–procreation or "having children" seems to meet many more ethical problems than whatever kind of sexuality, orthodox or heterodox. In the first place, manipulation in procreation is patent, because it refers to the very being of those who are created. Procreation is a totally unilateral and asymmetrical action. Secondly, people procreate from the perspective of their own interests without providing any direct or immediate pleasure to the one being born. On the contrary, as we saw, aside from birth being arduous and difficult–when all goes according to plan–the long process of

[18] It is worth mentioning that although Kant, like other moralists, speaks of "animal pleasure" and "animal impulses" to refer to perverse practices, one has to remember that non-human animals are in general extremely orthodox in their sexualities. Sexual perversions seem to be a privilege of humans.

"education" is full of constraints, coercions, punishments and threats. When we use our children as a means, we do it primarily for our own well-being; the relation is asymmetrical and our children will have to get used to the situation afterwards (and be expected to be eternally grateful for it). Thus, procreation is, contrary to sexual manipulation, a kind of manipulative act that puts the other in a difficult situation, while the progenitors obtain benefit from it.

Sexuality is marked by this ambivalence: on one hand, it points to procreation, on the other to pleasure. The procreative dimension of sexuality puts us in the middle of suffering, while its pleasure dimension shields us from it (up to a certain point, because sexuality and death can converge). But if procreation confronts very many ethical problems, the forms of sexuality that are less ethically condemnable should be the ones that do not present risks of procreation, that is, precisely the heterodox ones. We have here a curious situation: previously we had to defend heterodox sexuality by claiming that the fact that it did not contribute to procreation does not, therefore, make it immoral. Now, given the numerous ethical problems with procreation, it is precisely the fact of *not* contributing to procreation which makes heterodox sexual practices more ethical than heterosexual ones, which permanently run the risk of procreation.

The more ethically correct sexual practices would be those limited to forms of coping, by way of pleasure, with the terminal character of our being, without leading to the creation of a new terminal being (resisting the temptation of giving existence to someone else to save our own). Since homosexual relationships do not present the risk of procreation, they can be considered ethical in this sense, but they can be immoral by doing harm to others (for example, by transmitting illnesses). Masturbation does not present any of these risks, so, and against prejudices and habits, it should be considered as the sexual practice least subject to ethical questioning. But, in any case, even heterosexual sex can be exempted from ethical condemnation if all the necessary precautions to avoid pregnancy or disease are taken.[19]

Benatar also points out that, in accordance with the traditional point of view, sex can be morally accepted only if it leads to reproduction.[20] Reproduction is a necessary condition for traditional sexual morality, though it is not a sufficient one (rape and adultery are two examples of when there can be reproduction without morality). Benatar radically challenges this traditional position, going further than those who allege that sexuality does

[19] Cf. Benatar, *Better never to have been*, 125-26.
[20] Benatar, *Better never to have been*, 215.

not always need to be reproductive to be moral. He maintains *that sexuality needs to be non-reproductive to be moral*, given the poor quality of human life. He writes: "[…] *sex can be morally acceptable only if it's not reproductive*".[21] This, according to Benatar, does not imply that all non-reproductive sex is moral; non-reproduction is a necessary condition but not a sufficient one for the morality of sexuality (for example, paedophilia involves reproduction-free acts but not moral ones).

However, Benatar's claims can be equivocal in the sense of suggesting (although not implicating) that the only ethical justification for sexuality is non-procreation, as if sexuality on its own may be considered immoral and needs justification by non-reproduction (just as sexuality is *justified* by reproduction in the traditional view). In fact, both the traditional point of view (sex is moral when it leads to procreation) and Benatar's position (sex is moral when it avoids procreation), seem to look at the morality of sexuality merely in terms of procreating or not procreating. This preserves, in both cases, the idea of there being something ethically wrong with sexuality, considered unethical either without procreation (traditional point of view) or without avoiding procreation.

But this makes the ethics of sexuality rely too heavily on the issue of procreation, taken as some ultimate litmus test. The morality of sexuality is not exhausted by considerations on procreation. While it is true that by leading to procreation, sexuality–in my negative approach and in Benatar's terms–is unethical, it is not the case that sexuality is *only* ethical by not leading to procreation, as though it must be considered unethical in all other cases. Sexuality as such, whether orthodox or heterodox–according to what was just developed here–can be considered as perfectly ethical independently of the question of procreation, to the extent that it does not violate the demands of not provoking harm and not manipulating others more than usual.

So, zero reproduction would be one of the two basic requirements for a morality of sexuality but not the only one. When there is reproduction, and following the arguments advanced in this work, any sexual practice is already ethically problematic only for this reason; but, in the absence of reproduction, the resulting sexual practices will not be ethical merely for this reason. Outside of the possibility of reproduction (and also, perhaps the transmission of diseases), the moral character of sexuality does not seem to be problematic (or to be no more problematic than other human actions unconnected to sexuality).

[21] Benatar, *Better never to have been*, 126.

In fact, we should distrust the expression "sexual morality". There is not actually any specific morality *of sexuality*, but sexuality should be submitted to the same standards of morality as any other human actions. Sexuality appears to amplify the psychological and emotional aspect in the evaluation of human actions, which makes ethical faults involving sexuality appear worse than those which do not involve it (which in part gives rise to the notion of a "heinous crime"). This "psychological excess" surrounding sexuality results in the fact that other–non-sexual–practices committing the same ethical transgression do not receive the same expressive ethical condemnation from the community as sexual practices do. But we must make an effort for sexual activities to be analyzed by the same criteria as any other human action, without being influenced by psychological impacts. What we must evaluate in human actions, from an ethical viewpoint, is only the potential manipulation and harm done unto others and nothing else.

In summary: (1) Contrary to common sense, procreation meets many more ethical problems (in the minimal sense of the MEA) than any form of sexuality–homo, hetero or auto-sexual; (2) When some sexual practices (like rape, paedophilia or induced perversions) are unethical beyond all doubt, it is not because they are *sexual* practices but because they offend principles of ethical morality applicable to any kind of human action, sexual or not; (3) The ideas that procreation is an ethically sublime act and that sexual practices (especially the heterodox ones) are ethically abominable, are not sustained by reason but are rooted in emotions and socially established prejudices no longer open to serious questioning.[22]

The Decency Objection

Someone could claim that all along in this chapter (and maybe throughout this book), a purely individual and unhistorical notion of ethical morality, deprived of all social mediations, had been assumed. In real ethics, we are not just required "not to harm" and "not to manipulate", but as members of

[22] In this chapter I developed the issue of the morality of sexuality in connection with Kantian deontological ethics; there are, of course, other European ethical theories on hand, like Utilitarianism and the ethics of virtues, that are also useful for evaluating the moral question of sexuality. For strategic reasons, I chose the ethical theory that condemns sexuality in the strongest possible way. In the ethics of virtues, even sexual perversions would not be unethical as long as they did not damage the agent's formation or his good character. In Utilitarianism, they would not be unethical if they did not obstruct the majority's wellbeing (this was, in fact, the position of Jeremy Bentham, the founder of this school of thought).

a moral community, we acquire duties regarding our fellow citizens, colleagues, family and friends. We are educated in a community with reciprocal obligations and with shared feelings of decorum. In the light of a social and historical morality, forms of heterodox sexuality can be strongly offensive to a community (rather than to "nature" as with Kant) by damaging established forms of coexistence. Loathing and "disgust" would not be mere individual attitudes but could be signs of social averseness indicating the immorality of certain actions within a social environment in which we constitute ourselves as genuine and trustful moral agents.

Thus, the "lack of decency" of these practices could be ethically denounced. Even human beings who practise perverse sexualities in their own homes without disturbing anyone else would be transgressing socially established behavioural norms. Moreover, it is quite difficult to imagine that such practices do not in some way exert a grievous influence on meaningful social behaviours.

Answers

It must be said that negative ethics harbours all kind of distrust regarding socialized and consensus ethics. I prefer to associate ethical demand with the human situation and its more elementary coercions, even accepting a minimal and non-metaphysical notion of "nature". Again, I refer back to my article "Ethics and the human condition: notes for a natural grounding of morals" where I advanced some criticism against "processes of socialization" presupposed as proper foundations for morality. I point to the fact that a "person's dignity" rooted in social forms is an extraordinarily fragile concept, and my alternative proposal is the idea of a "negative inviolability", pointing to a kind of fundamental "indignity" as a better ground for morality (see part I, chapter 8).

Contemporary European philosophers of Kantian orientation, such as Karl-Otto Apel, Jurgen Habermas and Ernst Tugendhat (and, in fact, my article was written in the context of a discussion with this last thinker) have much greater trust in the power of a social grounding of morality. Tugendhat speaks of individuals who damage the social order where they were educated as people who offend their equals and provoke their indignation, and also of shame in the transgressor and his subsequent rejection and isolation on the part of the community. But we can consider these social organizations tendentious and authoritarian, imbued with uncritical presuppositions, unrevised sentiments and exercises of power. According to the conceptual background presented in this book,

communities are composed of terminal beings in an arduous fight against the decaying nature of their beings and structurally affected by moral impediment, all of which makes human communities extremely untrustworthy and unreliable, unable to assume moral attitudes free from prejudices and resentments.

In the particular issue of sexuality, the fact that a society rejects masturbation and perverse sexual practices as being "indecent", favouring heterosexual relations as ethically correct, in no way establishes ethical morality in the sense of something we have the obligation to accept, however strong or insistent the social pressure of the community may be. It would be hypocritical to deny that we are lustful beings and that we are, independently of our acculturation, strongly attracted by pleasurable bodily practices. To the extent that humans respond to these attractions without harming anyone or without allowing these practices to occupy exclusively and obsessively all of life, there is no reason why we should reject these practices based merely on socially established norms of "decorum", put in place solely by the force and coercion of traditional and persistent criteria or social conventions.

If libidinal practices are adequately located in a balanced way of life, not harming others more than usual, it does not seem reasonable to dismiss these practices merely for the sake of a shared feeling of social "decency". This is a socially constructed value that we are not forced to uncritically obey, just by the gratuitous fact of having been educated within one community where these values hold sway. Here we really have to decide whether the philosophy we engage in is going to accept the ethical articulations from the communities where the philosopher was, by chance, socialized, or whether the exercise of his thought will have priority over traditions and customs. The reader must have understood, by this point in the inquiry, that my position concerning the nature of philosophy is firmly on the side of the latter.[23]

[23] On the matter of abortion, I will have the opportunity of strongly disagreeing with Peter Singer, but for now, I can fully agree with him on the understanding of what philosophy should be: "Philosophy should question the basic presuppositions of each time period. Reflecting, critically and carefully about that which the majority takes as a given, is, I believe, the principal task of philosophy and the task that makes it a worthy activity in the first place. Unfortunately, philosophy does not always play its historic role". (Singer, *Libertação animal*, 269).

CHAPTER SIXTEEN

ABSTENTION IS NOT THE SAME AS ABORTION

A Negative-ethical Argument against Abortion

We frequently see abortion being analyzed and assessed in the same line as abstention from procreation, as if antinatalism would obviously imply a pro-abortion attitude (where abstention would be something like a radical abortion). In the pessimist approach, accepting the lack of value of human life, moral impediment and the immorality of procreation, aborting seems to work for the benefit of newborns, saving them from the frictions of their painful and immoral birth. This can be seen in principle as a kind of lazy and superficial common-sense way of thinking: life lacks value; then, we must not procreate and we must allow abortion, because both prevent new people from being harmed by coming into existence. This line of argument neglects the different position that the lack of value of human life occupies in the abstention situation and in the abortion situation.

In the following argumentation, I maintain a distance from these apparently obvious parallelisms; abstention and abortion are two totally different ethical (and bioethical) questions. Therefore, it would be inadequate to apply to the question of abortion the same lines of argument as developed on the issue of abstention. Surprisingly then, negative ethics will take an anti-abortion posture, and I will show that this is not contradictory to the antinatalism assumed earlier, but on the contrary, totally congruent with it.

Right from the start, I should say that my line of argument here is not located within the well-known controversy between "conservatives" and "liberals". It will become clear that, in some respects, I coincide with the "conservatives" and in others with the "liberals", and that my own position is not "pro-choice" and much less "pro-life", but neither am I "pro-death".[1] It should be particularly clear that my anti-abortion argument does not make use of the conservative idea–strongly attacked by Peter Singer–of the "sacredness of life", nor even of the weaker idea of a "value of life";

[1] Benatar, *Better never to have been*, 161.

in the negative approach, there is no such thing as a "value of human life" and, on the contrary, a profound lack of sensible and moral value of human life in its very structure is crucial to negative ethics. Yet, on the other hand, the presence of this structural lack of value cannot be taken straightforwardly and with no mediations as a pro-death element without further philosophical reflection.

At this point, we may do well to recall that, in the context of informal argumentation, arguments are never totally conclusive, in spite of each party involved feeling that the discussion is closed in his favour. The conclusions depend on at least three elements: the meaning given to the key terms, the premises taken to be true and the kinds of logical *sequitur* accepted. It would be possible, through alternative pathways, to arrive at contrary conclusions ("Abortion is moral", "Abortion is immoral") with both being correct, depending on the respective presuppositions and connections within the web of arguments. This means that I would never be able to write a sentence like Peter Singer's about there being a "clear-cut answer" to the question of abortion:

> In contrast to the common opinion that the moral question about abortion is a dilemma with no solution, I shall show that, at least within the bounds of a non-religious ethics, there is an unequivocal answer, and those who take a different point of view are simply mistaken.[2]

This is an arrogant and irresponsible way of referring to a very complex question that could never be definitively settled in a single line of argument. (I will return to this topic of logic and argumentation in my final conclusions).

Before presenting my anti-abortion argument, I want to introduce a first elementary ontological distinction between abstention and abortion (but I will return to this crucial question later with new elements of analysis). The basic insight is simple: abstention only deals with the idea of having children or not, and when we decide *not* to have them, we do not eliminate *anything*; we merely decide not to take the steps leading to the birth of a new being. With abortion, on the other hand, we already have *something* we must take a position on. It does not matter for now what this *something* may be; what is important at the moment is merely the difference between *something* and *nothing*. Not even a zealous pro-abortionist would deny that the discussion of abortion is about *something* (*whatever it may be*), while this *something* simply doesn't exist in the discussion of abstention, the case of people merely thinking of having a

[2] Singer, *Ética prática*, 147

child. While the difference between *something* and *someone* is very controversial, the difference between *something* and *nothing* seems clear.

In the case of abortion, even though what this *something* might be is controversial, it is *something* regarding our adopting some position or other. *There is ontologically something that we are thinking of eliminating or not*, whatever its nature is. Consequently, in this case, the ethical or unethical character of the act of elimination (is it a dispensing, is it an expulsion, is it a murder?) can be formulated, whereas, in the situation of abstention, there is *nothing* whatsoever in relation to which we have to take a position. There is *nothing* as regards having relations of elimination or preservation. This initial elementary difference suggests that the argumentative resources used for abstention perhaps will not serve a purpose here, and that it would be better to develop a line of argumentation for abortion independent from the line of reasoning on abstention (even if some negative categories are used to argue both cases, as we'll see).

In fact, the anti-abortion argument advanced here is not entirely original in its structure. It could be considered *as a kind of refinement of the traditional anti-abortion argument by the use of some categories taken from negative ethics*, like "terminality of being" and "structural lack of value", in addition to some elements of existential philosophy taken from the Heidegger-Sartre line of thought. The argument can be sketched as follows:

(P1) It is negatively-ethically wrong to eliminate–actively or passively–a human being different from ourselves, with exclusive attention to our own benefit, considering it an obstacle which can be simply discarded and removed.
(P2) It is, in general, ethically right to act in favour of the most helpless and defenceless human beings who cannot defend themselves.
(P3) A human foetus: (a) is already *something* that was put there in a gratuitous and contingent way (in the sense that it could have been not engendered); (b) it is something *of terminal nature* that begins to terminate from its very beginning and to terminate specifically as a human being (it is not consummated in the same way as an animal, plant or thing).
(P4) A human foetus is, in general, in the situation of gestation, pregnancy and birth, the most helpless being involved.
(C) Therefore, it is, in general, negatively-ethically wrong to eliminate a human foetus.

Here the principal innovation is almost all concentrated in premise (P3), but there are also important modifications in other points of the argument on which I prefer to comment in strict sequence.

Premise (P1) purports to be a negative-ethical version of the traditional rule of the interdiction of killing. It is important to note that in negative ethics the interdiction of heterocide does not proceed from the fact that the victim's life is "valuable", but from the fact that neither I nor anyone else has a value higher than his, which would allow us to act above and against the autonomy of the other concerning his life, whatever the value of this life may be. *The interdiction does not emerge then from some property of the victim but from an impropriety of the victimizer.* This premise relies basically on the "negative inviolability" according to which no human can legitimately allege to have a superior value, giving him some prerogative for eliminating another being with the same lack of structural value. It is crucial for the development of the argument to understand that (P1) derives directly from NHD and NMP, where both could be considered as additional premises implicit in the present anti-abortion argument.

Premise (P1) talks about active or passive elimination establishing that the difference between "to explicitly eliminate" and "to let die" is irrelevant. An omission is an act deriving from a decision that carries consequences like any other. Keeping still is a way of moving and not acting is a way of acting.[3] Those who we let die through lack of assistance are also our victims, and our passiveness does not reduce or nullify moral imputation.

(P2) is not specifically a negative-ethical principle, but an element brought from usual affirmative ethics; plausible enough at least as a *prima facie* rule. However, helplessness and vulnerability should be seen as changing or shifting states of humans. At first, the elderly, small children and sick people may appear as more helpless and defenceless, but in concrete situations, a child, an old man or woman or a sick person can impose tyranny inside a home, using their very helplessness as a weapon. Likewise, humans who belong to discriminated groups may appear, at first sight, to be more helpless and unprotected than humans belonging to the hegemonic group. However, it can also occur that these groups take advantage of their situation of discrimination and try to obtain from it illegitimate rights or unfounded prerogatives.

Human groups that were defenceless and vulnerable at one moment of history, like the Jews, may today become a powerful source of violence.

[3] We have "continental" support for this idea in the Sartrean theory of action, and "analytic" support in, for example, the Deontic logic of Henryk Von Wight.

Therefore, we can maintain the principle as being a valid *prima facie*, while keeping in mind that someone can use their helplessness as a resource for domination. Even so, the principle seems reasonable if applied with flexibility, allowing us to be critical today regarding those who we defended yesterday, while still guided by the same principle (protect the weaker). Material arguments will have to be on hand to prove that the specific humans involved in the discussion are really the most helpless and defenceless, and therefore, protected by the principle (P2). In the particular case of abortion, it will have to be shown that the foetus is really the most helpless in the relevant situation.

With (P3) we arrive at the very core of the argument, for the crucial point of the "abortion problem" has been the moral statute of this *something* that *is there,* in the woman's body. The usual doubt in debating abortion concerns the issue of when this something is *someone*. An implicit idea in the entire question is the following: if this *something* is not yet human, then it could be legitimately eliminated; *anything that is not human can be killed*. This is a highly problematic and controversial presupposition because we could agree that something is not human and not accept that just for this reason it may be legitimately eliminated. Many believe that not even inanimate things (like hills, valleys, waterways, and so on), should be destroyed (dynamited, dried out). So, showing that this *something* inside the mother is merely a thing is not enough to allow us to eliminate it. But for the sake of argument, I will accept the dubious premise, that killing non-humans is unproblematic.

In the discussions on abortion, a great importance has been given to fixing the moment when this *something* in a woman's body can be considered human. And there has been unending debate surrounding how to determine this point. Here two questions–one formal, another material–arise. The *formal* question is that the argument that abortion is unethical at moment x can be formally correct even if it is difficult, or even impossible, to determine exactly this moment x. Perhaps this determination will be made by well-established sciences and the result would simply have to be accepted by lay philosophers; the fixing of the moment x is not perhaps a philosophical question, but a factual one. But, however it may be, the argument maintains that if something is at the point x, this something is already human, and therefore cannot be eliminated. This is relevant because–as frequently happens in debates–many try to contest the argument on the basis that we cannot determine this moment x with complete certainty, that there is always a "grey area".

Here it is better to distinguish the conceptual ethical motive for legitimizing some human action (abortion, in this case) from the technical

difficulties in implementing this motive in practice. If we discover conceptually that a certain action is wrong at *x*, *it will not cease to be wrong by the fact that we do not have effective procedures or methods for determining the point x*. A practical problem cannot be confused with a conceptual one. On the other hand, if it were so problematic to determine the exact moment *x*, the famous maxim *In dubio pro reo* might be applied in this case. If we are in doubt about whether the *something* in the woman's body is or is not human, and if it is so difficult to determine this diffuse line, *then we should not abort*. When in doubt, we must not harm the condemned, a foetus in this case.

The *material* question is that *we have* more than one way of determining the moment *x philosophically*, without appealing to scientific procedures. And philosophy is interested not just in biological determinations of humanity, but also in biographical ones, determinations affected by temporality and existential choices. These kinds of determinations have been blocked in contemporary ethics and bioethics by the solid prevalence of a classical conception of the human being–from Greeks to Descartes, and now professed by bioethicists like Singer and Tooley–as a "rational agent", from which the well-known "indicators of humanity" derive. These "indicators" are things such as: having a consciousness, having preferences, conscious desires, feelings, experiences of pleasure and pain, thoughts, self-consciousness; being able to think rationally; having a sense of time; being able to remember one's own past and mental states; being able to visualize one's future; having interests that are not momentary and involve a unification of desires over time; being capable of rational deliberation; being able to have moral considerations to morally choose from among possible actions; being able to interact with others, being able to communicate successfully, and so on.

The entire argument about abortion is traditionally directed at inquiring at what moment the *something* in the mother's body acquires those properties and with them its "humanity", thus barring its elimination. The situation is delicate for the unborn: it will have to show its Cartesian credentials or be condemned to death. At this point, the anti-abortion advocate falls into the trap of accepting an understanding of a human being as a "set of properties" and introducing the very controversial notion of "potentiality". He tries to show that, although this *something* does not have those properties at moment *t*, it will have them at moment $t + n$, suggesting that it possesses them "potentially" at moment *t*. And we cannot eliminate "potential" humans.

The term "potentially", considered irredeemably metaphysical by calling to mind the Aristotelian doctrine of act and potency, raises all

kinds of eyebrows on the pro-abortion side. But this may not be entirely deserved if we consider that metaphysics resides in certain uses of terms rather than in the terms themselves. We speak, for instance, of "chemical substances" without having to make a commitment to the Aristotelian metaphysical concept of "substance"; and we use the term "potentially" metaphysically in expressions like "The world was always, potentially, a creation of the Absolute" but not in sentences like "A puppy is potentially an adult dog". In the latter sentence, the term "potential" is used in a perfectly empirical rather than a metaphysical sense.

To further reinforce this point, it is important to see that, in the case of animal genealogies and specifically of human ones, this potentiality is necessary, not contingent. This means that something that was engendered in a human sexual relation is not potentially a human being in a contingent way, but by necessity (this is untrue for non-genealogical relations; for example, we cannot say that in his youth, due to his competence in leadership, Fernando Henrique Cardoso was, *potentially*, a good president of Brazil). Something generated in a sexual relation between humans is by necessity a potential human being, in the sense that–as is usually argued in the anti-abortion line of thought–if its development were not interrupted or blocked for external reasons, it would end up being a human and not, say, a tiger or a fish.

(Suppose that someone is thinking about constructing pieces of furniture with the wood taken from a group of trees in a forest. I am informed about this and, to stop this project (for whatever reason), I burn all the trees. The trees were not yet pieces of furniture (just like foetuses are not yet humans), but they were going to be transformed into pieces of furniture if I didn't burn the trees, which were to serve as raw material for the pieces of furniture. By burning the trees, even though they were not pieces of furniture, I damaged the construction of the furniture by my act; with the aggravation that while the trees were going to be transformed into furniture contingently, a human foetus will turn necessarily into a human being without a doubt).

This line of thought seems to be the stronger point of the anti-abortion argument. (This does not mean that it does not admit counter-arguments, like any other argument). Therefore, I will use the concept of "potentiality" at a certain point of my argumentation but very soberly and sparingly, because I think that we have, in the negative approach, a viable philosophical way of fixing the moment *x*. The crucial turning point is: instead of accepting the characterization of humanness in terms of "properties" and then trying to show that these properties "potentially" belong to yet incomplete beings, *we can, purely and simply, reject the*

characterization of human beings in terms of properties and adopt another account of humanness that makes no use, or makes a minimal use, of the notion of "potentiality", devoid of its metaphysical import, as we saw).

In fact, in contemporary European philosophy, the conception of humanity as grounded on "properties" has already been strongly challenged from the standpoint of existential and hermeneutic philosophy.[4] The classic anti-Cartesian text is Heidegger's *Being and Time*, where the German thinker develops his conception of humans as *Dasein*, as a mode of being without a defined essence, who has to make his being in temporality from a brute and bare facticity. (A similar notion was later developed by Sartre, without much originality, in *Being and Nothingness*). Following this conception, humans are not characterized by "properties" (as things and instruments are) but by a specific "mode of being". This mode consists initially of having been thrown gratuitously into a radical situation of facticity, into a finitude directed towards death; it is a comprehensive and anguished being forever in self-construction that must permanently take care of oneself and others against an original helplessness and radical contingency. This is a depiction of humanness which is very remote from the "rational" and "free" conception of a human.

The existent (*Dasein*) constructs himself without the guidance of some God or Nature, having to invent his own historical being through dramatic and groundless choices. He is not guided by some high rational ideal, or by some provident God, or by a firm idea of goodness, but he is a cornered and anguished mode of being who has to respond urgently for the sake of its being. His project is perpetually transcendent in the sense of always staying beyond every attempt to fix a definition or "indicators of humanity". Here humanness is not reduced to a "set of properties" but consists of a historical project in progress. In this conception, the human existent is never defined by "indicators", but he is, in any case, what the existents do with these indicators within a temporal project.

I could have perfectly well formulated the whole premise (P3) using these existential Heideggerian/Sartrean bricks. According to this new concept of human, although this *something* in the woman's body may take days, weeks, or months to become "viable", and years before acquiring all the "indicators of humanity", this *something* is already, from the very

[4] At this point I must face the scepticism of the readers of antinatalist literature, presented almost exclusively within an analytic style of thinking. I had insisted in my bioethical writings that a combination of analytical and continental traditions might be extremely fruitful in the area. I ask the reader to persevere so that this point becomes clearer in the argumentation process.

beginning, *put there gratuitously and without sense,* having already all the absurdity of a human existence, finitude and direction towards death.[5] This gratuitous and senseless existential condition cannot be apprehended and understood by the *something* there in the first person, but we–in the third-person position of possible abortionists–can see and understand (in the same third-person position where others, following the rationalist conception of humanity, can see the absence of "indicators of humanity" in foetuses). And this existential mode of being is something specifically human; it does not make sense to say that the life of a non-human animal or of a plant is gratuitous or absurd, because this absurdity arises specifically from the human condition. (The life of a giraffe is not gratuitous or senseless in the Heideggerian or Sartrean sense).

Thus, the "indicators of humanity" rest upon a concept of humanness as a rational and free agency; but from the perspective of existential philosophy, a human is a being thrown into a contingent and absurd existence, considerably before consciousness and discernment appears. Even though the foetus or the small baby is not capable of fully appropriating their existence and making complex choices, it is already "being-there for nothing" and "towards-death". Clearly, the foetus is not a complete Heideggerian existent because although the foetus is thrown into existence gratuitously and already directed to death, it does not yet possess the capacity to make complex existential projects (although, on the most elementary level, it is already fighting to continue being against some obstacle, a very primitive experience of the frictions of existence). Here we can prudently use the category of "potentiality", the staunch part of the "conservative" argument: if we do nothing to impede it, the existent gratuitously thrown into being will transform into a fully projective human being. This is a very austere usage of the notion of "potentiality" because *the existential nature of foetuses*, its gratuitousness and absurdity, is ostensibly present *now*, and not just at some further moment; it is only these more complex existential projects that will appear later.

If we ask here the traditional question, "At what point is this *something* in the woman's body an existent?" we can respond: *all the time!* Just as Sartre mocked Marxists because they thought that humans began to exist

[5] Here it is important to understand that the Heideggerian "being-towards-death" (Sein zum Tode) is not the simple presence of factual death, but a category of human existence putting death within the scope of facticity, contingent dereliction and historical projects. Being-towards-death is not identical with death but is the presence of death in a very peculiar form of living. This makes humans the only mode of being that is a being-towards-death. (Cf. Heidegger, *El Ser y el Tiempo*, sections 46-53, especially 49 and 50).

only when they received their first salary, we could say that rationalist philosophers think humans begin to exist only when they enrol in their first course of logic. Thus, this *something* in a woman's body is human, *in the sense of a gratuitous and meaningless existent directed towards death*. This *something* could never have another "mode of being", say that of a feline or canine or any non-Dasein structure. This *something* in a woman's body is not evaluated in accordance with "properties" but it is an original "mode of being", whatever its degree of development is. It is absolutely impossible that this *something* later on acquires some other non-human mode of being.[6] And the foetus does not have this mode of being "potentially" but in its present state: an existent that is still not fully projective is, nevertheless, completely gratuitous and factual (affected by facticity), and already existing towards death.

This conception of humanity seems to lead precisely to something that thinkers like Singer and Tooley criticize: to justify the ethical inviolability of a being's life merely because it belongs to the human species. In an existentialist bias, there are great differences (although not "primacies" or "superiorities") between the human animal and other animal modes of being.[7] The problem arises from the fact that being a Heideggerian Dasein happens to extensionally coincide with belonging to the human species (at least for now, unless we discover *Dasein* on Mars), although intensionally, they are different. Thus, humans are inviolable because they are gratuitously thrown into existence and have to make their own beings, and not because they belong to the human biological species. The confusion comes from the factual coextensive character of the set of existents and the set of human beings (and also from the lack of knowledge of thinkers, like Singer and Tooley, of continental philosophy).[8]

Despite all this, instead of adopting an entirely existentialist concept of humans in (P3) (these elements are included in the item (a)) I will also use elements from my own negative philosophy as developed in the first part of this book and in previous works. But this has some salient points in common with the existentialist approach. First of all, both are opposed to the procedure of characterizing humans through "properties" or "indicators of humanity". Second, both appeal to an ontological dimension: in the case

[6] Horror films enact these fantastical metamorphoses and this explains their disturbing impact on us.

[7] Heidegger addresses this question in the second part of his book, *The Fundamental Concepts of Metaphysics*.

[8] Cf. Cabrera, "La cuestión ético-metafísica", where I consider the usefulness and convenience of Heidegger's and Schopenhauer's concepts in bioethical investigations.

of existentialism, to a specific "mode of being", and in my case, to a peculiar kind of structural situation. Third, both conceptions of human take into account gratuitousness, contingency and mortality as crucial points of reference, very much before any rational, deliberative or linguistic determination takes place.

In my negative-ethical formulation of (P3), according to item (b), a human foetus is thrown into existence, initiating its life in a terminal form with a very peculiar mode of termination. This situation already exists at the precise moment when this *something* is in a woman's body gratuitously and with a human terminality. That *something* is already terminal, thrown into being, directed to a very special form of expiring, at the very moment of being in the woman's body, something already afflicted by the peculiar terminality of its being, in the structural human situation in which it was asymmetrically put, long before gaining an adequate consciousness or ability to verbalize this situation.

To summarize this crucial point: abortionists insist a lot on the moment at which the *something* in the woman's body is *someone* and so cannot be eliminated. This strategy can be assumed in some line of argument, but it is only one line among others; several counter-arguments can be advanced, for example: (a) It can be contested that eliminating what is considered non-human is ethically permissible; (b) Admitting that it is permissible, humanity can be determined differently if we change the conception of human from the rationalist view to the existentialist or to the negative view. In this case, we do not use "indicators of humanity" any more, but a specific mode of being or the notion of terminality, according to which something is an existent or a terminal being from the very beginning; (c) The existential and terminal nature of foetuses–and the consequent interdiction of eliminating them–can be verified in the third person; it is not necessary for them to have any consciousness of their situation, or any interest in continuing, because *we have* this consciousness and *we can* understand this interest.

In discussing abortion, parties always insist on arguing the status of foetuses, that is to say, of the objects of abortion; but I never see anyone focusing on *the status of those who perform abortion,* on the question of *their* humanity. Are they fully possessed of all the "indicators of humanity"? How many women who have abortions have a full consciousness of what they are doing, a rational self-knowledge, healthy psychological functioning, full rationality, capacity to envisage the future and ponder the consequences of their acts, a good control of desires, rational deliberation, ability to make moral decisions and good communication skills? In many abortion situations, the "improprieties" of

aborters are much clearer than their properties. Is not the humanity of those who are thinking of eliminating something at least an issue as the humanity of what is to be eliminated?

Finally, the premise (P4) of the argument considers the foetus as the most helpless and defenceless of the parties involved in the situation of abortion. The justification for this was already pointed out above: in the general circumstances of procreation, the unborn and the newborn are the most helpless, because it's their own beings that are manufactured in the process, rather than this or that aspect of an existing human who could somehow defend himself from manipulation. Nothing of the sort is available to the one being born or to be aborted, who is totally in the hands of those who will decide his living or dying, according to their own plans and convenience. No helpless adult could be as defenceless as that.

Our line of argumentation shows that all the premises allow us to come to (using informal logic, of course) the conclusion (C) that, in general, it is unethical to abort a terminal human being inside a woman's body. What is killed through the abortion is the terminality of that *something* and its right to terminate in accordance with its beginning in a way chosen by him. This terminality is damaged even if the abortion is done immediately after that *something* is in the woman's body, because a human begins to terminate as soon as it goes from nothing to something. Human foetuses are biographically terminal, that is to say, they are decaying beings from their very beginning.

In the preceding argumentation, I accepted the challenge of determining the point when that *something* has a human status, but the more relevant issue is manipulation. It is convenient here to recall that (P1) relies on the background of the double ethical demand expressed by NHD and NMD. These ethical demands refer respectively to the obligation of not harming and not manipulating. Let us return to the basic ontological difference: in the case of abstention, we have *nothing*, in the case of abortion we have *something*. How must we apply the two demands in each case? In the case of abstention, we think this way: if I bring to existence I harm, because we know that life is not good (according to the arguments above) and in this situation, we can only manipulate *the idea* of an undetermined someone (See answers to O.3 in chapter 11). Not procreating prevents both harm and manipulation. Here, there is no one that someday will have the autonomy to decide, because, by hypothesis, there is *nothing* when we are just thinking of having children.

The case of abortion is totally different. We have already brought someone to existence, and with this, we certainly did harm the newborn, because we know that life is not good and we bring someone to existence,

but we cannot simply try to compensate for this damage by aborting; this is a very simplistic way of thinking. We cannot "cross out" the foetus as we do with mistakes on a piece of paper. If we commit abortion we manipulate not just an idea, but the *something* in the woman's body. Abortion is a kind of manipulation of a helpless being that cannot defend himself; we treat him like a thing to be removed, and this straightforwardly offends NMD, taking into consideration that this something is already an existent (in the sense of being gratuitous and factual) who–cautiously using the notion of potentiality–will be a full existent in the future (in the sense of a fully-fledged projective human being).

We cannot abort simply according to the idea of life not being good, as we did in the case of abstention, because we now have *something*, and that something will be able to create positive values to meet the terminality of his being already given; here we have something that someday will have the autonomy to decide. We cannot decide for him. We committed a very serious mistake (bringing to existence), but it is not a mistake that can be unmade by another one; a new manipulation cannot make up for the prior manipulation. In abstention, no manipulation has ever occurred. In the situation of abortion, the foetus was already manipulated during procreation, but we can prevent him from being manipulated again in abortion. Later, he will have more resources to react, whereas now he is totally helpless and defenceless. In bringing to life, we deprive the newborn of the possibility of not being born; but by having an abortion we also deprive the newborn of the possibility of choosing his death.

When there is nothing (as in abstention), concern about harm is more important than concern about manipulation, because we have all the relevant information about the badness of life and there is *nothing* whose autonomy we are going to violate one day by the decision to abstain from procreating. But when there is already *something* (as with abortion), concern about manipulation is more important than concern about harm, because even when we have all the relevant information about the badness of life, there is something whose autonomy we are going to violate one day through the decision to have an abortion now. (Here, of course, the abortionist will insist that this something is not somebody, or even that this something to be aborted is nothing at all, largely based on the conception of human as defined by properties, and by the ideology that we can kill non-humans).

On the other hand, if we prioritize the concern in respect of harm over the concern as regards manipulation in the abortion situation, and if we are

absolutely convinced that life is very bad, we in principle could be ethically authorized to eliminate *anybody* in order to save him or her from the harms of life. We will transform ourselves into some sort of angels of liberation. In discussions on negative ethics some years ago, somebody advanced the hypothesis of a "structural murderer", who kills out of pity to save people from the frictions of life. Additional arguments are needed to avoid these unpleasant consequences. One way of doing this is to prioritize the concern regarding manipulation when we have *something*, and prioritize the concern as regards harm when we have *nothing*. The "structural murderer" would then be saving people from the frictions of life, but at the expense of total manipulation.

If we knew that life was so, so bad and so unbearable that the automatic human reaction in receiving life would be immediate suicide, abortion would be ethically justified. But, in this fantastic case, procreation amounts to murder because we would be giving something that everyone rejects by suicide. But we know that this is not the case. Humans who are already alive manage to construct positive values in order to survive, and they consider that a life not worth starting can be, nevertheless, worth continuing. (Benatar acknowledges that. We'll see this topic in chapter 17). But in this case, we can rationally suppose that the newborn we are thinking of aborting will have this same capacity and that when we abort we destroy this possibility (and Benatar is inconsistent in accepting this while maintaining his pro-abortion stance).

It is also important to properly explain the scope and force of the conclusion obtained from (P1)-(P4). In particular, it is important to understand what this conclusion *establishes* and what it *does not* establish. First, it *does not* establish that abortion ought to be criminalized. Aborting, in the negative approach, is still an option. What I intended to show with this argument is something much stronger: that the option between aborting and not aborting is nothing less than the option between ethical and unethical. The problem with abortionists is not that they want to be allowed to abort, but that they want their conduct to be considered ethical. This I cannot concede. In my line of argument, anyway, abortion is seen as unethical, not as illegal. The law can protect some unethical actions, as it already does in many other cases.

Secondly, this conclusion *does not* establish that abortion should be classed as homicide. Abortion and murder are two different kinds of heterocide with their own structures and claiming that abortion is murder is often a purely rhetorical recourse to try to transfer the revulsion against murder to the domain of abortion. We do not need, in my line of argument, to appeal to these rhetorical recourses; one who aborts already has many

ethical problems to face; he or she does not need to also be laden with the moral problems of murder.

Third, to demonstrate *in a possible line of argument* that abortion is unethical is not the same as establishing that one never ought to abort. For there can be serious and dramatic circumstances so as to make it comprehensible for the involved parties to act unethically. This will not make abortion ethical, but it will make the performance of an unethical act in specific circumstances understandable. Some circumstances in which pregnancy occurs can be so horrific as to make the choice of abortion perfectly comprehensible in these cases. However, the point is that not everything that is understandable is ethical; the painful circumstances of abortion will not transform something unethical into something ethical; it will merely make it more comprehensible why somebody, at times tragically, is compelled to behave unethically.

The present line of argumentation merely intends to show that eliminating foetuses is unethical (*all presuppositions being accepted*), but additional premises and presuppositions would be necessary to establish that one should never have an abortion simply for ethical reasons. After all, the Moral Impediment thesis shows that we practise unethical acts all the time in at least one of our many scenarios of action; and having an abortion might be, in some cases, one of the most comprehensible of these unethical acts.

But here the pronatalist can very reasonably ask: why not apply the same argument to abstention? Procreating is immoral in some lines of argument, but this does not close the way to reasons in favour of procreation. Proving in one line that procreation is immoral does not mean that people should not procreate; it only shows that they are constantly doing a wrong thing. My simple answer is that I accept this completely. The only thing that antinatalist thinkers like me can do, in the domain of philosophy, is to vehemently advance the arguments they consider correct, just and important, but never without denying others a right to reply and to advance other lines of arguments. I will return to this important logical issue in the final conclusions of the present work.

Many Kinds of Abortion

Just as, according to Wittgenstein, there is no game but games in the plural; and just as for Freud there is no dream but dreams, we can similarly say that there is no abortion but *abortions*. Is the line of argument delivered so far applicable to all cases of abortion? Let us examine the four typical cases highlighted in the literature: (a) Abortion to allow

progenitors to go on with their other activities (trips, studies, business); (b) Abortion because of rape; (c) Abortion to save the mother's life; (d) Abortion because of a serious irreversible illness in the foetus.

Assuming a utilitarian point of view in ethics, all of these cases of abortion–even (a)–could be legitimate within a calculus that takes into consideration the well-being (or non-discomfort) of the progenitors and others involved. But negative ethics is not, for better or worse, utilitarian; it does not consider well-being as the primary value to wish for, but rather the observance of the MEA, even if it goes against the pleasures or satisfaction of those involved. Negative ethics is not consequentialist either, nor does it appeal to a calculation of moral issues in terms of advantages and disadvantages (although it cannot, at times, avoid appealing to some kinds of calculus, for example, in the gradients of moral impediment; but this alone does not turn a negative ethics utilitarian). Neither does negative ethics appeal to the community and nor is it purely empiricist, because it accepts a structural human situation as an overall and rather stable background.

Negative ethics would accept only the case (d) as ethically legitimate. The interests and projects of the life of the mother and others involved (case (a)), although they should be taken into account, are not enough to justify simply discarding the decaying existent to be. It would seem disproportionate to simply eliminate a life because it is not convenient by virtue of deferrable or negotiable preferences. The interests of all those involved should, of course, be taken into consideration, but this cannot lead to the simple *elimination* of one of the parties as a mere obstacle to be removed; this appears tremendously disproportionate to the interests of *all* involved. (Suppose that two heavy vessels navigate in opposite directions and meet at a canal, each blocking the passage of the other. It is obvious that the interests of both vessels in advancing should be taken into account. But it seems disproportionate to resolve the problem by sinking one of the ships so that the other can pass).

Case (b) is much more complicated because it is legitimated by law (abortion because of rape is not criminalized in many countries) and is thereby outside the terrain of strict moral debate. For the moment, I am dispensing here with this legal fact and am just thinking of the matter ethically. An illegitimate and undesired child is not less protected by the obligation to protect the most helpless (P2) than a legitimate one. All kinds of assistance should be given to the mother who will have such an illegitimate child under such terrible circumstances (since it is beyond *any* doubt that rape is always an ethically abominable act). Institutions and civil society should anticipate these kinds of cases and do everything

possible to ease the traumatic consequences (here the question of adoption becomes relevant again). However, it seems ethically disproportionate that the indisputably terrible circumstances of the pregnancy should be resolved through the simple and summary elimination of one of the parties, as if it were merely a disturbing obstacle.[9]

Of course, from a utilitarian point of view, one can see the raped woman as a multiple victim: of an undesired sexual act, of an equally undesired pregnancy, and if we follow the line of reasoning advanced so far, of also having to bear the burden of an ethical obligation in having to accept the undesired child against her will. All of this is tremendously relevant and it would be callous not to take this into account. The point here is the same as before: it seems terribly disproportionate to consider that the only viable solution to this multiple and undeniable harm done to the mother consists of simply *destroying* the other side of the dramatic situation. This is always the crucial point. It seems more balanced to allow the birth of the weakest and work hard to provide all kinds of measures and assistance for easing the terrible harm done to the mother, without the simple removal of the other victim of the abominable act, who is much more helpless.

(Suppose I inherit a house that I later discovered was stolen. Now aware of this fact, I can refuse to live in the stolen house. Or I could try to sue the original owners for the plunder of which they were victims. Or else I could try to actually buy the house with my own money, and so on. But it is obvious that a drastic and definitive solution to the problem would be to simply blow up the house. Killing the product of rape is like blowing up the stolen house. It seems evident that there are less drastic ways out we can try, especially when we are dealing with humans and not with houses).

Case (c) is particularly difficult! Utilitarian ethics considers that the life of the mother is something concrete, real and present, whereas the life of the child is merely a promise. This would move us to decide in favour of the mother's life, which is a human being with existing life projects. This kind of abortion is not penalized in many countries either, but considered in strictly ethical terms, it should be the mother's decision whether or not she wants to survive in this difficult situation. This case is

[9] Actually, the same applies to cases in which it is assumed that the child, even if legitimate and not a product of rape (and assuming that it does not have a serious illness), will lead an economically miserable life, full of deprivation from which it would be best to spare them. Given the contingentia mundi, it is impossible to completely prejudge such things, although the probability is high. Besides, this apparent concern for the other's bitter future can cover up manipulation for one's own benefit.

especially difficult because one of the possibilities on hand is that the mother dies, that is to say, one of the parties of the conflict would be eliminated, which was considered disproportionate in cases (a) and (b). Here we are tragically forced to choose between which of the two parties should be eliminated, under the hypothesis that we cannot save them both. This is a terrible circumstance.

Here, I propose the following line of argument (without pretending that it is the only one possible, but simply a plausible one): it is good to remember that when two humans of different sexes have relations, pregnancy is a real possibility. And both partners know that one of the risks of pregnancy is that the mother will be put in the situation of having to decide between her own life and the life of her child. If these dramatic possibilities are totally discarded in everyday life, this is a mistake produced by the force of affirmative categories, which always make out calamities as things that happen only to others. But these possibilities usually discarded are always present in our fragile human life.

It would seem excessively harsh to declare that when one has sexual relations with another human of a different sex, this already imposes a responsibility for the risk of pregnancy, and specifically, in the situation of having to decide between the mother's life and her child's life. This would be analogous to declaring that taking a drive through the city already puts on one a responsibility for the risk of accidents, in which one could even kill another human (a pedestrian or another driver). It would seem excessive to consider the partners responsible for the pregnancy when all the necessary precautions have been taken, just as it would be to consider the driver responsible for the death of a pedestrian when all the driving precautions were taken.

Nevertheless, the analogy is correct: if we participate frequently in sexual practices (many people in the world abstain from frequent sexual practices or take all sorts of precautions), the situation of pregnancy, and specifically the situation of having to decide between the life of the mother and that of the child, *is* a possibility which the sexual partners should be aware and responsible for. Likewise, if I choose to drive (many people in the world abstain completely from driving cars in cities), the situation of an accident, and specifically, the situation of having to decide, for example, between the life of a driver and the life of his victim in the traffic, is a possibility that those who choose to drive in cities should be aware of and be held responsible for; precisely, negative categories help to be better equipped for dramatic expectations of this sort.

From a negative-ethical point of view, prioritizing the most helpless and the refusal to simply dispose of a child like a mere impediment to be

removed, would also be valid for case (c): ethically, the mother should sacrifice herself for her child. In this dramatic case where one of the two lives must be eliminated, our line of argument suggests that it is more ethical to sacrifice one's own life and not the life of the other. This is the case not only as a result of deciding in favour of the most helpless of the involved parties, but particularly because the other's life is a responsibility of the partners; it is not *any* life we're talking about, but a life specifically emerging from the two humans involved in the dilemma (this is different from the case of driving, where the victim was not begot by the driver). This is, of course, only one possible line of argument among others, but it is perfectly tenable.

As a reinforcement to this line of argument, one could see the mother's opting to die in this dramatic situation as a clear proof of the so often flaunted "maternal love". *It seems strange that after characterizing maternal love as the most sublime sentiment in the world, that when the time comes for the mother to show this by sacrificing her own life for her child, she would refuse to do so.* This would lead us to suspect that "maternal love" is ready to appear only in the "marvellous experience of maternity", for the mother's pleasure in a life with the child, but not in any disposition towards death relinquishing a life together for the exclusive benefit of the child's life.

We know that these decisions are terrible and that few people put in this situation would make them. But in many other cases, perhaps less dramatic, the ethical options are always the most complicated, while the unethical ones tend to be simpler and more convenient. It is good to keep in mind that an ever-open horizon in the present investigation indicates that maybe we do not have the conditions to be ethical in particularly dramatic circumstances, unless we are explicitly open to the possibility of death (cf. part I, chapter 8). This certainly heroic death of the mother to save her child would be equivalent to the death of a revolutionary who sees his death as the only way to avoid enormous damage to the oppressed whom he is trying to liberate.

The question of principle seems clear, but when applied in concrete cases, perhaps it is advisable to introduce some kind of calculus to consider how much suffering can be ethically demanded: can it be ethically justifiable to accept life in the most horrible conditions of slavery, or is it possible for a mother to accept a child as a result of rape? It is necessary to be sensitive in these situations, without assuming a rigid principialism, when attempting to decide whether the sacrifice of not eliminating oneself outweighs eliminating someone else, which will

certainly be praiseworthy for those who succeed but cannot be imposed on everyone as a duty.

However, in the case of this difficult kind of abortion, the question is how are we going to describe the situation? In utilitarian terms, we should say that, under certain circumstances, abortion could be ethically correct. In negative-ethical terms, I prefer to say that, *under certain circumstances, it is legitimate and comprehensible to commit unethical actions like abortion*. This would not criminalize or stigmatize the (comprehensible) fact of a mother deciding to save her own skin, but it would not concede that she acted ethically. Very frequently in our life, we have to witness with comprehension the unethical behaviours of human beings, including ourselves, given the situation of moral impediment in which we are all immersed from our asymmetrical birth.

The only kind of abortion that would be justified in a negative ethics would be case (d), of the child who will be born with a serious and irreversible illness, precisely because this is the only case in which we are clearly thinking about the unborn (that is, the most fragile party) and not simply of our own interests. This is the only abortion that takes into equal account the interests of the progenitors and those of the unborn, and in which the elimination of one of the parties is fully justified, if properly grounded. If, however, medical diagnostics is not reasonably sure and babies unbeguiled by surgeons could have an almost normal life–as it happens sometimes–in this case, not even abortion (d) would be ethically permissible in a negative ethics.

One could ask if aborting in a concentration camp, or during the Spanish invasion of the Americas, where children to be born would be reduced to the worst forms of slavery, or exterminated, would be ethically justified for the benefit of the unborn child. Actually, these abortions could be seen as equivalent to the abortions on the grounds of serious illness, if we consider the American conquest or Nazism as some kind of serious social illnesses, and abortion as a form of preventing being massacred by other humans. These would be the only abortions that a negative ethics could still justify, given a terrible circumstance where nothing can be done to defend the victim (unlike the case of having an abortion to avoid the child being born into an environment of economic misery, for example, where it would always be possible to attempt some relief or assistance).

It is also important to highlight that in negative ethics, the question is not merely about the victim of elimination, or whether the criminal (the issue of death penalty) or the foetus (the abortion issue) are humans or not (whether the criminal "forfeited his humanity" or the foetus has not obtained it yet), *but also, and mainly, about who <u>we</u> are at the moment of*

proposing to eliminate someone else that we do not consider human. This is the question of *the humanity or non-humanity of those who have the abortion*. This is not an unreasonable point given the very flexible and diffuse nature of the "indicators of humanity" used profusely in these discussions. Let's take a closer look at the "humanity indicators".

If we consider properties like having self-consciousness, preferences, conscious desires, feelings, pleasurable and painful experiences, thoughts, being capable of rational thought, having a sense of time, being able to remember one's own past and mental states, being able to visualize one's future, having interests that are not just momentary but involve a unification of desires over time, being capable of rational deliberation, making moral judgements to choose between possible actions and being able to interact with others and communicate successfully, one could legitimately ask *how many adults could be said with absolute certainty to possess all of these indicators*, not merely as dispositions or "potentialities", but as properties fully and effectively exercised by their agents. How many people who opted for hasty, unreflective and unscrupulous abortions could be said to possess all of these traces of humanity to a significant degree? The realization that "humanity" is in question *on both sides* could provide new anti-abortion arguments, using tools that the very pro-abortion defender makes use of.

We can see that (P1)-(P4) apply in the four cases (a)-(d). If it is negatively-ethically wrong to eliminate–actively or passively–a human being different from ourselves, with exclusive attention to our own benefit, considering it as an obstacle which can be simply discarded and removed (P1); if it is, in general, ethically right to act in favour of the most helpless and defenceless human beings who cannot defend themselves (P2); if a human foetus is already *something* in the mother's body in a gratuitous and contingent way, and something *of terminal nature* that begins to terminate from the very beginning and to terminate specifically as a human being (P3); and if a human foetus is, in general, in the situation of gestation, pregnancy and birth, the most helpless party involved (P4), therefore, it is negatively-ethically wrong to eliminate a human foetus to allow progenitors to develop other activities, or because of rape, or even in order to save the mother's life. The only abortion negatively-ethically correct would be (d), if duly grounded. The scheme applied is always the same, but each type of abortion should be examined according to its specificities.

Other Pathways

Another widely known pro-abortion argument claims that a woman has the right to control her own body. Since the child is something that happened in *her* body, she has the right to dispose of it in any case, and especially when it puts her own life at risk. Sometimes, the foetus is even spoken of as an "intruder" in the mother's body. Judith Jarvis Thompson affirms, for example:

> For what we have to keep in mind is that the mother and the unborn child are not like two tenants in a small house, which has, by unfortunate mistake, been rented to both; the mother owns the house.[10]

Above all, in the case of rape, it is claimed that the mother did not open her home voluntarily but that it was invaded: the child resulting from the rape seems doubly intrusive in the mother's body.[11] This would not only happen in the case of rape; when parents take all kinds of precautions to not have children but the methods fail and result in pregnancy, nothing is owed, according to this line of argument, to the undesired children, who would be seen as intruders or invaders that can be expelled.[12]

In his article, "A Mother's Right to Control Her Body?" Stephen Schwarz attacks this theory of a foetus's "intrusive" character. He says that if the mother sees her own child as an intruder, this speaks poorly about her mind; the child is where he or she is supposed to be.[13] I completely agree with this and I would add: the children are where they were asymmetrically put. This element of asymmetry completely dissolves the idea of "intrusion". The foetus did not intrude but rather was thrown into being. And now, with the same inconsideration, he or she is rejected or dispensed with as a mere obstacle to be removed. These are two movements of the same process. What is objectionable here is manipulation, whatever its direction may be (having the child, eliminating the child).

I do not need, in my own line of argument, the allusion (that Schwarz makes) to the "gift" or the "privilege" of being a mother, elements totally foreign to my negative approach to ethics. Actually, from the negative-ethical point of view, if someone took shelter in my house, I would not be ethically allowed to kick him out even if he puts my security or even my

[10] Thompson, "A defense of abortion", 33.
[11] Thompson, "A defense of abortion", 38.
[12] Thompson, "A defense of abortion", 47-48.
[13] Schwarz, "A Mother's Right to Control Her Body?" 65.

life in danger (As happened quite often during the persecution of the Jews in Nazi Germany. The child is still less "intrusive" than the Jew seeking a place to hide in order to survive).

On the other hand, the idea that since something *belongs* to me I can do whatever I want with it, even destroying or eliminating it, is ethically dubious. Suppose that I am the owner of a house that I inherited from my family and in which my siblings and other people enjoy spending their vacations. Many of them would like to keep the house because it belongs to the family. It can well be unethical for me to decide to sell (or even destroy!) this property even though I have the full right to do so as its legitimate owner. *Ownership is not a sound ethical justification for doing whatever I want with my belongings*. Likewise, even if we concede that the child is part of the mother's body, and for this reason, "belongs to her", it does not follow that she can freely dispose of the foetus at her absolute will.

In his article, "The golden rule argument against abortion",[14] Harry Gensler developed another anti-abortion line of argumentation, based on the golden rule, completely different from mine, but presenting some interesting connections to negative ethics. According to Gensler, if we accept that we should not do unto others what we would not have them do unto ourselves, abortion should be considered unethical, for the abortionist certainly accepts that he would not desire his mother to have had an abortion, thus not allowing him to come into life. Since this argument is directed against the pro-abortion stance, it does not have the same effect on the negative philosopher who is also anti-abortion for other reasons, without making use of the golden rule.

But, in any case, from this, it is possible to rethink the coherence of an anti-abortion negative philosopher who would have to take a position against his own abortion. A coherent negative thinker, who maintains the anti-abortion posture developed here, should agree with his mother's choice to not have an abortion, despite accepting the thesis of the terminal being and its development, and maintaining a pessimistic posture concerning the lack of value of human life. In any case, the negative thinker would have certainly liked his mother to be antinatalist and to have taken all precautions in order to never get pregnant in the first place; but given that the pregnancy has already occurred, it's coherent for the negative philosopher to prefer for his mother not to have an abortion, thus giving him the opportunity of taking his own personal stance towards the

[14] Gensler, "The Golden Rule Argument Against Abortion".

terminality of his own being (for example, by writing pessimistic books like this).

But suppose that by means of some of the other many lines of argumentation available, a negative philosopher was pro-abortion. In this case, Gensler's argument would not have the same effect on him because, if this negative philosopher was really consistent and had a pessimistic view of human life, when Gensler told him that he could not, by the force of the golden rule, be coherently pro-abortion because this would lead him to approve of his own abortion, the negative philosopher would have no problem at all in replying that he would have agreed with his mother to abort him, thus avoiding all of his current sufferings arising from the terminality of being.

Gensler is here presupposing something of common sense (also presupposed by Hare and by practically all moral philosophers): that everyone is satisfied and happy to have been born and that no one would like their mother to have aborted them. However, this does not apply to the negative philosopher, who perhaps would really prefer not to have been born at all. (This would be, of course, my own personal option). Gensler speaks of "bizarre desires" (like the desire to not have been born; I think he would find almost all of the negative-ethical theses in the present book to be "bizarre" as well). However, the acceptance of one's own abortion could be not as bizarre as all that. For example, in the case of abortion because of rape or to save the mother's life, many children might deplore having been born out of rape and might wish that their mothers had aborted them to avoid the shame and misfortune that befell them afterwards. Others might regret tremendously that their mothers died in the act of giving birth and feel profoundly guilty for this, thinking their own lives not so valuable as to be paid for with their mothers' lives. There can then be pro-abortion supporters who are in perfect coherence with the golden rule, who would accept their own abortion even without accepting all the negative-ethical theses.

How to be anti-abortion in an antinatalist environment?

Finally, I want to completely clarify what may appear as a philosophical incongruence. The anti-abortion argument may come as a surprise to the inattentive reader of the present book. He might think, as we saw before, that if a human life is structurally terminal and without sensible or moral value, then it would be better to immediately end someone's life upon birth to save them from suffering. All said and done, knowing the hardship

awaiting this being, would not this be a great opportunity to spare him or her? Could not such an attitude be considered ethical and even merciful?

My answer is that although life is arduous and difficult (and perhaps impossible to be lived ethically), we do not have the right to decide for another existent because we are in exactly the same terminal situation as them, with no prerogatives over other terminal human beings like us. Respect for the most helpless, for those who still do not have the possibility of deciding what they will be able to do with their own terminality, this is the decisive point, and not, of course, the supposed "sacred value" of life (as found in the traditionalist anti-abortion postures). The other's life is not inviolable for being "valuable", but because it is the other's life. Even if life does not have any value, each of us must decide what to do with this valueless life asymmetrically imposed. Upon aborting, we deprive our offspring of the possibility of creating their own positive values against the valueless being given at birth, including, of course, the possibility of committing suicide. We do not have the right to decide this for the other.

Of course, when I decide *not* to have children at all, when there is *nothing* inside a woman's body, the situation is totally different. In this case, the valueless character of life–about which we have vast previous information–has the priority over considerations of autonomy, since in this case, there is no autonomy to be taken into account, not even a "potential" one, given that there is no *something* there which could even have potentialities. There is *nothing*.

The problem of abortion is then *totally* different from the problem of abstention from procreating. Thus, one can see that it is absurd to counter-argue that if abortion is considered unethical, then taking birth control pills and even being sexually abstinent should be considered immoral as well. In the present line of argument, this simply doesn't hold as there is no one when I abstain from having children or from having sexual relations with the risk of reproduction. I am not in the situation of eliminating anyone because there is not anyone at risk of elimination. Therefore, it is not unethical to abstain from procreating (this is admitted even by affirmative ethics), as it is unethical, in most cases, to abort (at least in the overtly non-utilitarian line of argumentation herein assumed).

On the other hand, the unethical nature of abortion in our line of argumentation can be seen as completely congruent with the unethical character of procreation, in the sense that, *in both cases, the new being is manipulated for the benefit of others*. When the child is convenient, it is brought into the world and manipulated in the unilateral processes of procreation and "education" described above; but when the child is

undesired, he or she is summarily dispensed with without any concern. *As much in one case as in the other, the unborn is not considered and is objectified, when it is accepted and when it is rejected alike. There is as much manipulation in procreation as in abortion.* One could merely say that while procreative manipulation is constructive, abortive manipulation is destructive; but in both cases, the unborn is objectified, according to the pleasure or inconvenience it is deemed to bring its progenitors.

Therefore, being antinatalist and antiabortionist at the same time is far from being inconsistent or contradictory. These positions are totally compatible, for it is the same kind of lack of moral cares and manipulative attitudes that are criticized in both cases. By deciding *not* to have children we refuse to engage in manipulation; but when there is already *something* in the woman's body, we forgo manipulation by letting the child grow up. This is, of course, a tragic situation because by forgoing the manipulation of someone in the case of abortion we put them in the domain of the manipulation of rearing and education. But for this later manipulation, the newborn will have acquired some means of defence, a means they did not have at the moment of the intended abortion.

CHAPTER SEVENTEEN

FROM PROCREATION TO SUICIDE (IS A VALUELESS LIFE WORTH STARTING, WORTH CONTINUING OR WORTH ENDING?)

Starting to Live

Many pessimistic thinkers have sustained that although a valueless human life is not worth starting, strongly recommending abstention from procreation, this life can be, nevertheless, worth continuing. These thinkers have frequently been attacked by *ad hominem* argumenta asking them why they do not commit suicide given the miseries of life. It is at first glance surprising that people demand suicide from the pessimist and not abstention from procreation. The prior question is not "*If you think life is so bad, why not commit suicide*?", but "*If you think life is so bad, why not abstain from procreation?*" In the pessimistic approach, committing suicide can be totally useless (and possibly immoral) after having at least one child. I am myself a pessimist and I am not directing any arguments *ad hominem* to my fellow-pessimists; but, in the strict domain of arguments, I want to cast some doubts on this idea that a life not worth starting can be *unconditionally* and *indefinitely* declared as worth continuing.

We find this asymmetry between a life not worth starting and worth continuing based on heavy metaphysics, like in Schopenhauer's philosophy, or, more recently, on more empirical and analytical ground, in David Benatar's thinking. After depicting life in the worst of colours, Schopenhauer rejects suicide in favour of an ascetic denial of life. Life is certainly not worth starting, but once started suicide is not the better recommendation, but the internal negation of life through some form of life that paradoxically must be lived.[1] In his 2006 book, Benatar stresses that, although human life is not worth starting it may nevertheless be

[1] Schopenhauer, *El Mundo como Voluntad y Representación I* (The World as Will and Representation I), book four, chapters 68 and 69.

worth continuing, despite all the strong arguments and terrible information he provides about the poor quality of our lives.[2] He argues that, although there is nothing contradictory in proceeding from the serious harm of existence to the effective act of suicide (the more emphatic form of "not continuing"), this is not a necessary step. Once one is alive, death is an evil, and it may not be right to commit suicide, even though having been born is also an evil.

There is a difference of emphasis between the ways Schopenhauer and Benatar set out to prove the valueless nature of human life. Benatar, and empirical approaches in general, accentuate that life is valueless as a result of a balance of gains and losses, whereas Schopenhauer's method is more structural (or more metaphysical): life is valueless by the presence of a Will to live that destroys and is boring (*tedium vitae*), independently from the specific content of human lives. But it is a question of emphasis: there are empirical elements in Schopenhauer's account and structural ones in Benatar's. Here I prefer to clearly drive my own argumentation on a structural level, closer to Schopenhauer's than to Benatar's strategy. *Any* human life, regardless of its eventual contents and good balance of gains and losses will be an anxious creation of positive values against the daily advance, quick and irreversible, of the consummation of the terminality of being given at birth.

The onus of living is also moral because, in the attempt to escape the consummation of a decaying being that elapses quickly, we have to fight other people in promoting our own life projects. Strong conflicts between humans are unavoidable. So, coming into existence is always a serious sensible and moral harm not just because the calculation of a mere empirical balance of pains and pleasures is always unfavourable, but because our lives are terminal at birth and their terminality is consummated daily, inexorably and painfully, with all the inherent moral consequences.

The structural approach allows us to see better that pleasures and pains are not placed on the same level in human existence, because while pain is given at the very emergence of a life, pleasures are palliative and mere compensations that we are forced to generate to endure the structural pain

[2] See Benatar, *Better never to have been*, chapter 3, especially pages 88-92. If a life is not worth continuing, a fortiori it is not worth starting (it follows logically that if a life is worth starting, then it should be worth continuing); but it does not follow, according to Benatar, that if a life is worth continuing, it must be worth starting (nor does its logical derivative: if a life is not worth starting, then it is not worth continuing).

of existence.[3] All pleasure occurs and develops within the central pain of having emerged terminal, with all its sensible and moral deployments. Life is not a total sum of pleasures and pains; pleasures are usually obtained with great difficulty and can be dangerous, brief and ephemeral. They often cause pain and diseases and provide painful memories in old age. That is why it can be a mistake to evaluate life positively only in terms of a possible net predominance of pleasures over pains, because even when pleasures are many and intense, they are internally affected by time and we pay a price for them, sometimes a very high one (not only for sensual pleasures but also for intellectual ones).

This panorama can be seen as sufficient to justify non-procreation. Why bring more people to a situation of having a decaying structure against which they will have to fight arduously, with themselves and with others, until the inevitable moment of defeat? Life, therefore, can be seen as clearly not worth starting. Consequently, abstention from procreation appears to be strongly recommended from an ethical point of view. We should not procreate because we refuse to give the offspring the decaying structure that will produce pain and moral impediment.

Continuing to Live

Can we take from this inference that life is not worth continuing, that the bad quality of human life must recommend suicide? This is precisely what pessimist thinkers want to deny, as a general and necessary step. According to Benatar's version of pessimism, one needs more arguments for ending the life of an existing person than for starting a non-existing life, because the thresholds to be considered for future and for present lives are rather different.[4] Present lives are compared with death, whereas possible (or future) lives are compared with a mere possibility of coming into existence. The parameters are different. We can agree to not bring to life a blind child, but not agree to kill an existent blind person.

> […] the view that coming into existence is always a harm does not imply that death is better than continuing to exist, and a fortiori that suicide is (always) desirable. Life may be sufficiently bad that it is better not to come into existence, but not so bad that it is better to cease existing.[5]

[3] As it was said, babies come to life crying but it will take a good time for them to learn to smile.

[4] Benatar, *Better never to have been*, 23.

[5] Benatar, *Better never to have been*, 212.

This is the very clearly exposed idea. Benatar's explanations do not suppose any metaphysical framework of Schopenhauer's type. His line of argument passes essentially through the notion of "interest". He claims that, between a possible life and a real life there is the mediation of interests that people have created throughout life, and that now make it "worth continuing".[6] He develops the argument by distinguishing different kinds of "interests", trying to unravel those which have (what he calls) minimal "moral relevance", namely the "conscious interests",[7] taking particular care with the "interests in existing" ("Those who exist (in the morally relevant sense) have interests in existing. These interests, once fully developed, are typically very strong […]"[8]), which are primarily "interests in continued existence".[9]

There is a first remark that can be made here if we assume the structural approach to the question of the value of human life. The formal structure of the life considered not worth starting is exactly the same as the structure of the life that is now declared to be worth continuing. This life to which most existent people finally adapt and succeed in living is structurally the same as the life that was declared not to be worth starting. But why–the objection can go–does this same life not worth starting become, once developed, a life to which humans can adapt to and succeed in living after all? If Benatar and many others finally succeed in living, then this life is not so unbearable as to be deemed not worth starting. If we concede that life can be lived, why is this same life to be declared not worth starting? What can happen in the course of the life that miraculously transforms a life not worth starting into a life worth continuing? How can the same product that must be initially rejected be transformed into something *normally* acceptable? (This is, of course, compatible with the idea, accepted by Benatar and other pessimists, that *in some particular cases*, life can become unbearable).

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[6] Benatar, *Better never to have been*, 25-26.

[7] Benatar, *Better never to have been*, 141.

[8] Benatar, *Better never to have been*, 25.

[9] Benatar never talks of "liking life", but of "creating interests in life", because "liking" is a rather delicate expression for a pessimist to use. But I do not see any problem in expressing Benatar's insight on a life worth continuing in terms of pleasure: "Those who exist (in the morally relevant sense) like existing. These pleasures, once fully developed, are typically very strong […]" (Benatar, *Better never to have been*, 149) Merely "having interests" seems to be a very dry expression to describe our intense involvement in a life that we know as not worth starting. An affective element seems to be relevant here.

Benatar's move against this objection is to accentuate not the structure of life, but what occurs within concrete human lives, where an "interest" in continuing arises. For him, these "interests" make the difference between the possible life declared not worth starting and the life to which at present I try to adapt and live in the best possible way. But Benatar had shown that most people think their lives are good. When questioned, people reply that they are very happy or moderately happy, but never declare that they are unhappy or would have preferred not to have been born. Not even very bad health or extreme poverty interferes with the good opinion that people have of their lives.[10] Human beings have an incredible ability to adapt, and, after a period of discomfort, to adjust to new circumstances, however painful. They use countless psychological mechanisms for that.[11] From the internal point of view, people have the tendency to consider life as worth starting even when, if seen from an external point of view, it would be considered of very poor quality.

My second remark concerning the motives for considering life worth continuing by virtue of "interests in living" is that we can see "interest" as a category of the internal point of view; alleging that life is "worth continuing" because we have "interests" in continuing may be seen as one of the common optimistic and delusional psychological and biological mechanisms that lead people to think that their lives are better than they really are. What prevents us from considering the "interests" that people create throughout their lives, and even the very interest in continuing to live, as engendered by the same optimistic and misleading mechanisms? To say that my present life is "worth continuing" because I have "interests" in it is perfectly equivalent to saying that my present life is worth continuing because I remember more positive experiences than negative ones, I have good expectations for the future, I adapted well to adverse conditions, or that my life is better than the life of most people, and all the other statements affected by the psychological mechanisms described by the pessimist approach. As these statements have been clearly shown to be unreliable, so, why should the statements about "interests in continuing to live" be reliable?[12]

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[10] Benatar, *Better never to have been*, 66.

[11] Benatar, *Better never to have been*, 66-69.

[12] Some may contest this difference between internal and external views alleging that a life not viewed as bad by the person in question cannot be established externally as bad. But this is highly problematic. It seems important to maintain the distinction between the internal point of view (almost systematically positive) about our own lives, and the external view, which uses the arguments about the quality of life in empirical or structural terms. If we do not clearly distinguish the

Thirdly, we must remember here that we assumed from the beginning *the ethical point of view* concerning the value of life. Life cannot be judged just in sensible or hedonistic terms, but also in moral ones. When pessimists and antinatalists state that life is *not worth-starting*, this result proceeded from an *ethical* examination of the act of procreation; life is declared to be *ethically* not worth starting (because the offspring is manipulated and affected by serious harm); therefore, we must judge the supposed worth continuing character of life from this same ethical point of view. In this vein, we immediately see that the very expression "worth continuing" is ambiguous. It can mean sensibly worth continuing or morally worth continuing. Certainly, Al Capone and his partners considered their lives of crime and criminal gains as perfectly "worth continuing", and they obtained great sensible contentment from their living. But this cannot be the sense of "worth continuing" used by the defenders of the asymmetry between a life not worth starting and nevertheless worth continuing.

The brute fact of people "having interests" in continuing life is not *per se* a rational or ethical motive for accepting that life is ethically worth continuing, especially if we understand this expression in the moral sense of "worth", as a value or dignity of continuing. The arguments based on mere "interests" explain why people in fact, from the internal point of view, *want to continue*, but not why this life is *morally* worth continuing. The crucial point here is that the possibility of wanting to continue something that was considered from the moral point of view as not worth starting (in order to spare the offspring the misfortunes of life) does not show that it is morally good to continue living without some kind of ethical condition; it merely provides an explanation of why, in fact, people sensibly and inertly tend to continue living. Life cannot be declared as being morally "worth continuing" just because we have interests in continuing it. We must study and understand *what kind of interests* these may be.

Let us try to understand better the effective content of this "continuing" declared to be worthwhile. By accepting the structural pessimism regarding the bad quality of human life, we can say that people continue

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objectively bad quality of life and the positive reactions to it, we would be driven to the absurdity of admitting that long prison terms, painful impairment or awful social injustice (like being interned in a concentration camp) are positive things because people were able to endure them and even to derive some benefits from them for their lives. We still consider all these experiences as bad even when people can adapt perfectly to them or find some momentary contentment or learn moral lessons from living these terrible experiences.

living because they succeed in maintaining a rather unstable and delicate balance between, on the one hand, the structural components of life (terminality, suffering, ageing, decay), and the positive values that humans are able to create guided by their "interests" in life, on the other. All human beings continue to live in virtue of the advantageous or sparing state of this delicate equilibrium; we succeed in living a number of sufficiently intense, pleasant or deep experiences so that they help us to cope successfully with the bitterness of the inexorable passage of time, the daily suffering of terminal being, the painful loss of those we love and so on.

One proof of this (that to continue living is the product of this kind of fragile equilibrium) is the fact, largely illustrated by contemporary bioethics, that when structural terminality closes all the possibilities of the creation of values, as in the case of terminal illness, people naturally often ask to die.[13] We do not think of people in this situation as morbidly or cowardly suicidal (we do not think this of people who jumped from the burning World Trade Center towers on that horrible day). We see them as people placed in a narrow existential space of choices, where the creation of values is no longer possible, and where the terminal structure of life occupied the totality of the space of decisions, a situation in which any of us can be placed at any given moment of our lives.

At this point we can see the problem with the notion of "worth continuing" in the pessimistic approach more clearly: the calculations (to a lesser or greater degree conscious) about the equilibrium that we need to continue living may be guided not by reason or by ethics and we begin to suspect this to the extent that the result of this calculation seems to be systematically positive, even amidst the most terrible and tragic setbacks. Most people who are severely impaired or those living in total misery or those who have reached a most unpleasant and painful old age, continue to consider their lives as "worth continuing" and feel terrified by the mere possibility of dying. This suggests that the main motivation to continue is not of a rational or moral order, but a powerful and almost irresistible impulse of nature, as Schopenhauer already said. This becomes more patent in the extreme cases but it is true of everyday life as well. The fundamental fact of life that we need to understand is that human beings are able to desire intensely and unconditionally something that lacks value. Traditional philosophies of life (and contemporary bioethics) frequently accept the logical *sequitur* from "Life is strongly desired" to "Life has a great value". But this is precisely the sequitur that Schopenhauerean pessimism has destroyed: the mere maintaining of life could arise from a

[13] See Singer, *Rethinking life and death*, chapter 7.

life of a very bad quality. The strong desire to continue is not based on reason or ethics. If reason could prevail over the irrational will to live, says the German philosopher, certainly death would be chosen.[14]

Benatar seems to employ a very weak notion of "moral" when he claims that already existing people, at some point of gestation, have interests "deserving of moral consideration", and then he said that those who exist (in the "morally relevant sense"), have very strong interests in existing once fully developed (25). But "strong" is not a moral category; not all strong interests are moral interests. To say that we are pushed by nature to continue living does not provide any *moral* justification for this continuing. On the contrary, some moral motive (in a stronger sense than Benatar's) may oblige us to opt for *not* continuing to live, going against the natural will to survive. Morality begins precisely at the moment when the powerful impulse to survive is challenged for the benefit of some moral value created *in* life.

In fact, from the purely internal viewpoint, we do everything to continue, and in so doing, we may be transgressing moral demands, precisely the rules that could give life some "worth" or "dignity". This is very clear in extreme cases, for example in the moral corruption of prisoners in a camp who want to survive at any cost.[15] This relation of conflict between morality and "continuing to live" is present in daily life, but it is clearer in extreme situations, where even honest people can be driven to tell great lies, to steal, or even to kill in order to survive. This means that to merely continue living may require assuming a very flexible sort of morality, or even immorality. A life morally not worth starting may be worth continuing for a time, but if the valuelessness of birth consists of its naturally painful terminality, with all its moral implications, this structure spreads over the entire span of human life until its very end. And a time can arrive when it is no longer possible to continue living a moral life, however pleasant or endurable it may be.

From the pessimistic approach, we must accept therefore that if dying is sensibly bad, to continue living without moral conditions can be morally

[14] Schopenhauer, *El Mundo como Voluntad y Representación II*, II, chapter 19.

[15] The case of the Jewish counsels during Nazism can provide a terrible illustration for that. See Bauman, *Modernidade e Holocausto*, chapter 5, "Asking for the collaboration of the victims". Cinema also presents life experiments useful for philosophical reflection; in the British film *Bent*, by Sean Mathias, Max complies with the order of a Nazi officer to beat his best friend to death in exchange for survival. At the end of the film, Max recovers his moral condition precisely when he puts some value above survival, and he is able to see his life as not worth continuing in moral terms.

bad, in spite of alleged "interests" in continuing to live. If people accept to continue living only by virtue of the "interests" created through life, the structural elements determining life as not worth starting will sooner or later achieve their full consummation during life. If a life is not morally worth starting, it can, at some moment, be morally not worth continuing, because the "interests" that presumably would justify this continuing have little chance of having worth, both in the sensible and the rational-moral sense. And this is not an extreme and exceptional situation, but a constant possibility of human existence. This suggests that *not* continuing could be rationally and morally worthy. Let's now see this possibility.

Ending Life

If coming into existence is not good and if continuing to live can be rationally and ethically problematic, could ceasing to live be rational and ethical? If, from the pessimistic approach and assuming the moral point of view, life is neither worth starting nor worth continuing, may it be at least morally worth ending? Is there a dignity in ending life?

The expression "ending life" embraces several cases: (a) Dying of natural causes or by accident; (b) Dying in the exercise of some particularly dangerous or risky activity (politics, sports, war); (c) Dying as consequence of a direct action against oneself. It is not as obvious as it may appear at first glance to consider only the third case "suicide". Cases of type (b) could be considered "indirect suicides" insofar as people know the risks to which they expose themselves in the practice of these activities; and even cases of (a) could be, to a certain degree, considered indirect suicides in the sense that the eating, sexual or locomotion habits of a human being may provoke death in some specific way. However, I will not explore these possibilities here and I will use a minimal notion of suicide as expressed by type (c).

At first sight, to the extent that continuing to live faces all the problems in achieving worth or dignity that we saw before, by contrast, ending life seems to be justified in vindication of the virtue of refusing to pay the moral prices of surviving. But this is not so easy. Continuing living and ending life are two faces of the same coin: if continuing living without qualification might be irrational and immoral, ending life without qualification is not safe from irrationality and immorality either. One first element in favour of a possible moral worth ending consists of the following: the orientation of morality, in general, seems to be clearly contrary to the persistent striving for survival and "continuing life" even at the cost of disrespecting moral values. Suicide succeeds in challenging this

powerful impulse to survive and this seems to situate the one who commits suicide in the direction of morality, even though this is clearly not a sufficient condition: someone could defeat the impulse to survive without making suicide a morally defensible act.

It seems clear that the crucial moral question of suicide, within a negative ethics, does not lie in the damage that the act does to the one committing suicide; because we are assuming that the person reaches the end of his/her life through a minimal negative form of living, guided by an ethical disposition towards death (as seen in part I, chapter 8 of this work). The crucial moral question lies especially in the damage that the suicide act can do *to others*. And precisely, one classic argument against a moral worth ending by suicide–also present in the pessimist approach–is based on the damage impinged on others. Benatar puts this very popular and accepted point very clearly:

> Suicide, like death from other causes, makes the lives of those who are bereaved much worse. Rushing into one's own suicide can have a profound negative impact on the lives of those close to one. […] This places an important obstacle in the way of suicide. One's life may be bad, but one must consider what affect ending it would have on one's family and friends.[16]

But at this point of the argumentation, we should properly situate suicide within the scope of the pessimistic approach to life. In this approach, there are difficulties in claiming that suicide harms other people in a long-lasting way, imposing on them an unending pain. The structural pessimist defended here has many relevant answers to this apparently unquestionable issue. When thinking about the supposed great impact that our suicide could provoke in others, it may be convenient to reflect more minutely on what kind of "others" we should take into consideration. The immense majority of humankind does not know us and will not be affected by our death. We could distinguish three kinds of relevant survivors: (a) Our progenitors; (b) Our friends and colleagues; (c) Our enemies.

It is perfectly understandable that our parents will be affected by our suicide (even though this is not *always* the case). But we must insert their reaction into the negative, pessimist and antinatalist environment. When somebody does not abstain from procreating, he or she risks a gamble on the "good life" of the offspring, a gamble that can perfectly well be lost. Since it is a unilateral and avoidable gamble, conveying benefit on the parents, *this seems morally imputable in manipulating and harming*

[16] Benatar, *Better never to have been*, 220.

independently of the results of the gamble, whether or not it was favourable to the newborn. Moral imputation refers to the mere *possibility* of harming and not to its effective accomplishment. Therefore, progenitors are morally imputable even when the procreated is successful in attaining some equilibrium between the terminality of being and the positively created values. Of course, the possibility that the newborn will not have the strength to endure the struggle for life is just a possibility, not a necessity. However, the point is that its mere possibility is sufficient for moral imputation.

In the specific case of their son's or daughter's suicide, progenitors lost the gamble. But they initially put their son in a difficult situation which they did not know whether the offspring would be able to face successfully, and they did for their own benefit. We cannot, as children within the negative and pessimist approach, accept any commitment to retaining something structurally valueless in order to not harm precisely those who imposed this structure on us. The harm provoked in the parents by the son's suicide mirrors the harm impinged on the offspring by bringing him/her into the world through a risky gamble as a mere thing manipulated at will. The terrible violence of voluntary suicide corresponds to the terrible violence of involuntary birth. Maybe most newborns succeed in enduring the hardships of life, and this will be to their merit, but we cannot morally charge those who do not.

I will invert the sequence and leave the impact on friends and dear ones to the end. Let's look at case (c). If we are not hypocrite or self-benevolent and assume the pessimist point of view, we know perfectly well that throughout our lives we make many enemies, from jealous colleagues to envious relatives as well as mortal enemies who wish to see us dead and who do not kill us only out of fear of the law. Even so, newspapers report many cases of businessmen commending colleagues' murders, and in totalitarian states, many were sent to concentration camps or prisons denounced by their neighbours and enemies. We do not need to be particularly mean or hideous to have many enemies, but just to have the personality we have and the ideas we sustain; this can irritate and make others very angry with us. I can be hated just for being shy or cautious. It's extremely easy to have enemies just for being the type of human being we are, and we are frequently victims of gossips and libels just for talking and thinking as we talk and think.

In the course of our lives, in familial, working and institutional situations, and in the street and traffic, we are constantly having frictions with others and producing hostile reactions. Then, in a long life, we collect a considerable number of enemies, more than we would like to admit. If in

the case of our progenitors and friends we may try to attenuate the impact of our suicide on them, in the case of our enemies, our suicide will give them a great benefit and a great joy. If the damage done to our friends is a great "obstacle" to suicide, by the same logic we can say that our suicide is a great gift made to our enemies (whose number, on the pessimist account, can be a greater number than that of our real friends. Assuming this viewpoint, we can accept that it is much easier in life to have many real enemies than just one real friend).

But let's look at the more important case, the impact of suicide on our friends, loved ones, dear ones and colleagues. Under the hypothesis that we are committing suicide for reasons we consider sensibly and morally relevant (like a serious illness or political persecution, or even for less serious reasons that the suicide considered crucial), we can rationally suppose that our real friends are going to understand our motives and approve them, even when they feel comprehensible pity or anguish. If they do not understand this, we can rationally doubt whether they are *really* our friends. They must understand that–using a Kantian distinction–we can inflict on them some evident *sensible* pain or anguish without damaging them *morally*, and we are always trying to retain the moral point of view on the issue of the value of life.

But the most powerful argument against the "obstacle" of suicide on the basis of the damage imposed to loved ones is the following: although this claim has some undeniable truth, it can also be said, even though this is a bitter pill to swallow for our pride and narcissism, that it is reasonable to assume that the same powerful biological and psychological mechanisms that lead people to continue living even in very bad conditions, will lead them also to quickly forget the dead and to continue living after the loss, however painful. Precisely, the lives considered worth continuing are those lives where many loved ones died. This is what we see happening all the time in real life; what we see is that people mourn their dead at first, grieve for a while, and then they forget and "rebuild their lives". Those who cannot forget and keep mourning the dead for many months or for years will be considered sick and taken to a psychologist.

Not only nature drives forgetting, but society itself, which keeps pushing people who have suffered a loss to gather forces and to take other opportunities of life to forget the past. Against the claim that suicide is an especially traumatic form of death, we observe that very few persons remain definitively paralyzed or blocked because of the suicide of a loved

one. How many people commit suicide after losing loved ones?[17] How many of them become crazy or seriously ill? How many people completely stop working and living life for years and years after the suicide of a loved one? We can see that the vast majority can recover and continue, precisely because of the mechanisms that lead people to think that life is always worth continuing, even without their dear ones. Of course, internal suffering can continue and be terrible and last forever, but it does not prevent human beings from considering their lives as worth continuing, despite everything. In the long run, deaths by suicide will be assimilated to simple death and subject to the same mechanisms of oblivion. Only in movies, suicides and deaths are permanent and bring about insupportable trauma.[18] This is a point always heavily rejected in discussions, and the only way to settle it is through serious empirical research.

We can further argue that this "moral barrier" to suicide, supposedly constituted by the serious damage produced in friends and loved ones, can also be a subterfuge to conceal the lack of courage to commit the terrible act of suicide. From the moral point of view, it may be pure bad faith to use others as a reason for not taking the last step, or even as obstacles to assuming personal responsibility; this can be seen as a kind of manipulation. We could feel seriously offended and antagonized if someone were to say that he is very unhappy, that he cannot stand life, but that he would not commit suicide in order not to cause us a great damage.[19] I am not stating that this is always the case, but it is a psychologically plausible hypothesis in many cases.

In the pessimist approach, we must not expect that anybody will ever accept our disappearance and eternally remember us and cry for us. We will be forgotten in a short time because people need to return to their agitated lives, and they will have no time to keep lamenting or mourning.

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[17] The French actor Charles Boyer committed suicide three days after his wife's death, but this is a completely exceptional case and many see this type of action as pathological or excessively romantic.

[18] There is a very large suicidal filmography. In movies, for dramatic objectives, deaths, especially by suicide, provoke in the characters indelible marks. Recall Neil Parr's suicide in Peter Weir's *Dead Poets' Society*, or Alice's death in a car accident in Jack Clayton's *Room at the Top* among thousands of other examples.

[19] In a vein of dark humour, an adequate answer to this would be: "Don't worry about that, sir. Nature and society provided me with strong mechanisms to assimilate losses and psychological shocks however devastating; I will be very sorry for your death at the beginning but, in the long run, I will accept your disappearance. Go ahead!" This line of thought is not only humoristic, but also moral, as it means to restore an ethical commitment unfairly assigned to others.

Maybe on your birthday, they will remember you and maybe somebody will shed a tear for you or somebody will make a joke to soften the pain of your memory. Nobody will be seriously affected by the passage of time, and after ten or twenty years you will be all but totally forgotten and life will pave over the spaces of your presence. We will recover post-mortem the insignificance of our existence, which was concealed while we were alive.[20]

After showing that ending life by suicide has at least the merit of defeating the strong impulse for survival without moral conditions, and that suicide does not cause long-lasting harm to others, we can go a step further and present at least one type of suicide that seems to be morally accepted within a negative form of life as explained above. This type of ending arises from the dramatic "asking for death" of people suffering terribly. It is patent that extreme pain has a direct moral impact: the suffering human being is also disqualified as a moral agent. The impossibility of preserving the capacity to consider the interests of others when in extreme pain can be counted very naturally as a moral motive for ending life. It is rational and morally justified to stop living in all situations where the creation of moral values is effectively, or extremely likely, blocked or annihilated by the advance of the decaying structure of life in its natural or social developments.

[20] The great Portuguese poet Fernando Pessoa, under the pseudonym of Alvaro de Campos, wrote a beautiful poem entitled "Se te queres matar" (If you want to kill yourself), putting in expressive words the forgetting of suicidal people. "Fazes falta? […] Ninguém faz falta; não fazes falta a ninguém… Sem ti tudo correrá sem ti. Talvez seja pior para outros existires que matares-te… Talvez peses mais durando, que deixando de durar […] Descansa: pouco te chorarão… O impulso vital apaga as lágrimas pouco a pouco […] Há primeiro em todos um alívio. Da tragédia um pouco maçadora de teres morrido… Depois a conversa aligeira-se quotidianamente, E a vida de todos os dias retoma o seu dia… Depois, lentamente esqueceste. Só és lembrado em duas datas, aniversariamente: Quando faz anos que nasceste, quando faz anos que morreste […] Se queres matar-te, mata-te… Não tenhas escrúpulos morais, receios de inteligência!… Não vês que não tens importância absolutamente nenhuma?" (Pessoa, 2007, 22). (Somebody needs you? […] No one is needed, nobody needs you… If you're not around, things will go on without you. Maybe things will get worse for others if you go on living instead of dying… Others grieve for you?… That they'll weep over you? You can bet they won't for long…The life force, little by little, dries the tears… At first everyone is feeling relieved. By your death, that slightly irritating tragedy. Then the talk grows livelier day by day. As ordinary life for everyone takes over again… Then slowly you're forgotten. Only two dates are remembered each year: the day you were born, the day you died. Nothing, nothing more, absolutely nothing else… Can't you see, you're not the slightest bit important?).

It is not only illness that can be terminal; there are also social terminal situations. The cases of Seneca cornered by Nero's terror or black people jumping into the water to escape from slavery, or Walter Benjamin's suicide during Nazism, can plausibly be considered as rationally and morally justified human actions trying to avoid moral disqualification in situations which drastically narrowed their space of moral intercourse. This line of thought can provide *a general matrix of moral justification for ending life*: *it is rationally and morally justified to stop living in all situations where the creation of moral values is effectively, or very likely, blocked or annihilated by the advance of the terminal structure of life in its natural or social developments*. This moral justification for ending life does not make suicide mandatory but optional; it does not *compel* anyone in these situations to stop living, but it does make this action available as a moral and rational possibility.

Suicide is therefore neither an impossible absurdity, as in the traditional view, nor, as in radical pessimism, a necessity, but strictly a *possibility*. Many radical pessimists–in Dostoyevsky's vein–thought that if human life is structurally valueless, suicide is the immediate and unavoidable consequence. Moderate pessimists like Benatar think that suicide is allowed in extreme cases when life becomes really unbearable. In the present account, suicide is neither an impossibility nor a necessity, but a possibility, not exceptional, but as a permanent disposition to death. This seems to be a correct modal (not moral) status of making life worth ending; its morality arises not directly from the terminal structure of life, but as the result of the primacy of the terminal structure over the creation of positive values, a primacy that blocks moral intercourse. When this primacy occurs, when life turns so unpleasant and self-centred as to block moral intercourse, and if we assume a pessimist stance devoid of religious or metaphysical elements, staying alive is pure cowardice.[21]

In his book "Life's dominion", Ronald Dworkin compares the humanization of death to a work of art, giving voice to one of the more expressive wishes of human beings: to have a good death. Talking of a terminally ill person, he states:

> We are concerned with the effect of this last stage of his life, about the character of this life as a whole, in the same way that we could be

[21] Of course, the fact that for many people suicide can become the only way out of terrible natural and social situations provides an additional proof of the poor quality of human life. If suicide is a terrible thing–as I think it is–a life that may arrive at a situation where suicide is the only noble way of escaping must be terrible as well.

> concerned with the effect of the last scene of a play, or the last strophe of a poem […][22]

> There is no doubt that most people give to the way of dying a special and symbolic import: as such as possible, they want that their deaths to express and confirm vigorously the more important values of their lives. This antique hope is a recurrent subject of Shakespearean theatre.[23]

No one would deny this, but we must clearly and overtly assume that this kind of (ethically and aesthetically) "good death" is only achievable through suicide. It will not be given by nature, or at least we have no guarantee of this. On the contrary, nature reserves for us terrible and not at all aesthetical kinds of death, in hospitals and refuges, or even worse places. If an ethical and aesthetic death is desired but we have not provided the conditions for it, it is ethically wrong to expect others to do this for us. This is an irresponsible attitude that puts another human being in a very difficult ethical and juridical situation. If you want to die well, you must be the artist of your own death; nobody can replace you in that.[24]

If life is not worth starting (something generally accepted in the pessimistic view), and continuing living, as was shown before, is rationally and morally problematic, this improves the chances of a rational and moral justification for some types of ending life, along the lines explored here as well as others. Benatar and other pessimists vividly describe the horrors of life, threats and menaces of all kind, terrible diseases like cancer or socially frightening exclusions and persecutions. We can agree with these descriptions as accurate and not as exaggerated or one-sided pictures of human life. But these descriptions should be enough to declare human life as regularly not worth continuing, not exceptionally but always; therefore, an ethical life would have to maintain a permanent disposition for its finalization at any time where the ethical demands are at risk. If the antinatalist does not concede that his sombre description of human life is not enough to declare it also not worth continuing in this ethical sense, this will give strength to the pronatalist posture; because if life is not so unbearable, allowing people to adapt and live reasonably, why not give birth to people with a high chance of achieving such a life? The pronatalist could argue that he/she procreates in the rational hope that,

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[22] Dworkin, *Domínio da vida*, 281; see also 295.

[23] Dworkin, *Domínio da vida*, 298.

[24] Some illustrations of this idea of "poetic euthanasia" are given in films like Denys Arcand's *The Barbarian invasions* and, in a more poetic vein, by Tim Burton's *Big Fish*, both produced in 2003.

in spite of the many difficulties of life, *the offspring will be able to create "interests" to make his/her life worth continuing, as most people do*.

CONCLUDING WORDS

Negative Antinatalism: Between Ethical and Logical Pessimism

The issue of procreation and abstention is crucial in negative ethics. If an ethical demand is precisely what the MEA claims to be, then procreation is immoral, because it manipulates the offspring when abstention is possible, and it gives to the offspring a valueless life that he will have to try to improve, until the final defeat by the advance of terminality. This is why negative ethics must begin with a critique of affirmative morality (the title of my book from 1996), pointing to the non-radical nature of this type of ethics and denouncing the mismatch between the formulation of the ethical demand and its effective applications to concrete problems of human life.

Some readers of my writings have thought that the immorality of procreation is a sort of *reductio ad absurdum* of the moral point of view: if living and giving life is declared immoral, perhaps what is required is not to stop procreating but to abandon morality altogether. Negative ethics follows a different path: the counter-intuitive results of ethical reflection when radically applied are fully accepted, but nevertheless we must try to develop an ethics, given that we assume the lack of value of human life, the moral impediment thesis and the immorality of procreation. This is the second part of the negative ethics, sketched out in part I, chapter 8 of this book, in the form of a minimalist non-procreative ethics with death as an ethical possibility.

Negative ethicists are ready subjects to profuse *ad hominem* arguments. Affirmative thinkers can peacefully develop their arguments about the gift of life and the dignity of humanity without ever being accused of charging their ideas with personal or private aspects of their personalities, but negative thinkers cannot do the same. Ideas questioning procreation as immoral or maternity as mystification will be immediately connected to familial problems of one's mother in infancy. In this context, it is ever so important to recall what logicians teach about mixing arguments with character traits of their bearers: even if proven that Schopenhauer wrote his more pessimistic pages on human life while strongly influenced by the troubled relations with his mother, this cannot

spoil in the least the cogency of his arguments; the arguments have to be studied on their own, letting Schopenhauer's mother rest in peace.

This is not to establish a clear-cut distinction between the effective use of arguments and something as a supposed totally "objective" import of argumentation. Throughout this book, we saw how arguments always develop along some line of thought among many, and neither line can claim a definitive and absolute primacy over others, but only and at most, tenability and plausibility according to its own presuppositions, starting points and definitions. It is on these weak terms that we can require people not to make arguments *ad hominem* against the negative approach to ethics, not in the name of some absolute truth, but as a vindication of a legitimate line of argumentation, that leads us to consider abstention from procreation and certain kinds of suicide as ethical actions, not pointing to mere character traits of the arguers.

Even if it is proved that the negative arguments are psychologically motivated by some sort of resentment or disability, a troubled form of sexuality or by a disturbed infancy of the arguer, the arguments themselves must be carefully scrutinized to verify their quality, always relative to the presuppositions and type of logic employed. The *ad hominem* strategy is trivial because whatever an author writes is inescapably influenced by his own life experiences. But this is not usually pointed out in the case of affirmative thinking. It is claimed, for instance, that a troubled infancy impedes seeing the important features of life, but we never hear the reverse, that a well-ordered life and a very well-constituted family impede seeing the important features of life. It is advisable, therefore, to leave the personal motivations of the arguers aside and plunge into the sea of arguments, however relative or fragile they might be.

Yet another important argumentation handicap, besides the *ad hominem* threat, is that the parties involved in philosophical discussions in general–and ethical ones in particular–are not eager to admit that their arguments are developed along just one line of thought, instead pretending to have reached an absolute outcome for the questions posed (as we saw in Peter Singer's account of abortion). In the discussions on the value of life and the ethics of procreation and abortion, both parties are convinced of the definitive truth of their own arguments and of the opposition being in the wrong. This attitude may be seen as a sort of *logical optimism*. The affirmative arguer accepts that in each argumentation process something can be asserted as being right and other lines of argument deemed to be wrong–or even fallacious. Some stronger affirmative positions believe that some arguments are definitely conclusive and those who deny them fall

into an error that should be acknowledged by their adherents. For this type of approach, some positions have been settled once and for all.

Think, for instance, about Habermas' arguing for the definitive overcoming of "philosophies of consciousness" by "philosophies of language", or about the arguments supporting the definitive fall of metaphysical points of view on nature like Hegel's, or Tugendhat's position on Husserl's and Heidegger's phenomenologies, which, according to him, were overcome by the analytical paradigm in an irreversible way. Tugendhat thinks, in general, that defending some philosophical standpoint consists of defeating the other opposing viewpoints "with the best reasons", in such a way that the opponents are left with little else but to concede the superiority of the adversary's arguments and their own defeat.

In the book "Argumentation Schemes", written by Walton together with Reed and Macagno, the authors give an entirely affirmative presentation of the informal argumentation procedure:

> The method of evaluation of an argument fitting a scheme is that once the argument is put forward by a proponent, it may be defeated if the respondent asks an appropriate critical question that it is not answered by the proponent.[1]

Or:

> The original weight of an argument, before it defaulted and had to be retracted, is restored only when the proponent gives a successful answer to the question.[2]

Here, Walton, Reed and Macagno say that arguments can be "defeated" and that their "flaws" can be revealed by an "adequate answer", implying that the "defeat" of one position and the "adequacy" of the answer are identifiable with reasonable accuracy. "Refutation is something more powerful; a refutation knocks down the original argument".[3] "An argument that defeats another is one that shows that the other argument has to be given up".[4]

This approach is logically optimistic because it accepts not only the possibility, but the effective realization of some sort of final resolution of

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[1] Walton, Reed, and Macagno, *Argumentation Schemes*, 3.

[2] Walton, Reed, and Macagno, *Argumentation Schemes*, 9.

[3] Walton, Reed, and Macagno, *Argumentation Schemes*, 220.

[4] Walton, Reed, and Macagno, *Argumentation Schemes*, 224; all underlining is mine.

argumentation in favour of one of the positions involved (one's own position), a kind of final conciliation (or of a "happy ending") of the argumentation process. According to this view, there are mechanisms and procedures on hand that can be implemented at any moment by anyone, allowing one to settle questions and to eliminate doubts and theoretical discomforts in order to obtain rational solutions, cooperatively accepted by all parties in the conflict. It is understandable that affirmative ethicists assume this logical optimism because they always present the "Life is Beautiful" argument as the absolute truth and the opposing views as wrong. However, it's odd for pessimist and antinatalist thinkers to present their arguments in the same positive vein of having settled the questions forever. Antinatalism is often seen by its defenders as an absolutely well-established philosophical position with the opposing positions as mistaken. *Antinatalist thinkers are ethically pessimists but they remain logically optimists.* All the expressions quoted above from Walton, Reed and Macagno: "[…] it *may be defeated* […] an *appropriate* critical question that *it is not answered* […]", "[…] when the proponent gives a *successful* answer […]", "the strength of the argument is *overrated*", "A refutation *knocks down* the original argument", and so on, are potential sources of endless objections and controversies, making room for new arguments again and again".[5]

If the ontological-ethical theses developed in this book–with its antinatalist and suicidal corollaries–are accepted as sound, there is no motive to spare the field of argumentation of being just one of the many scenarios affected by the phenomena of the lack of value of human life and the moral impediment thesis. According to the ideas presented in part I, human life is structurally valueless and humans constantly have to fight against terminality by means of the creation of positive values. In this creation, humans enter into conflict and harm other humans' interests and projects. In a negative approach to argumentation, and in contrast with the affirmative view exposed above, argumentation is not a neutral and objective realm where human conflicts are decided by one side or the other, but a field where humans behave exactly the same as in any other domain of action: they try to give themselves a value by imposing their own arguments to defeat the other's. This is a dimension of humans' constant attempts to give themselves a value to stay the advance of the terminality of being.

In the negative approach, logic and argumentation do not point to any presumed "higher level" of pure rationality; arguments are weapons in

[5] Walton, Reed, and Macagno, *Argumentation Schemes*, already quoted above.

humans' hands, like jaws and teeth for other animals; they are instruments of dominion, expansion and defence. Humans have to construct their lives and to give them value, and winning arguments and defeating others is a part of this same process of self-valuation and self-esteem. Nothing is more pleasant than winning a discussion and, if possible, to humiliate the adversaries, compelling them to accept one's own point of view on a matter. But this must be properly understood: humans do this not by false rhetoric or fallacious procedures, *but by a strict use of the rules of logic.* Perfectly sound arguments are as perfectly sharp teeth: the more perfect the arguments the better they can destroy and defeat, but all within the rules of a logical fair play (like a *coup d'état* attempted within the strict rules of democracy).

But, somebody can object, advancing sound arguments cannot be considered as just merely expanding or aggressive, because it is a procedure fully justified by reason. Precisely at this point, it is useful to explain the negative approach to argumentation, which basically holds that *rational and sound arguments can always be advanced against any argument previously presented*; so, that one party's presenting arguments is not an alternative to sheer force or rhetoric, because the other party also presents arguments. *Any sound argument admits sound counter-arguments*. To the extent that argument is a very powerful kind of force, the alternatives are not argument or force, as Popper, for one, puts it.

Let's try to explain in a better way this negative and pessimist approach to argumentation. We may begin by looking at what frequently crops up in a simple phenomenology of argumentation, at our experiences in congresses, meetings, discussions, panels, conferences and philosophical debates.[6] What we usually see in such situations are vigorous claims coming from both sides, reluctance to acknowledge one's own defeat, and the apparent endless ability to go on arguing indefinitely, leaving the final decision to some sort of preference or authority, rather than to genuine "argumentation outcome". In many meetings, the point at issue may be so controversial that participants have to resort to a vote, simply counting raised hands to "decide" a matter that would otherwise go on indefinitely if left to its own progression. The negative approach to logic does not adhere to any form of "postmodern" scepticism as to the impossibility of argumentation, but rather it subscribes to a form of "excessive" scepticism where *argumentation is always possible*.

[6] I am here particularly interested in philosophical discussions, although I think that a great deal of what is said could be applied to all kinds of discussions, including day-to-day ones, except perhaps to discussions in hard sciences.

The point is that arguments are always available. One may meaningfully and coherently argue even about fictional entities or about improbable possible worlds, or in defence of standpoints apparently overcome. It is always possible to oppose an argument with another (and the very notion of "counter-argument" must be rethought in a negative approach to argumentation). There seem to be no "untouchable" or "weak" standpoints in some absolute sense. This does not mean that we will not try to evaluate, in some way, the quality of our arguments, but we do not suppose there is a domain in which arguments can be unquestionably "decided" in favour of one standpoint over the other.

Of course, we can decide clearly and definitively factual issues such as today is Tuesday and not Sunday; a shop is open 24/7 or closes at midnight; Lula da Silva ruled Brazil from 2003 to 2011; Cervantes wrote Don Quixote, not Goethe; that up until today (2016), Cate Blanchett has won two Oscars, not three; that Alfred Hitchcock has never directed a film with John Wayne; that Brasilia is the capital city of Brazil, and Rio de Janeiro was before it. Obviously, if language works as it actually does and things are as they actually are, all these assertions are absolute truths. They are simply not controversial points that need not go through an argumentative process. The negative approach applies exclusively to conceptual questions like: Sundays are more productive days than other days of the week; 24/7 shops overwork their employees more than regular shops; Lula addressed people's needs better than his predecessors; Faust is more universal than Don Quixote; Cate Blanchett deserved her second Oscar but not the first one; Alfred Hitchcock would never have agreed to direct John Wayne in a film; moving the capital city from Rio to Brasilia was a political setback. Goethe being the author of Faust is not a point for debate, but Faust being a more universal piece of art than Don Quixote is.

According to the negative approach, argumentation does end but not because some arguments are defeated by the other party, nor because one of the parties gives up the fight and retracts their standpoint to acknowledge that the opponent had the "better arguments". The argumentation stops by a more or less authoritarian or democratic fiat, because an authority (an institution, a law, the force or influence of a position, the "community of experts", the "majority's opinion", the "common sense", and so forth) was evoked to silence the opponent. In a negative approach, philosophical discussions appear virtually endless, and if they do seem to end without an intervention of external authority, this is due to arguers' contingencies (fatigue, lack of motivation, loss of interest, an upcoming trip, an illness, a death of one of the parties), and not because

one of the standpoints was successfully rebutted and eliminated by the other.

In the negative approach, all arguments have weaknesses and failures that can always be pointed out or criticized via counter-arguments. This indicates that, in this approach, *presenting counter-arguments against a philosophical standpoint does not rebut or invalidate the original argument.* Counter-argumentation merely places the opponent's standpoint within a web of arguments where we attack and counter-attack each other's arguments. We will not find arguments that do not admit counter-arguments; we can just look for arguments the counter-arguments to which are easier to reply to, counter-arguments that do not overwhelm us, for which we are able to come up with new counter-arguments worthy of a reply. This is why the very notion of a "counter-argument" needs to be rethought: in the affirmative approach, a counter-argument can rebut and invalidate another argument; in the negative approach, a counter-argument can only place an argument in relation to alternative ones within a web of arguments, or force the other argument to be reshaped; but it never has the power to completely and definitively eliminate the opposing argument.

The affirmative approach may state that such a way to address discussions presupposes that all arguments have the same value, and that all ideas have the same right to be posed and opposed. This can be seen as a chaotic or nihilistic account of argumentation. Because it is evident, so it is claimed, that "not all argumentations are equally good or bad, strong or weak", that "there are some arguments that are particularly weak and others less so". The negative approach replies that in order to affirm such kind of things we would need *criteria for the correction of arguments*. But such criteria are not external to the discussion, they are part of it; any criteria we may propose to evaluate the quality of an argument, including types of legitimate logical sequitur, would have to face the other party's possible opposition and argue for the criterion being proposed; while the other party can put forward other criteria that can also be contested and so on. According to the criteria of one of the parties, the argument will be convincing and sound; according to the other party's criteria, the same argument will be weak or even untenable. The argument that abortion is legitimate in the case of a rape is overwhelmingly convincing on utilitarian grounds, but weak on deontological grounds. Arguing favourably for euthanasia is sound when assuming strong principles of autonomy, but extremely weak without this assumption. The mechanisms for evaluating arguments are also subject to argumentation.

In any case, for someone to enter seriously into a philosophical discussion, he must carefully build up a standpoint; he must prove that the

line of argumentation we are invited to follow actually has a sense; he must make the effort to present his assumptions, definitions and premises, the goals to be attained by argumentation and the audience to be targeted, the type of logical sequitur that will be employed and so forth. The arguer cannot come to the arena unprepared, with just an unstructured set of ideas. But if the arguer is careful enough and fulfils all these conditions, his standpoint cannot simply be destroyed by opposite standpoints, even if it must confront countless counter-arguments of all sorts that will force him to rectify and reformulate.

Under no circumstance does a negative approach in argumentation single out the stubbornness, vanity, or arguers' purpose to "complicate things". *The endless nature of philosophical discussions responds to the argumentation's internal features*; counter-arguing is always possible, even when arguers act out in good faith and are willing to seriously engage in argumentation, and not just hinder discussions. We agree that sometimes arguers do take up such uncooperative and unconstructive attitudes, but it would be hard to prove (using arguments!) that this is *always* the case. According to the negative approach, such a situation of endless conflict is intrinsic to argumentation. On an argumentation level–philosophical, at least–there is no difference between the level on which actual arguers assent or dissent and a supposed Platonic "argumentation level" separate from them, considered as the last instance for deciding arguments.

People often identify arguments as "having counter-arguments" with "weak arguments". In the negative approach, counter-arguments, however numerous, do not make an argument weak in absolute terms; they only point to other alternative lines of argument. Each argumentation is strong on its own terms when carefully thought out and constructed from its own presuppositions. We are never compelled to accept the other's presuppositions and premises. (This is a recurrent mistake committed, for example, by referees in journals: rejecting the arguments of a text as "weak" because they were able to find many counter-arguments against the line developed in the paper being evaluated). To each one of the arguments advanced in this book, it is always possible to find counter-arguments; this does not mean that the theses maintained are not tenable; but, on the other hand, it also means that the conclusions obtained are neither absolute nor exclusive, but always relative to their theoretical basis, values and presuppositions. This is what logical pessimism is all about.

The pessimism defended in the present book is thereby ethical and logical at the same time. It is ethical because the purpose and objective of

abstention from procreating and justification of certain forms of suicide are primarily moral; they are not mainly motivated by the intention to prevent harm, but that of avoiding manipulation and increasing the number of morally impeded people in the world. Harm in itself is not a decisive handicap to moral demand, because a harmful but morally dignified life might still be worth living. A negative antinatalism is internally connected with the structural discomfort argument; it is not merely an empirical antinatalism, a result of a calculus of ups and downs in life; it must be inserted within the moral impediment situation in the web of actions. It is a structural or ontological antinatalism. The antinatalist and anti-abortion theses arise from the theoretical structure of negative ethics; they cannot be understood in isolation. This is the pessimist situation from the ethical point of view.

On the logical side, even when the antinatalist feels the strong desire to consider the antinatalist thesis as absolutely incontrovertible and definitive, he must swallow a bitter pill and recognize the negative nature of his own argumentation, strictly relative to his own presuppositions, not as an absolute outcome. In the case of the ideas in this book, they remain dependent on my specific idea of ethics (summarized by the MEA), on my ideas about humans and the human situation, on my particular definition of manipulation, on particular resources of informal logic and so forth. The antinatalist and anti-abortion arguments depart from, as any other philosophical argumentation, some presuppositions, definitions of terms, understandings of logical sequitur and so on, acceptance of which is necessary for accepting the further conclusions. The antinatalist argumentation could not emerge from nothing; it has always been developed in the wake of its own premises and presuppositions. This is the pessimist situation on the logical side.

Of course, the ethical and argumentative difficulties for my ideas in this book apply equally to argumentation and arguers in general. When Benatar claims that life causes serious harm and procreation is immoral, his results are strictly relative to a great number of presuppositions that can be challenged at any moment, even if not defeated (according to the negative approach in argumentation). For example, at various moments of his argumentation, Benatar refers to the issue of intuitiveness and the difficulty of matching intuitions: some find perfectly intuitive what others feel as strikingly counter-intuitive.[7] Referring to his premise (3), Benatar[8] affirms: "premise (3) seems entirely reasonable to me […] But the

[7] Benatar, *Better never to have been*, 37.

[8] Benatar, *Better never to have been*, 141.

problem is that those who do not share my intuitions can simply deny the premise".[9,10]

This uneasy logical situation is not confined to intuitions. It also has to do with all kinds of elements cropping up in any philosophical discussion. In the case of the controversy between pessimists and optimists, antinatalist and pronatalist proponents, we will find other radical conflicts, for example, around the "rationality" or "irrationality" of the proposal of ceasing to procreate because of the presence of harms; many could allege that it is not rational to stop driving because we could one day kill a pedestrian or another driver, as thinking like that would be to commit a fallacy of everything or nothing. There are also conflicts around the internal and external viewpoints concerning the value of life; one could argue that the internal point of view ought to prevail, that no one can declare a life to be valueless from the external point of view. We can find good arguments on both sides. Or concerning the administration of "Pollyanaism": some consider that defending some values is perfectly cogent and rational and not a mere product of an unqualified optimistic bias; while one side could consider our adapting to a bad situation as a cowardly accommodation, the other side could see the same attitude as a manifestation of profound wisdom.

The logical pessimism holds that an objective solution for conflicts of intuitions does not exist; the only thing to do is to try to convince the others of the intuitiveness of our ideas, but if the other is not convinced we must accept the disappointing reality that we simply cannot continue talking with the arguer with intuitions completely divergent from ours. As Benatar puts it clearly,

> No doubt there will be some people who are unconvinced by this. If the reason for this is that they take the (alleged) absurdity of my conclusions as axiomatic, then there is nothing that I could say that would convince them […] There is nothing one can say to convince the dogmatic.[11]

This points to a general situation, contrary to the affirmative approach to argumentation that maintains that philosophical discussions can be decided in favour of one side or another. The fact remains that the other

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[9] Benatar, *Better never to have been*, 142.

[10] "That which would not be counter-intuitive from our perspective would be counter-intuitive from theirs". (Benatar, *Better never to have been*, 206; see also 214).

[11] Benatar, *Better never to have been*, 207.

side may never accept my conclusions, however sound, if they are contrary to their own convictions (which we will see as "dogma").

But logical pessimism also applies to Benatar and antinatalism in general: they too can never be convinced by any pronatalist argument as well. In a more recent text, after referring to numerous objections to his position, Benatar declares: "None of the arguments to which I shall respond have caused me to revise my views".[12] That coming into existence is a serious harm is a crucial idea that the antinatalist refuses to abandon and that will be seen as dogma by the opposing party. Of course, this idea will be submitted to discussion with pronatalists taking their stand; we have arguments on both sides. But each one is unlikely to abandon certain ideas which will be seen as dogmatic by the other side. The situation in logic is as discouraging as it is in ethics.

In the polemics between Benatar and Wasserman, the latter talks of "unduly pessimistic assessments" and "inappropriately perfectionist standards", which are perfectly sober and cogent in Benatar's judgement. Benatar considers the comparative, consent and risk arguments as correctly deriving from his premises, whereas Wasserman contends " […] that not one of these arguments succeeds in establishing that bearing a child necessarily wrongs her [the woman]".[13] He is willing to accept that it follows from Benatar's premises "[…] that procreation is an activity fraught with risk, which should be undertaken only with great caution and serious reflection".[14] That the antinatalist argument goes beyond where its premises legitimately permit it to go is a perfectly reasonable counter-argument to antinatalism; the antinatalist analysis of human life may well be accepted as a powerful reason to make procreation a lot more responsible and careful than it usually is, but not reason enough for radically ceasing to procreate or for recommending the extinction of humanity.

According to the pessimist logic, none of these conflicts have an objective resolution through argument. The same powerful biological and psychological mechanisms, so well described by Benatar, leading people to consider their lives much more valuable than they really are, similarly lead arguers to systematically consider their own argumentation as the only solid and valid one, and the other's failed or even dishonest. In this situation, only social, political or authoritarian resolutions can be deployed in order to reduce the other party to silence and impose our own intuitions and ideas. But if we let argumentation follow its own internal course,

[12] Benatar, "Every conceivable harm: a further defense of antinatalism", 128.
[13] Benatar, and Wasserman, *Debating procreation*, 206.
[14] Benatar, and Wasserman, *Debating procreation*, 206.

arguments and counter-arguments will continue to spring up on both sides, as is vastly exemplified in the discussion on procreation and abortion. Of course, like Singer, each one of us will consider our own position as the only right one, but this may well be the product of a psychological delusion. The arguers' claim concerning the quality of their arguments is no more reliable than people's assessments regarding the quality of their lives.[15]

The preceding remarks may have given the wrong idea that I am uncertain about antinatalism, but this is not the case. From the ethical point of view, even if life were much less bad and harmful than in Benatar's depictions, procreation would not be morally justified in the structural approach defended here. From the logical viewpoint, even when antinatalist theses unfortunately cannot be absolutely conclusive, I still maintain that they are perfectly tenable and well supported by very strong and solid arguments; antinatalism is not, as is often said, an absurd, untenable or even insane view of things.

Some objections against the position defended here could run as follows: (1) Negative ethics dissolves the immorality of procreation into general moral impediment. (2) It leaves open the door to people opting to procreate if they wish to do so. (3) Antinatalism is not asserted as an absolute requirement.

Beginning with (1), antinatalist readers might have felt some discomfort concerning the Moral Impediment thesis, because it seems to be so strong as to dissolve the ethically problematic character of procreation. After all, if everything we do is morally impeded, then procreation is as affected by this thesis as abstention; no matter what we do we will have acted wrongly. But this is not really so. Firstly, the categories of ACI, PCI and DI (actively consenting, passively consenting and dissentingly impeded) presented in Part I were created precisely to attempt to pinpoint internal differences in moral impediment (many other distinctions would have to be introduced in a further inquiry). Routine or everyday actions, in which we perform impeded actions with indulgence, are certainly different from the impeded actions of the hero or the revolutionary in a social struggle. Secondly, it is precisely moral

[15] In order to avoid not just wishful thinking and argumentation optimism but self-contradiction as well, we must admit that the discussion of an affirmative and negative approach in argumentation is also affected by logical pessimism. I do not wish to present the negative approach as an absolute truth, but just as a position advanced by arguments; the affirmative position can also be advanced and defended. I address in detail all these questions in my forthcoming book "Introduction to a negative approach to argumentation".

impediment that is a crucial component of the lack of value of human life and a powerful motive for non-procreation; it is important to maintain the strong presence of moral impediment as a powerful antinatalist motivation: not to throw into the world another self-centred being compelled to be unethical in some of their many scenarios of action. Thirdly, engendering a child can be considered as the inaugural moral impediment, to the extent that it creates out of nothing the profound discomfort of being, from which all other discomforts derive. Therefore, the ethically problematic nature of procreation is not dissolved amidst general impediment, but carries the special stigma of introducing the most primal moral impediment.

Concerning (2), of procreation being left to one's choice, this difficulty can be handled by distinguishing two questions frequently put together or even identified. The structural arguments show that procreating is ethically problematic (and, therefore, that abstaining from procreating can be an ethical act grounded in strict structural considerations). From this, it follows that it is morally correct and advisable not to have children. But the ethical pessimism leads us to accept that, unfortunately, people–and particularly, although not exclusively, those of the economic and social lower classes–will continue to procreate. This is a reality check, not a desideratum. In virtue of general moral impediment, humans constantly carry out unethical actions, procreation being one of them, if the argumentation presented in this book is sound. The only thing that a negative approach can assert is that humans do something unethical when they procreate; but people will decide–as they actually do–that they will continue with unethical actions instead of ethical ones.

Negative ethics does not, therefore, leave room to decide whether to procreate or not, but the Moral Impediment thesis allows us to rationally suppose that, unfortunately, people will continue to opt for procreation. The unconditional continuation of life, which is the prevailing option, is a direct product of the moral impediment. Even when procreation and abortion are proved to be immoral in a line of argument, people will continue doing these things and other countless unethical actions in order to survive and live better, even at the cost of others' interests and welfare. Here, a distinction between descriptive and normative is needed, but an *ethical* normativity, not just a legal one; because the laws have the burden of having to organize in some way the human social life, which would be impossible without permitting some immoralities (like procreation and abortion). Laws regulate the human capacity for doing wrong things,

which, in a domain of moral impediment, is indispensable for developing a normal human life.[16]

Finally, objection (3), that antinatalism is not presented as an absolute truth, corresponds strictly and coherently to the negative and pessimist approach to argumentation assumed here, stating that any antinatalism is inescapably relative to its own presuppositions, premises, values and forms of obtaining conclusions, barring any dogmatic or fanatic antinatalism. As I conceive philosophical activities, they should avoid all forms of absolutism permitting dogmatic attitudes or obligations imposed on everybody in a unilateral way, even when attempted by the force of argument and not by physical force or coercion. Of course, I cannot accept–in some exercise of philosophy-fiction–the creation of antinatalist policies compelling everyone to adhere to the antinatalist line of argumentation.[17]

Benatar's descriptions of the harms of existence can be met with much plausible and solid counter-argumentation, concerning the non-sequitur of inferring from these descriptions the drastic decision of ceasing to procreate and extinguishing humanity. They can also be questioned by relevant arguments concerning the degree of probability of an extremely harmed life. These objections concern empirical forms of pessimism. My own pessimism and consequent antinatalism are structural or ontological, not empirical. This means that even when human life could be proved to be not so awful as it appears in Benatar's depictions, even in this case, for structural reasons, life would be valueless and procreation ethically wrong. The structural pessimism and antinatalism assumed here are, therefore, more radical.

The plausible and tenable line of argument presented here proves that life lacks structural value, that all value is arduously constructed by humans, and that procreation is immoral due to manipulating and imposing a structurally valueless life, ever assaulted by pain, discouragement and moral impediment, a life which can only be sustained by the intense creation of values. From this it must follow, at the very least, that procreation must be stripped of the festivity and joy that presently surround birth, and conducted with much more austerity and

[16] I agree with Nietzsche's intuitions that human life flourishes through delusion and wickedness, not through justice and goodness. My only difference with Nietzsche is that he looks at this as a marvellous manifestation of exultant life, whereas I consider it morally devastating and terrible.

[17] It is noteworthy that one of the champions of pessimism, Emil Cioran, presents harsh criticism against all forms of fanaticism. This might include, of course, antinatalist fanaticism. Cf. Cioran, *Précis de Décomposition*, chapter 1.

seriousness, thereby drastically diminishing the number of procreations, while at all times having on the horizon not procreating at all as the more radical ethical decision (even if pessimistically we are convinced that humans will compulsively continue to procreate).

After having renounced procreation, the more serious concern of a negative ethics is with existing people, through adoption (for people with irresistible paternity needs and no special talents) and through political, philosophical or artistic militancy (for talented people without paternity interests, who are extremely creative, brave, capable of assuming innovative or liberation activities beneficial for many, and people who can opt for death at any moment).

I hope that this book has succeeded in bringing to the fore that the question of procreation is a problem of biopolitics that still needs to be properly addressed. The questions of birth and procreation will acquire crucial importance when the serious ecological and economic problems that the planet already faces get worse. However, the present book was written from a purely ethical point of view. Before concerning ourselves with the question of saving lives in a world devoid of environmental and economic resources, *we are concerned with saving lives destined to live in a world without sufficient ontological resources*. The existential air of the planet may suffocate us before any ecological catastrophe. That is why the present work is also a *political reflection in the sense of considering abstention from procreating as a political and emancipatory act*, for the benefit not only of the present generation, but especially of the many ones that will *not* come in the future, if we can prevent it.

But, as a matter of fact, humanity will come to its extinction not by virtue of moral reasons concerning the immorality of procreation (this cannot occur in a world guided by moral impediment and by a lust for life), but through the destruction of humans by other humans in endless fighting. Human conflicts are now so extreme that each party would prefer to die rather than accept the other party's terms. In negative ethics, extinction would be accepted only on moral terms, not just as a means to escape suffering. The arguments advanced in this book provide reasons to persuade anyone that extinction guided by an ethical motivation will never come.

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