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Dear Reader,

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

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

Now in its 6th edition, *Meditations* has established itself as a serious undergraduate tradition at UCLA. Just as it has grown, I have no doubt it will continue in the coming years to blossom and bear fruit. In that same spirit of optimism, dear reader, I now welcome you to enjoy these *Meditations*.

Respectfully,

David Graham Dixon

Editor in Chief

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MORAL RESIDUES FROM BROKEN PROMISES

WANER ZHANG

Imagine that I promised John to deliver widgets to his factory but later decided not to do so simply because I felt lazy. As a consequence of my behavior, John's business suffered a tremendous loss. Surely morality would call on me to do certain things to make up for the broken promise. In Chapters 3 and 12 of *The Realm of Rights*¹ Thomson notices the existence of such moral norms in certain² cases where an agent fails to accord with her words. She calls such moral norms "moral residues". Thomson contends that it is necessary to provide an account for the existence of moral residues in order to fill in the gap between the fact of breaking a promise and the fact of the existence of moral residues. By examining intuitive cases of moral residues, Thomson presents her account for the existence of moral residues in those cases, which states that moral residues result from failing to fulfill a certain type of claims.

Depending on the specific word-giving cases being examined, there might be different accounts of moral residues. In this paper, I will limit my discussion of moral residues to certain³ cases of broken promises. I will first explain Thomson's account for the existence of moral residues by applying it to certain⁴ cases of an agent's failing to fulfill a promise. I will then object to this explanation 1) by pointing out that in some of such cases moral residues are in place even when there is no Thomsonian claim, and 2) by arguing that the Thomsonian account does not bridge the gap between the non-normative and the normative. I will instead provide what I regard as the best account of moral residues in certain cases of an agent failing to fulfill a promise by appealing to what it means to make and break a promise. Finally, I will contrast my account of moral residues with Thomson's to show that my account avoids the problems that Thomson's account faces.

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

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

³ Ibid.

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

I. What are Moral Residues?

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

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

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

⁵ Thomson, 40

⁶ Thomson, 84

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

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

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

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

Moral residues are often in place when an agent fails to fulfill a promise. Thomson defines a promise as such⁷:

Y promises X that P, where P is an action or refraining from action in the future or a limited range of states in the future, iff

⁷ Thomson, 289-300

- (1) Y invites X to rely on P's truth, and*
- (2) X desires to receive and accept the invitation, and indeed does so, and*
- (3) P has Y as its subject*

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

For instance, I promise Danny that I will deliver coal to his factory by Thursday, iff

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

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

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

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

Thomson contends that there needs be some intermediary to bridge the non-normative fact of the broken promise and the normative fact of the

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

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

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

III. Problems with Thomson's Account

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

⁸ *Id.*, 95

⁹ *Id.*, 96

¹⁰ *Id.*, 93-94

¹¹ *Id.*, 85

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

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

Similarly, any promises that are about something that cannot possibly be done by an agent - let's call this kind of promises *empty promises* - do not generate the kind of claims identified by Thomson. However, sometimes a promisor's failing to fulfill an empty promise would still generate moral residues, as we see in the coal-delivery example. Therefore, cases of empty promises present a problem to Thomson's explanation of the existence of moral residues: in cases of empty promises, the claims that Thomson identifies are implausible for agents to have and do not contribute to the existence of moral residues. If there is no Thomsonian claim in cases of empty promises, there is no intermediary bridge between the non-normative fact of a broken promise and the normative moral residues under Thomson's account.

IV. From Non-Normative to Normative

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

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

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

V. Promises

Recall the concept of a promise:

Y promises X that P, where P is an action or refraining from action in the future or a limited range or states in the future, iff

(1) Y invites X to rely on P's obtaining, and

(2) X desires to receive and accept the invitation, and indeed does so, and

(3) P has Y as its subject.¹²

Promises are invitations of reliance that are accepted by the promisee and by nature have constraining force. If promises do not have constraining force, then the promisor¹³ may permissibly break a promise whenever she desires. The promisor would not be doing something morally wrong if she breaks a promise. Why, then, should the promisor be subjected to any moral residues? Suppose I promised John to deliver widgets to him but did not do so simply because I felt lazy. If promises have no constraining force, then I would not be doing anything morally wrong if I did not deliver widgets to John. I would not need to compensate John for his financial loss. However, this picture is surely absurd - why should John suffer financial loss due to my fault?

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

¹² Thomson, 298-300

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

you do not guarantee what you promised would be obtained?) Hence, if Y promises X that P, then Y invites X to rely on P's obtaining; and if X desires and does accept the invitation, then Y constrains herself in a certain way.

Because of their nature as invitations of reliance, promises must have some constraining force on people. Something that has constraining force is something such that one has a duty to fulfill it and the failing of which often¹⁴ has consequences on the agent. The constraints of promises are thus expressed when the promisor Y

(1) acquires a duty of making it the case that P if it is possible for her to make it the case that P, and

if Y fails to make it the case that P through no fault of X's, then Y

(2) obtains other duties, if it is possible for her to fulfill those duties.

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

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

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

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

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

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

VI. The Constraining Nature of Promises as Intermediary

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

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

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

VII. Contents of All Moral Residues

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

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

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

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

VIII. Application of the Account

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

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

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

And Y fails to make it the case that P.

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

When I promise Danny that I deliver coal to Danny's factory by Thursday, I invite Danny to rely on me, and thus constrain myself in such a way that

- (1) I have a duty to deliver coal to Danny's factory by Thursday, or*
- (2) if I fail to deliver coal to Danny's factory by Thursday through no fault of Danny's, then I have moral residues to reduce a reasonable amount of negative effect associated with my breaking the promise.*

To reduce a proportionate amount of negative effect would include:

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

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

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

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

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

IX. Hierarchy of Duties

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

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

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

- a. the connective between the first and second part of the constraint generated by a promise is an “and”;
- b. the second part of the constraint is a conditional;
- c. the order of the first and second parts of the claim;

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

X. Advantages of This Account

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

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

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

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

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

WHAT'S WRONG WITH STATELESSNESS

JOHN J. ABUGHATTAS

There is no question mark at the end of my title. I ask you to grant that *something* is wrong with statelessness.¹ Political philosophy is written with the understanding that the modern world is made up of states and the citizens inhabiting that make up those states. Questions are asked concerning the duty of the state to its citizens, the citizens to their state, citizens to each other, and states to each other. In political practice, the assumption of persons being members of states collapses. States do exclude members. There are individuals who are not recognized as members of any state. These people are called *stateless*.

This paper situates statelessness in Kant's political philosophy. Section (1) clarifies what I mean by stateless and distinguishes the wrong of statelessness from other forms of political exclusion. The wrong, I will argue, is that the stateless are denied the condition necessary for their outer freedom. That condition is recognized membership within a state. Section (2) argues that statelessness is impermissible in Kant's Political Philosophy. Section (3) argues that Kant's Cosmopolitan Right requires the establishment of a *league of nations* to address global political problems such as statelessness.

(1)

The United Nations High Commissioner for Refugees defines politically stateless persons as individuals who are not recognized as nationals "by any State under the operation of its law."² These are individuals who do not hold citizenship in any nation. The stateless individual may have once been a member of a state and now lacks membership, or they may have never been a member of a state to begin with. The statelessness I address here is of individuals who were once members and now lack membership as a result of actions taken by their state.³ Individuals who are stateless

¹ I am grateful to A.J. Julius and Barbara Herman for their guidance in writing this paper and for teaching me Kant's practical philosophy. I am indebted to the Meditations editorial board for helping me prepare the version presented here. My title pays respect to Lea Ypi whose work has inspired my own. This paper was written with the support of the Mellon-Mays Undergraduate Fellowship. I may have never come this far as a philosopher without many conversations with my dear friend Chad Serrao, nor without the support of my teachers: Amber Katherine, Ali Mohsen, and Paul Klumpe.

² United Nations Convention Relating to the Status of Stateless Persons. (1954). 6.

³ A person may become stateless by their own volition — renouncing their citizenship. The question of that person's status is distinct from the question I am concerned with here. My concern is with stateless persons who become stateless as the result of their state ceasing to recognize them as a member.

under these conditions typically do not leave their home nation. They continue living within the state that they were once members, but now do so without state recognition. There are several varieties of statelessness that I will describe, but I will only address this one. Each variation comes with differing material facts and claims for recognition. Thus, each warrants its own dedicated discussion. I choose to discuss the statelessness of individuals who were once members and now lack membership because I find it to be the most prevalent form of statelessness in the world today. Section (3) will consider the status that stateless persons have once they leave their home country, becoming stateless refugees.

I will argue that the wrong of statelessness is that one is denied access to the condition necessary for their external freedom, namely being a recognized member of a state. Furthermore, I maintain that statelessness, in the form I mention above, is reducible to a state denying one of its members *de jure* membership although they hold *de facto* membership. To make this more apparent, I'll first explore what makes the life of a stateless person different than that of a person who is a recognized member of a state.⁴

The difference between a stateless person and a state member might be that the stateless person lacks the legal right to occupy any space. Membership denotes a person's status as part of an association. In states, membership means that you are associated in such a way that you are permitted to reside within the territory claimed by the state. The legal right to occupy a particular space is given by the state that maintains control over the land. Given that virtually all land on the planet has been claimed by some state, to be stateless, then, is to be without the legal right to occupy any particular space. Evidently, this poses a problem as all people are embodied and must occupy some space in order to exist. Without a space to occupy, all of a person's other supposed rights are endangered. If they may not even exist in any particular place without the risk of being arrested, forcibly removed, or killed, then their most basic right to freedom is insecure. If state membership is a prerequisite to rightful occupation of space

⁴My thoughts on the distinction were formed over the course of several conversations with A.J. Julius and Barbara Herman.

and occupying space is a prerequisite to freedom, then state membership is a prerequisite to having one's freedom.⁵

A stateless person does have the right to exist in *some* place. It seems there is no restriction, on the basis of citizenship, of who may inhabit an international airport. International airports are something of a neutral zone that members of any state and stateless persons may occupy without the threat of removal or destruction.⁶ The difference between the citizen and the stateless person in an international airport is that the stateless person may not leave. They do not have a passport to grant them entry to the nation that the airport is within, nor may they fly to some other nation that will admit them.

Our question now seems narrower: what is the difference between having legal status to occupy space in only neutral zones (the international airport, etc) and having legal status to occupy public and private space within a state? Kant writes that "an innate right is that which belongs to everyone by nature, independently of any act that would establish a right; an acquired right is that for which such an act is required."⁷ There is only one innate right — external freedom. External freedom is the "independence from being constrained by another's choice."⁸ The innate right of freedom applies in all places, including neutral zones, and to all people. No one may rightfully take your life or your body in the neutral zone, even if you are stateless. We might think that being restricted to the airport is a violation of innate right. It seems that external freedom, the freedom of constraint from others, is infringed upon when one is limited in their movement by being limited to an airport. Is the external freedom of a stateless person infringed upon simply because airports are small compared to nations? If so, then the worry may be solved by having massive, nation-sized airports. However, there still seems to be a problem with only being allowed to inhabit an airport, even if it is the size of Albania. We may also object to this size-standard by asking if members of very small states are being wronged. There

⁵Peculiarly, an individual can own a space without having the right to occupy that space. Nothing legally prevents a stateless person from purchasing property, despite the clear financial barriers. However, having ownership of property within a nation would still not grant one permission to occupy space within that nation. A stateless person may legally own land within the United States, but would not be permitted to enter the United States in order to access their land. They could be removed from their own property, not for trespassing, but for violating immigration law. Yet, their title over the land would still be enforceable against other persons.

⁶There is currently one man in the world who takes permanent residence within an airport. This example does not intend to maintain that living in airport is a good or even common practice for stateless persons. Rather, the purpose is merely to show that there are limited spaces on earth that do not require citizenship to occupy.

⁷Immanuel Kant, *The Metaphysics of Morals*. (1797), (MdS 6:237).

⁸Kant (MdS 6:237).

does not seem to be any *prima facie* objection to a state being the size of an airport. The wrong of statelessness then lies somewhere other than the limited space that a stateless person may inhabit.

Suppose there were a number of good-willed stateless persons trapped within an international airport the size of Albania. As the mutual inhabitants of the finite airport, they would have to share the limited space and resources. They would claim benches to sleep on, bathrooms to use, and areas to store their belongings. Due to space and resource scarcities, there would be property and space disputes between the stateless inhabitants of the airport. Alleged thefts may prompt the stateless inhabitants to jointly establish rules of property, draw up clear boundaries of who has authority over each wing of the airport, and to permit members of the stateless community to enforce these rules. In short, the stateless inhabitants would take steps to establish a state. Deprived of the protections of the state, good-willed people forced to interact within a finite space would aim to establish a state to ensure the external freedom of all.

Imagine a single stateless person wandering through the world. What would her recourse be? She would recognize that she could not secure her freedom alone. She would hope to be granted recognition by some state that would secure her freedom. The fact that the world is comprised of states may make it more difficult for her to secure her freedom alone, but, even in the state of nature, it would be outside her grasp. In *We Refugees*, Hannah Arendt describes the experience of Jewish stateless refugees trying to regain the citizenship status that was taken from them. She writes:

Start with a description of that Mr. Cohn from Berlin who had always been 150% German, a German super-patriot. In 1933 that Mr. Cohn found refuge in Prague and very quickly became a convinced Czech patriot — as true and as loyal a Czech patriot as he had been a German one... Our Mr. Cohn then went to Vienna... The German invasion forced Mr. Cohn out of that country [Vienna]... He arrived in Paris... convinced that he would spend the rest of his life in France.⁹

It was unimportant for Mr. Cohn which country took him in. All he desired was to be recognized by some country. Mr. Cohn was willing to mold himself

⁹Hannah Arendt, *We Refugees*, (1943).

into whatever identity would secure his status as a member. His freedom and his life depended on it.

It seems the thing that the stateless person loses when they become stateless is the same thing they would try to retrieve. Then, the wrong imposed on stateless persons is their very lacking a state membership. Put another way, state membership is a necessary condition for external freedom; the wrong of statelessness is that it deprives the stateless person of the freedom they can only have within a state. The finite space and resources of the world requires that all people enter into a state to secure their freedom and the freedom of others. Then, for one to be denied membership in a state is for their freedom to be withheld. A number of other wrongs fall out of the wrong of being denied state membership, but they cannot be said to be the wrong of statelessness. For example, statelessness often manifests itself in the relegation of stateless persons to neutral zones and in their exclusion from considerations of distributive justice. In more extreme cases, such as that of stateless Jews, lacking a state meant they could be killed and unlawfully imprisoned. Yet, the wrong of statelessness they faced was not merely the composite of all those individual wrongs.

We must distinguish the statelessness of persons from other forms of political exclusion. I will distinguish statelessness of persons from:

- (i) Statelessness of a people
- (ii) Refugee Status
- (iii) Immigrant Status
- (iv) Homelessness

(i) The subject of stateless persons should not be confused with that of a stateless people. A stateless people may come in three forms. (1) A stateless people may be a united group of persons living in a defined area of land without establishing a state.¹⁰ This kind of statelessness of a people comes in two varieties — stateless groups who do not wish to establish states and stateless groups who do wish to establish states. An example of the former is some Indigenous American groups, and the latter is captured by the situation of Palestinians. (2) A stateless people may be a united nomadic group who travel between states without claiming membership in any state. (3) A stateless people may be thought of as an ethnic, racial, or other identi-

¹⁰ For a discussion of this kind of statelessness of a people see Anna Stilz, *Provisional Right and Non-State Peoples*. In *Kant and Colonialism: Historical and Contemporary Perspectives*, ed. Katrin Flikschuh and Lea Ypi. Oxford: Oxford University Press, 2014. This paper is informed by her work. Stilz focuses her discussion on Indigenous American groups who did not wish to establish states.

ty-based group that lacks a homeland, even if individual members of that group may hold citizenship in some country. All three variations of stateless peoples have different types of claims: (1) centers on the supposed right of a group to collective self-determination, (2) is a claim to particular way of self-determining that does not involve stationary living or the formation of a state, and (3), perhaps the most contentious, appeals to the notion that a group has a right to preserve itself and its shared culture by insulating itself from the outside. These are referred to as ethnostates. One such example is Israel, a Jewish state which itself was established in response to mass statelessness of individual members of that group. My concern here is with individual stateless persons living within a state without membership.

(ii) Stateless persons may mistakenly be placed into the category of refugeehood. Stateless persons are distinct from refugees in that stateless persons do not necessarily travel out of their country of origin and, unlike most refugees, they do not retain citizenship in their country of origin. Refugees typically hold citizenship in a country that they have been forced to flee as a result of persecution.¹¹ Thus, the type of inclusion that the refugee seeks is that of a displaced outsider hoping to be included in a new political system that they are foreign to. The stateless person, however, was born and has resided in the same nation that they now inhabit without legal standing.¹² They are what Kristy Belton describes as “insiders looking in” to the nation that has excluded them. The distinction between statelessness and refugeehood is important because a stateless person and a refugee have different claims for inclusion. The refugee makes an appeal to a foreign state. The stateless person, however, demands justification for their exclusion from the nation which they are a part of but not recognized as a member of. A stateless person may also be a refugee should they attempt to leave their home country in search of asylum in another country. They would be a stateless refugee, a refugee without citizenship in any country. I will explore the transition from stateless person residing in their home country to stateless refugee seeking asylum later in this paper.

(iii) Similarly, the stateless person is not to be confused with the immigrant. The immigrant’s claim is akin to that of the refugee, though perhaps not as urgent. They are not stateless in my sense because, although the nation they hold citizenship may be foreign to them or a hostile place to live,

¹⁰ *United Nations Convention and Protocol Relating to the Status of Refugees*. (1951 and 1967).

¹² Kristy A. Belton, *The neglected non-citizen: statelessness and liberal political theory*. (*Journal of Global Ethics*, 2011), 59-71.

they do have the recognition of a state. While it may be unsavory for them to be deported, there exists a state for them to be deported to. A stateless person cannot return because there is no country for them to return to.

(iv) Finally, I would like to distinguish between statelessness and homelessness. A homeless person is distinct from a stateless person in that, while they lack a specific space that belongs to them, they may reside in a general region where they are permitted to occupy public space. Indeed, the homeless often face the wrath of police enforcing laws that remove them from supposedly public spaces. However, a stateless person lacks even the recognition needed to legally occupy a public sidewalk.

The most notable distinguishing factor between a stateless person and the other categories I have mentioned is that the stateless person does not have the recognition of any nation. While the immigrant and the refugee may have a home country to return to (although it may be dangerous), the stateless person is without any nation that will recognize them.

(2)

Earlier, I introduced Kant's notion of innate right and his proclamation that there is only one innate right — external freedom, or the "independence from being constrained by another's choice."¹³ Innate right works in conjunction with Kant's universal principle of right (UPR) which states "Any action is right if it can coexist with everyone's freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law."¹⁴ All other rights must be acquired within the state and are themselves established for the sake of ensuring innate right. The UPR is the principle to which all laws must answer. If the establishment (or lack thereof) of a law would be contradictory in conception to the UPR, then that law is not rightful.¹⁵

The right of possession is a derivative right necessary to ensure innate right. External freedom inherently involves outward action in the world which makes use of objects and space.¹⁶ Westphal argues that Kant

¹³ Kant (MdS 6:237).

¹⁴ Kant (MdS 6:230).

¹⁵ A contradiction in conception is a logical contradiction found when a maxim (or principle of action) and in this case, a law, cannot conceivably be made a universal requirement. Kant's well known example states that lying for one's benefit could not be a maxim because a universal law that requires that all people lie when it benefits them is contradictory. There is always something to be gained by lying. A lying for one's benefit maxim would drive all people to always be lying. This would eliminate the possibility of one ever gaining from their lies because lies are only beneficial when others are trusting of them. But if all people are lying all the time, then no one would ever trust a lie. Thus, a lying maxim is a contradiction in conception because its implementation would eliminate the prudence of lying.

¹⁶ Kenneth R. Westphal, *A Kantian Justification of Possession*. In *Kant's Metaphysics of Ethics: Interpretive Essays*, edited by M. Timmons, (Oxford University Press, 2002), 95.

maintains the necessity for possession from the facts that the earth is a finite space with limited resources and we, human beings, are finite rational agents who “must act on things around us in order to achieve our ends (including meeting our obligations and securing our basic needs).”¹⁷ To preserve ourselves, we must make use of objects and occupy space. Human preservation “requires regular and reliable use of things...which cannot all be physically held simultaneously.”¹⁸ It’s evident, then, that it is a violation of innate right to deprive one of the ability to occupy space and make use of the resources needed to sustain themselves. This includes having right to possess space and resources that one is not actively making use of. A deprivation of this right would prevent one from preserving their life, fulfilling their moral duties, and living a free life.

However, the right of possession stands only within the state. My taking possession of a thing brings others under an obligation to respect that possession; but this is only so because, the others who respect my possession, in turn obligate me to respect their possessions.¹⁹ This relation cannot be established by an individual willing it so, but only by a “collective general (common) and powerful will” — i.e. the condition of being in a state.²⁰ Outside the state, there is what Kant calls “provisionally rightful possession.”²¹ Kant writes:

The way to have something external as one’s own in a *state of nature* is physical possession which has in its favor the rightful *presumption* that it will be made into rightful possession through being united with the will of all in a public lawgiving, and in anticipation of this holds *comparatively* as rightful possession.²²

Then, one can take steps toward a rightful possession in a state of nature. Anna Stilz maintains that provisional rightful possession is part of a process that leads toward rightful possession within the state. She writes “To be conclusive, individuals’ provisional rights must also be ratified by the united general will... But the fact of empirical possession does make a

¹⁷ Westphal, *A Kantian Justification of Possession*, 97.

¹⁸ Westphal, *A Kantian Justification of Possession*, 98.

¹⁹ Kant (MdS 6:255).

²⁰ Kant (MdS 6:256).

²¹ Kant (MdS 6:257).

²² Kant (MdS 6:257).

claim specially eligible to be ratified by a political authority: absent a compelling challenge, it ought to stand.”²³

Where does this leave a stateless person? A stateless person may be under a “collective general (common) and powerful will” without being in a civil condition. Statelessness, in the form we are addressing, involves the denial of state membership to an individual who was once recognized as a state member. An individual becomes stateless as a result of action from their state which seeks to intentionally alienate them from the state. They are a *de facto* state member who is denied *de jure* state recognition.²⁴ A stateless person loses the protections that come with recognized state membership, but this does not mean that they are no longer a member of that state and part of its will. For the state to reject some of its citizens is a contradiction in conception. The state would take up a maxim of “the state shall exclude part of itself when it is prudent for itself to do so.” A way to demonstrate the contradiction is to think of the state, as Kant does, as an expression of the omnilateral will of all the subjects. An omnilateral will could not rationally will to exclude a portion of itself.²⁵ The state, taken as a whole, includes all its members. A maxim that asks the state to exclude part of itself for the good of the whole, which includes that part which would be excluded, is contradictory. This form of statelessness can be reduced to the following: the state is denying some of its members the rights and dignities that all members are entitled to. The state is not entitled to forego the duties it has to its citizens by choosing to ignore the status of some of its citizens as citizens. If the state were permitted to do so, then the state would possess a “not my problem” card that it could deploy anytime it wished to rid of itself an irritating citizen. In *Theory and Practice*, Kant writes: Thus the civil condition, regarded merely as a rightful condition, is based a priori on the following principles:

1. The freedom of every member of the state as a human being.
2. The equality of each with every other as a subject.
3. The independence of every member of a commonwealth as a citizen.²⁶

²³ Stilz, *Provisional Right and Non-State Peoples*, 214.

²⁴ I do not explain what it is to be a *de facto* member of a state. It is a question I plan to address at later time. I would like to say that I envision membership in a state as depending on actions one takes as part of that state's community. What those specific activities are, I am unable to say as of now. However, I am confident that membership, in any group, depends on being in community and doing as community members do and not merely in one's being considered a member on paper. To that end, I maintain that a stateless person participating within the community of a state that does not recognize them is more of a member than a millionaire who uses their wealth to purchase the conveniences citizenship without ever participating within that state's community.

²⁵ This point was raised in a seminar at UCLA. Barbara Herman, *Kant's Political Philosophy* (Winter 2018).

²⁶ Immanuel Kant, *On the common saying: That may be correct in theory, but it is of no use in practice*, (1793), (GTP 8:290).

It would make little sense that the state is required to respect the freedom and equality of each citizen, but could disregard that requirement by filing paperwork to no longer recognize some citizens as such. The stateless are still members of the state, despite what the state has to say about the matter. Their status as citizens is evidenced by the relation they have to the state, not by the state's willingness to recognize them as citizens. Thus, Kant's three principles still apply to the stateless and they are still entitled to all the acquired rights that one holds within a state.

I'll now look to the empirical conditions under which individuals are stateless and establish why those conditions would be wrong under Kant's political philosophy. The first, that we have already made mention of, is the condition in which the individual is denied recognition of their membership by a state that they once were a recognized member of and still living within that nation. The second is the condition of the stateless refugee. The stateless refugee previously lived under the first condition, but has since left their original state, either having been forced out by their original state or of their own volition. The primary example of statelessness that I will consider throughout this paper is the statelessness of Jewish persons during the 1930s and 40s. It was not by accident or choice that Jewish persons came to be stateless. Rather, it was the intentional effort of the German government to exclude them.²⁷

Under Kant's picture, we reach the unsurprising conclusion that it was unrightful for Germany to revoke the citizenship of its Jewish members. But even without formal excommunication, Germany would have become too hostile a place for Jewish persons to continue living there. Persecution and unfair treatment (not to speak of eventual extermination efforts) would have driven them out of Germany and in search of a new space.

One's becoming stateless often results in their being forced out of their place of origin. Even if they aren't forced out, the rejection of their rights based on their statelessness makes it impossible (or at least very difficult) for them to continue living in the same place. Stateless persons who remain within their home nation will find no relief from their home government. It was that very home government that denied them recognition in the first place. The persecution imposed by a state upon its own citizen will seldom be resolved by that state coming to its better senses. This holds not only in cases of statelessness, but more broadly, in any instance

²⁷Arendt Hannah, *Origins of Totalitarianism*. In Chapter 9 *The Decline of the Nation-State and the End of the Rights of Man*. (1951).

of a state performing mere exercises of power upon its own members, we must turn to the global community for a remedy. With this in mind, I turn to a discussion of stateless refugees, stateless persons who have left or been forced out of their country of origin.

(3)

For Kant's view on stateless refugees and the obligations that states have to them, we must turn to his Cosmopolitan Right. For Kant, Cosmopolitan Right is the category of Kant's political philosophy which sets norms of interaction between people who do not share a state.

An important piece for understanding the status of stateless refugees is Kant's establishment of a right to hospitality across global borders.²⁸ Stilz writes:

The right of hospitality has two parts. It entails (1) a claim on the part of each individual as a *world citizen* to travel to other countries to make *communicative offers* to foreign individuals, states, and peoples; but also (2) a reciprocal claim on the part of foreign states and peoples to refuse permanent society with the offerors, by excluding them from their territory.²⁹

Since the earth was a common possession of all, no one may be denied the right to present herself to parts of the world that are foreign to her.³⁰ This is not to be confused with a right to join any society as one of its members or to take residence; rather, Kant claims that, provided the visitor is peaceful, she has a right to visit other countries to share her culture and make offers of trade. Kant allows for countries to reject outsiders from entering. But the right of refusal is limited by the condition that an outsider may not be refused entry if doing so would destroy them.³¹

Let us apply this to the case of the stateless Jew. When she left Germany it was because remaining there would result in her death and persecution. When she arrived at the border of France, she did so with a right of hospitality to be a visitor. France had the right to deny her, but if do-

²⁸ Stilz, *Provisional Right and Non-State Peoples*, 199-202.

²⁹ Stilz, *Provisional Right and Non-State Peoples*, 200.

³⁰ Kant (MdS 6:262).

³¹ Immanuel Kant, *Perpetual Peace: A Philosophical Sketch*, (1795), (Zef 8:358).

ing so would destroy her, then this right is revoked. Would her denial lead to her destruction? In an effort to avoid the duty to take her in, the French may suggest that her rejection would not lead to her destruction because there are still many other countries for her to request asylum in. They could tell her to visit the next nation over and the next nation could do the same. She would be bounced from nation to nation, each claiming that her rejection will not lead to her destruction since there are still other nations that may accept her. I do not find this objection promising. If a nation is only obliged to accept a stateless refugee when all other nations have already rejected them, then the duty would arbitrarily fall to the last nation that the stateless refugee visits (provided that all others are aware of this policy and intentionally reject the stateless refugee).

However, France would be correct to point out that the arrival of any particular stateless refugee to France is mostly arbitrary. In 1939, Germany shared a border with nearly a dozen other nations. A stateless Jew fleeing Germany could find herself in any of these nations. But, by chance or by her preference, she has arrived at the French border.

To solve this problem of arbitrariness, I will appeal to Kant's notion of a league of nations. A league of nations is an association of nation-states in which the members cooperate in order to end all wars and promote the freedom of their citizens.³² Kant writes that since each nation exists in a limited space and the limitations of space lead to each violating the external freedom of each other, all must enter a league of nations to ensure their rights.³³ This is the same reasoning he uses to explain why individual persons in the state of nature must come together to form a state. Just as even the most good-willed individuals could not secure the external freedom of all without forming a state, states are also incapable of ensuring the external freedom of all without forming a league of nations. There are problems too great for one nation to solve on its own or for each nation to attempt to address without coordinating with others. A failure to coordinate through a league of nations ultimately leads to the violation of some persons external freedom. One nation acting alone to address the injustices in another nation would be analogous to a single individual in the state of nature imposing her conception of justice upon another. The two must enter into a state where a united will of all members dictates the course of action. Likewise, a single

³² Kant (ZeF 8:356).

³³ Kant (ZeF 8:354).

state attempting to unilaterally enforce its conception of justice upon other states would lack the right to do so. One state or individual is not authorized to make laws that other states or individuals must obey. Only a united will can do so. The state that wishes to take cosmopolitan action must enter a league of nations with all other states in order to form a united will that makes policy decisions to solve problems on a cosmopolitan scale. I believe that statelessness is one such problem.

The role of the league of nations is to maintain perpetual peace by addressing cosmopolitan matters that threaten the maintenance of peace. For there to be stateless individuals is for there to be a threat to perpetual peace. Statelessness creates disputes about how the stateless should be dealt with, which nation(s) they should be relocated to, and in what manner the nation that made them stateless should be reprimanded. Each nation may not individually take it upon itself to decide answers to these questions because each lacks the authorization to unilaterally create laws that will apply to all nations. As Kant puts it, "the community of the nations of the earth has now gone so far that a violation of right [in] *one place* is felt in *all [places]*..."³⁴

Even in the 18th century, Kant saw the world as so interconnected that the freedom of one would require the cooperation of all. This cooperation is not limited to the members of one's immediate community. The Earth is finite and small enough that Kant sees the interconnectivity of one person to all others on the globe as significant enough to warrant the cooperation of all through a league of nations. It is not that there is a duty to associate with others. Rather, all are already unavoidably associated by living on the finite earth together. Each human being is associated to those immediately around them and this becomes a state. Each state is associated with states around it and this becomes the league of nations. A stateless person is part of this association, but no government will recognize them as being associated. They fall outside the defense of any domestic law. Thus, the league of nations must intervene to guarantee that the innate freedom of stateless persons is respected.

³⁴Kant (Zef 8:360).

THE LIMITS OF HERITAGE: A CRITIQUE OF HEIDEGGERIAN AUTHENTICITY

AARON PERETZ¹

¹I offer my gratitude to Andrew Hsu who was a crucial interlocutor in the development of this paper's ideas. I'm thankful to the Meditations Editing Board for their time and effort in making this paper the strongest and most legible it could be, and to my roommates for tolerating my talk about ontology. I'd also like to thank John McCumber for changing my philosophical trajectory by introducing me to Heidegger's philosophy. Lastly, I'm grateful to Herb Morris for helping me see philosophy as a real possibility for my authenticity.

This paper intends to show that the notion of authenticity as it relates to heritage in Martin Heidegger's *Being and Time*² and later adopted by Hubert Dreyfus excludes genuinely new ways of being. For both thinkers, being authentic qua world-changer is a matter of retrieving marginal practices within one's own heritage. I will firstly provide a foundation for the relevant area of Heidegger's philosophy, then move on to explain how authenticity appears in Dreyfus's interpretation of Heidegger. I will then introduce Dreyfus's commentary on Jonathan Lear's *Radical Hope* which will be used to seek insight into his concept of the world-changer through his use of concrete examples. Ultimately, the insight gleaned will be limited and we will see the vague nature of Dreyfus's world-changer concept. Using the thin information that can be deduced about the world-changer, I provide three of my own examples that demonstrate the view's limitations beyond its vagueness. In these examples—concerning a revolutionary musical composer, one of the first women to undergo gender confirmation surgery, and a person estranged from their heritage—we will see that the Heideggerian view appropriated by Dreyfus excludes many new ways of being, barring revolutionary actors from authenticity, while also suffering a tension between the Heideggerian call of conscience and retrieval. These examples will also reveal unjustified valuations implicit to the critiqued view: the privileging of tradition over the progressive and the use of hierarchical language. To conclude the paper, I show how the exclusionary nature of authenticity follows from the phenomenological method of *Being and Time* and offer a preliminary sketch on how actors could find authenticity independently of any heritage.

Authenticity in the Heideggerian sense is a mode of being of Dasein. To understand what this could mean, let us first consider the general notion of Dasein: Heidegger's technical term for the distinct human way of being. Heidegger sees that humans are the kind of beings that ask about what their lives mean and have some understanding of the world they inhabit and continuously construct through shared practices.³ Heidegger tells us that there are two modes of being by which we can understand Das-

²Martin Heidegger, *Being and Time*, trans. Joan Stambaugh (Albany: SUNY Press, 2010).

³Heidegger, *Being and Time*, 12-13.

ein and thus the world: authenticity and inauthenticity.⁴ Regarding Dasein that is inauthentic, Heidegger writes, "It understands itself in terms of the possibilities of existence that 'circulate' in the present day 'average' public interpretedness of Dasein."⁵ The inauthentic mode of being is to engage with the world and its tools in the perfunctory manner of the general public. Inauthentic Dasein only understands its possibilities of action as the ordinary responses to life's situations. Dasein in this mode of being takes its surroundings for granted, unaware of the fragile infrastructure that gives our performances meaning. In contrast, authentic Dasein responds to "the call of conscience [which] reveals the lostness in the they... One's own potentiality-of-being becomes authentic and transparent in the understanding being-toward-death as one's ownmost possibility."⁶ The authentic Dasein hears a call of conscience from itself which directs the individual Dasein to see itself as an individual. The call of conscience makes a demand on the individual Dasein that it must take decisive action to take over its own life, and not to live inattentively as the public does. The contents of that demand differ for each Dasein, but only through following its demands can Dasein become authentic. Dreyfus investigates Heidegger's authenticity and expands on the kind of character that results from responding to the call of conscience.

In Dreyfus's "Could anything be more intelligible than Everyday Intelligibility?: Reinterpreting Division I of Being and Time in the light of Division II" ("Reinterpreting"),⁷ he concludes that there are in fact two modes of authenticity. He writes, "Heidegger clearly holds that there is a form of understanding, of situations, on the one hand, and of Dasein itself, on the other, that is superior to everyday understanding."⁸ The majority of "Reinterpreting" is concerned with spelling out the distinction between these two superior modes of being.⁹

⁴ *Id.*, 42-43.

⁵ *Id.*, 383.

⁶ *Id.*, 307.

⁷ Hubert L. Dreyfus, "Could anything be more intelligible than everyday intelligibility? Reinterpreting division I of *Being and Time* in the light of division II," in *Appropriating Heidegger*, ed. James E. Faulstich and Mark A. Wrathall (Cambridge: Cambridge University Press, 2000), 155-174.

⁸ Dreyfus, "Reinterpreting," 156-157.

⁹ It may not be obvious to other critics that there are two authentic kinds of understanding in *Being and Time*. Indeed, the page referenced above (*Being and Time*, 43) seems to make clear that there are only two. Dreyfus's view may be feasible if we believe that authenticity is on a kind of sliding scale—his strict bifurcation is curious. This paper is chiefly concerned with the most "superior" kind of understanding; its criticisms of Heidegger and Dreyfus hold regardless of whether the bifurcation is present in *Being and Time*. Also note that Dreyfus regards both authentic modes of being as "superior" even though Heidegger writes that inauthenticity is not inferior (*Being and Time*, 43). In the second division of *Being and Time*, though, Heidegger speaks about authenticity as an imperative for Dasein, affirming the sense that it is superior.

As Dreyfus points out, the different modes of authentic being are the result of one's understanding of a situation versus one's understanding of one's being. What each of these looks like will be spelled out in the following paragraphs.

For the sake of this paper, which chiefly investigates Dasein that understands its being, we should also be aware of Heidegger's notions of heritage and retrieval. Heidegger writes, "The resoluteness in which Dasein comes back to itself discloses the actual factual possibilities of authentic existing *in terms of the heritage* which that resoluteness *takes over* as thrown."¹⁰ Dreyfus interprets this passage as saying that the actor who merely understands their situation is not fully authentic because they have not yet understood their possibilities of action as those practices that have been given down to them by their heritage, or performed by their ancestors. Heidegger continues, "Resoluteness that comes back to itself and hands itself down then becomes the retrieve of a possibility of existence that has been handed down. *Retrieve is explicit handing down*, that is, going back to the possibilities of Da-sein that has been there."¹¹ Retrieval is the consequence of Dasein's responding to its call of conscience and repeating practices from the heritage's past. In performing these practices, this actor's being is resolved into a definite and fully authentic character. With this foundation for Heidegger's philosophy, I will continue distinguishing between the two kinds of authentic modes of being that Dreyfus finds in *Being and Time*.

The person who grasps their situation, but is not aware of their entire being, is what Dreyfus refers to as the "social virtuoso." They have recognized the general rules of some social practice as contingent and thrown, and stand as actualized within (versus abstracting from) their situation. However, Dreyfus offers little sense of what this social virtuoso could look like. I offer the example of a basketball all-star. Imagine a ball handler dribbling up the court, trying to get around their defender to drive to the basket for an easy shot. The ball handler is successful in getting around the initial defender, but a second defender runs towards the ball handler, blocking their clear path. The ball handler now recognizes it as prudential to pass the ball to his open teammate, but doing so would require making an impossibly abrupt swivel of their body that could not be made because

¹⁰Heidegger, *Being and Time*, 383.

¹¹*Id.*, 385.

of the running momentum. In an unprecedented move of improvisation, the virtuoso driving to the basket passes the ball behind their back to their teammate who makes the basket and wins them the game. Following this new form of passing, the basketball league follows suit and players begin passing behind the back, though the game of basketball is set-up the same way with no new rules being added. The virtuoso acts so as to guarantee their success, working under the rules of the game, but getting beyond the fundamentals they learned to play ball in a more effective way. The social virtuoso does not adhere to custom or etiquette for its own sake and has eliminated general rules for success in a practice, effectively re-contextualizing the practice they stand in. Before continuing I want to make clear that the social virtuoso seen above should be differentiated from an actor displaying mere competence, who could be understood as an inauthentic actor. A competent actor will successfully work within a practice without understanding it as a definite situation, but instead recognizing it as a general set-up. Any competent basketball player knows how to dribble, pass, and shoot; but unlike the virtuoso, they will not respond with new approaches to these basic elements.

Compared to the social virtuoso, the superior authentic Dasein who understands their whole being acts as what Dreyfus calls a “world-changer.” Not only does this Dasein see the rules of some social practice as arbitrary, but understands that the entirety of social practices are a function of their ancestor’s practices and those earlier ancestors before them. But Heidegger also speaks of “Dasein hand[ing] itself down to itself,”¹² which captures the sense in which Dasein finds its best possibility for acting authentically in virtue of the structure of the heritage. In this way, Dreyfus recognizes fully authentic Dasein as a being who sees that they have been thrown into a heritage which has at the same time been handed down. Dreyfus writes, “Dasein can then act in such a way as to take over or repeat the marginal practice in a new way and thus show a form of life in which that marginal practice has become central and the central practices have become marginal.”^{13 14} What Dreyfus recognizes as fully authentic Dasein, then, is one who in understanding their whole being comes to see the ex-

¹² *Id.*, 384

¹³ Dreyfus, “Reinterpreting,” 167.

¹⁴ Dreyfus is concerned with Heidegger’s specific use of the German *Wiederholen*, which is his technical term for the notion of retrieval that was seen above. Heidegger’s notion of retrieval does concern traditional possibilities of action, particularly those possibilities which *have been* (i.e. are not happening now). In this sense, the retrieved practices may be called “marginal.”

clusive possibility of authenticity in marginal practices of its heritage's past. Where the social virtuoso has broken from the public understanding in their field of expertise and consequently updated it, the world-changer shifts to a fundamentally changed way of life.

What Dreyfus's world-changer could amount to is open and unclear in "Reinterpreting."¹⁵ I now turn to examine Dreyfus's "Comments on Jonathan Lear's '*Radical Hope*'" ("Comments")¹⁶ with the hope that this character can be fleshed out and that we may find some insight into what counts as the marginal practices they retrieve. Lear's *Radical Hope* is a book about the disintegration of the indigenous American Crow culture following the tribe's forced migration by the American government and the lessons it teaches about cultural destruction and revival in general. Dreyfus looks to Heidegger to explain how cultural revival could take place after a cultural destruction, or when a way of life no longer has any meaning.¹⁷ Dreyfus writes, "In his later writings, Heidegger has a helpful answer to how a cultural world could be radically reborn. He holds that, in response to total world collapse one must become sensitive to marginal practices."^{18 19} It is in response to cultural collapse that Dreyfus again introduces the world-changer notion into the conversation.²⁰

In the Lear commentary, Dreyfus elects the Crow's return to farming following their forced displacement as a case of a world-changing innovation. The example reveals an additional qualification to the world-changing character beyond an understanding of their being and a resulting sensitivity to marginal practices. That is, the example shows that the "world" being changed need not be a grandiose one; rather, the "world" in world-changing refers to the Heideggerian sense of heritage. Dreyfus follows Heidegger's framework for his discussion of the Crow cultural revival, which is under-

¹⁵ The last section of Dreyfus's paper attempts to apply the social virtuoso and world-changer concepts to the juridical realm. But Dreyfus gives no concrete example of what marginal practice is being retrieved and no clue as to what heritage it is being pulled from besides the vague heritage of jurisprudence. He simply informs us how this character could exist.

¹⁶ Hubert L. Dreyfus, "Comments on Jonathan Lear's 'Radical Hope,'" *Philosophical Studies* 144, no. 1 (May 2009): 63–70. <http://www.jstor.org/stable/27734426>.

¹⁷ In Jonathan Lear's "Response to Hubert Dreyfus and Nancy Sherman," he points out that Dreyfus maintains an incorrect reading of Lear's notion of cultural destruction. What Lear sees as a misreading is not pertinent to this paper because I am concerned with Dreyfus's comments on cultural revival (via Heideggerian world-changing) and not on the problem of cultural destruction.

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

¹⁸ Dreyfus, "Comments," 69.

¹⁹ In this quote about a Heideggerian answer to collapse, Dreyfus finds material in the later writings of Heidegger (without citing any concrete source). Something is curious, though, because as we saw in "Reinterpreting," Dreyfus finds reference to marginal practices in *Being and Time*, which is generally not considered to be a later writing of Heidegger. The persisting element of vagueness in Dreyfus's account becomes reinforced without a clear citation.

²⁰ Note that Dreyfus never explicitly uses the phrase "world-changer" in the Lear commentary, but his examples and word choice match the language and content from "Reinterpreting." Moreover his Lear commentary was published some nine years after "Reinterpreting," so Dreyfus's world-changer idea had already been formulated.

stood as a looking to the Crow past for the Crow future. Viewing the Crow example through Heidegger's framework, we see that the repetition of old marginal practices requires that the reintroduced practices be ones that index a particular people. That is to say, the Crow would not revive their own culture if they were to adopt practices from another culture that merely resemble those of their past. Revival is only authentic insofar as it is a revival of the Crow's own farming practices. The way to confirm when and how a practice properly indexes some people is unclear. It is not touched on by Dreyfus. For Heidegger it is involved in the phenomenon of retrieval following a response to one's call of conscience, but this too is not clear. The world-changer now stands as someone who, in responding to their call of conscience, changes their heritage by pulling on marginal practices from the heritage's past.

Dreyfus's second example of a world-changer in the Lear commentary is the real-world example of the Woodstock Festival. He cites Woodstock as a case of a near world-changing that could offer us a new understanding of being, but ultimately chalks it up as a failure. Woodstock rejected mainstream concern and practice, opting instead for "Pagan practices, such as receptivity, enjoyment of nature, dancing, Dionysian ecstasy, and non-exclusive love of one's neighbor." Dreyfus continues, informing us of the social change that did not happen. He writes, "The Woodstock generation were not organized and total enough to sustain a culture."²¹ This latter quote adds yet another qualification for the world-changer mode of being. The world-changer does not change the world unless that culture is sustained. That is, there must be some mechanism in place which is used to reproduce the practices of that culture. We may wonder whether this mechanism needs to be intrinsic to the culture or whether it can be cultivated by infrastructure surrounding that culture (e.g. other cultures?). This question, in turn, brings up more concerns about what the world-changer looks like.

We have seen that the fully authentic actor pulls possibilities of action from their heritage's past. But what is the scope of a heritage or culture? In the case of the Crow people, it was relatively clear; but in the Woodstock example, that clarity fades. Assuming they respond to their calls of conscience, are the Woodstockers genuinely working within *their* heritage when they attempt to revive "pagan practices"? Are they actually changing a world (the heritage) when its practices were obscured for hundreds

²¹ Dreyfus, "Comments," 69.

of years, or are they introducing a new one? Moreover, what does Dionysian ecstasy look like as a practice? How is dancing in general a practice exclusive to one heritage, let alone the pagan one? These questions and many others illustrate the thoroughgoing vagueness of Dreyfus's notion of world-changer. Without explanation of what a heritage is, when or how it is indexed by a practice, and what can count as a marginal practice, the world-changer idea becomes more trouble than it is worth, and vagueness threatens its rejection.

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

Consider a musical composer working in Vienna in the early twentieth century. This revolutionary composer would go on to become definitively world-changing following his conscious decision to compose according to his invented twelve-tone technique.²² Let us imagine that this new technique in composing is, by stipulation of the artist, a conscientious rejection of the music heritage that has been handed down to him. By conscientious rejection, we should understand that this composer is fully aware of his being, responding to his own call of conscience, as well as the esoteric practices waiting to be revived within his Western music heritage. In breaking with the heritage before him he has freed himself up to explore new possibilities in music and expression in general. Allow me to also claim that this composer enjoyed a devoted following and respect from composers around him. That is to say, there was a mechanism in place for this composer's invention to reach significant audiences amongst both musical lay people and musical highbrows, thereby guaranteeing that the twelve-tone practice of composition is sustained. This composer, despite responding to an understanding of his own being and creating a sustained change within that heritage, cannot be considered fully authentic on either Heidegger's picture or Dreyfus's adaptation. Precisely because this composer has not retrieved the marginal practices and the larger heritage he is aware of, but instead rejects them, he is excluded from an authentic character. Beyond

²²The subject of the thought experiment is modeled after the real-world Viennese composer Arnold Schoenberg who invented the twelve-tone technique, appreciated a devoted following, and changed the musical world.

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

A response on behalf of Dreyfus or Heidegger would hold that I have mischaracterized authentic retrieval of the marginal practices. This objector points to *Being and Time*, where Heidegger writes that retrieval means a return “to traditional possibilities, although not necessarily as traditional ones.”²³ The objector contends that in fulfilling a possibility overlooked by the heritage, the composer is not only sensitive to marginal practices, but the composer’s invention only finds a significance because of the musical background it rests on. But the objector misunderstands that what is meant by “as” in the quote above could not encompass the negative possibility, i.e. the possibility never before acted on that the composer invents. Instead, for Heidegger, the “as,” serves to emphasize that the authentic retrieving by an actor is not performed merely for the sake of repeating the past. Rather, an actor who responds to their call of conscience retrieves marginal practices of their heritage because their character is thereby realized. This means both freeing up the actor from the endless possibilities that could drive them to nothingness as well as rescuing them from the “closest possibilities offering themselves—those of comfort, shirking and taking things easy.”²⁴ Heidegger leaves us wanting for examples of an authentic retrieval, but the objector finds no support in Dreyfus’s examples. The Crow revive their own farming practices and Dreyfus claims that Woodstock retrieved pagan practices—in each case, these are actual possibilities performed in the past. The composer, on the other hand, does indeed act on a possibility that was always available to the tradition, though never before acted on. And the objector is right to point out that their invention finds significance (at least in part) because of the heritage it rejects or moves beyond. Howev-

²³ Heidegger, *Being and Time*, 383.

²⁴ *Id.*, 384.

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

Next consider the case of a transgender woman who undergoes a gender confirmation surgery in 1950s America.²⁵ She is one of the first persons in the world to have the operation, partly because her generation is the first to enjoy the surgical possibility. We can imagine that many before her felt limited by the gender assigned to them at birth. But she found herself in a unique position, not only in understanding this mischaracterization about her being, in addition to understanding her being in total, but that she could respond to her call of conscience to accommodate this understanding of her being by undergoing the operation. After her operation, she becomes a public icon, spreading awareness of the new possibility, and working to create a respect for the growing transgender community in the greater culture. In this way, gender confirmation becomes an operation that is sustained and adopted in larger numbers. Despite the presence of transgender and non-binary peoples throughout history, it is far from obvious that there was a definite heritage for this woman to refer to—here, the problem of vagueness rears its ugly head yet again. Also note that the practice of gender confirmation surgery (as contrasted with castration) was not a possibility before the mid-twentieth century, so there was no practice to retrieve. Therefore, not only was gender confirmation surgery not a marginal practice, but there was no heritage for the surgery to be a marginal practice of. On Heidegger's account and Dreyfus's utilization thereof, this world-changing figure could not be characterized as authentic. This person acts in a way that rejects a heritage handing down the constricting binary notion of gender. For her, to not undergo the surgery is not only to be oppressed in her being, but is to be prevented from responding to her call of conscience and her actual possibility of authenticity, despite being excluded on the Heideggerian account.

²⁵ This second illustration is modeled after the real-world example of Christine Jorgensen who was the first American to undergo gender confirmation surgery. She continued to advocate for transgender rights, helping to catalyze a movement that would change our social world.

Consider one last example of how an actor's authentic retrieval from a heritage could be an impossibility. In the exposition above, we saw that Dreyfus offered a response to the problem of cultural collapse. But, how could one revive a culture whose practices have become meaningless? Dreyfus says that the authentic actor can retrieve marginal practices "precisely because such practices would not have been central to the meaning of the past way of life [so] they could survive the collapse... Radical world rebirth can take place if and only if one can make some marginal practices central."²⁶ Under the neat example of the Crow people, who retrieve their settled farming practices, Dreyfus's suggestion appears substantiated. However, he conveniently leaves out the all too plausible case that some actor becomes completely estranged from their heritage which has been utterly destroyed. There are many ways one could flesh out this thought experiment, for example, a lab technician at a cryogenic lab becomes frozen for a thousand years only to wake up and see that the world is ruled by two corporate cultures; a child is robbed from a homeland buried under colonial infrastructure, removing any possibility of their return to traditional practices; etc. Even if there are practices in the adoptive cultures that resemble those of the destroyed heritages, engaging in these practices could not count as the actor's being authentic. One reason is that they have not *retrieved* these practices out of the margins, but just as important is that the marginal practices to be retrieved are those that index the descendants of a heritage. In this example, though, the indices die with the practices and the heritage. So, a consequence of the rigid view posited by Heidegger and appropriated by Dreyfus is that these actors, estranged from their totally unintelligible heritage, have no chance of reaching authenticity.

Beyond the thick vagueness of the world-changer idea that was pointed out above, I believe there are two general takeaways that these examples demonstrate. (Also note that these critiques hold regardless of the concept's vagueness.) Firstly, the idea of locating authenticity in heritage is exclusionary and undermining to the theory because of its internal tension. With the increased prominence of critical race theory, gender studies, and movements that shine a light on underrepresented peoples, we have been confronted with new and challenging questions about identity and being. The emphasis on heritage we have seen would have us disregard a concept like intersectionality, which challenges the dated thought that there

²⁶ Dreyfus, "Comments," 69.

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

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

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



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