

PHILOSOPHIC REFLECTIONS



MARTIN JANELLO

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Publisher website:
www.palioxis.com

Book website:
www.philosophyofhappiness.com

ISBN 978-0-9910649-4-6

First Edition



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PHILOSOPHIC REFLECTIONS

ISBN 978-0-9910649-4-6 (PDF E-book)

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INTRODUCTION

Collected in this book are some of my contemplations about topics related to my book *Philosophy of Happiness*. They are precursors, companions, and afterthoughts of various length and form. I am publishing these because they might help readers relate to my inspirations in developing a philosophy of happiness, might illustrate some of its concepts and results, and might encourage readers to search out and give voice to their own reflections about happiness.

Philosophy: What's Law Got to Do with It? (15 p.) is an outline how closely law and philosophy relate and how vitally important it is that we involve ourselves in them.

What Color Is the Sky? (3 p.), is a contemplation about how differently we may see and describe external and internal impressions.

An Unwritten Book, (4 p.), is an illustration of the importance of memories that keep reverberating in us. It also traces my motivation to write a book.

Balconies, (10 p.), is a tale of how I learned to trust my impressions and to have hope that humans can live in harmony with one another. Writing it, I also realized how the core themes of my book go back to my early childhood.

The Cheerful Condolence, (3 p.), is a perspective on the responsibility we carry in a greater scheme.

Daisy, (2 p.), is a characterization of the daisy as a descriptive symbol for my philosophy.

PHILOSOPHY: WHAT'S LAW GOT TO DO WITH IT?

When people hear that I studied both law and philosophy and that I still maintain a presence in both, most do not know what to make of it. This combination does not make sense to them. Some of them react as if I have lost my way, as if I have veered in an act of youthful indiscretion or ignorance from the path of what is useful and straight forward. It makes even less sense to them that I would return to philosophy after having been an attorney. At best, they are willing to concede that philosophy might offer useful gymnastics in preparation for cerebral challenges as a lawyer. They share this view with many academic institutions that view a basis in philosophy as a good stepping stone for the study of law. These points of view are not altogether wrong. I understand why so many lawyers disavow a part for substantive philosophy in their practice, why they relegate it to the function of a tool, and why institutions whose task is to ready students for that profession tow the same line. I agree that a good lawyer should not let personal attitudes interfere with the representation of legal interests. Such an interference could make such a lawyer ineffective. Aversion toward a represented cause might result in work of lower quality. Even a positive interest might be harmful because it might cloud a lawyer's professional judgment. Either way, lawyers might try to replace or amend the judgments of clients or other parties to whom they argue with what they deem the outcome should be. They might neglect their clients' best interests as determined by these upon information about the legal ramifications of their situation and conduct.

Arguably, conflicts of interest could be avoided by only representing clients with whose position an attorney can identify. Yet if all lawyers attempted to avoid conflicting interests with clients and limit the practice of law to matters matching their personal convictions, a large number of interests might remain unrepresented or underrepresented. Would that be so bad? Maybe some interests that no or only few lawyers would be willing to represent are not worth being represented, are not worth succeeding. Beyond the potential problems such restrictions of representation might wreak for an attorney's ability to make a living, what is so important about giving representation to disagreeable positions? Is this not what brings lawyers into disrepute with the public? Is this not what makes them appear unprincipled and without scruples, as hired guns who are ready to serve anybody who is willing and able to pay them? The answer to all these questions is that in competent legal work only the law and its application can matter, not the opinion of lawyers what the law should be. That is for a society

to decide. The absence of lawyers' personal interest in causes they represent ensures that matters find resolution with the closest fidelity to the intent of laws. Where laws give leeway, their intent is that parties subjected to them may use it. Beyond matters of professional functionality in a society organized by the rule of law, the interjection of personal opinion by lawyers seems to be of no particular value. They seem to be no more qualified to pass judgment on the value of another person's cause than any other human being. They are not any more immune to be subject to variety in their needs and wishes than other individuals. These conditions additionally require them to hold back their personal opinion. The issue is not how their needs and wishes correspond to the law, but how their client's needs and wishes relate to that standard. I therefore accept that I must keep my philosophical opinions separate from my representational activities as an attorney. In that work, I must be focused on trying to obtain the best result possible for clients in application of the law within its ordained scope.

By these standards, one could have the impression that law and philosophy have little in common. But the practical neutrality of lawyers in the application of law is not a typical indication for how these matters relate. To understand that relationship, one must examine the creation of law and philosophy. The purpose of philosophy has been historically in large part to explain how our world works, what its organizing substances and principles are. Even organizing substances fall in the category of principles because they are definable by principles. Hence, it is a basic purpose of philosophy to find laws. Another part of philosophy has been the application of such laws. Most of both preoccupations have since split off into various disciplines of objective science. If we still regard these as philosophical inquiries in a wider sense, we may conclude that they afford philosophy objective authority and make its positions unobjectionable in many respects. That may be so upon the proof of natural laws. But the application of such laws has found only limited objective corroboration. In as far as the application of natural laws is scrutinized under technical considerations, scientific provability prevails because it constitutes a mere combination of laws. Yet that seems to change when one looks at why humans make or do not make or should or should not make certain applications of natural laws. These issues seem to be in the realm of discretionary processes and thus markedly different from the strictness that defines the character of natural laws. Human decisions of application may be regarded as free. This may fill us with self-confidence and fulfill other desires. But we may also wonder whether unprincipled activities do not harm us or whether principled behavior might not assist

us, particularly given that the natural world seems to be so strictly ruled by laws. Certainly, human law must take cognizance of and condition itself in consideration of these immutable laws of nature. Still, we may regard human law as a higher level of law that is not necessarily dependent on laws of nature. Arguably, the task of human law is the allocation of natural substances and laws according to what suits humans best. The consideration of what suits humans best, however, is of an inherently philosophical character. As our understanding of natural mechanisms grows, we still have to find out what we should do with the knowledge and other capacities we gain. Since humans are natural phenomena, what is best for them should lend itself to scientific insight as well. With many natural sciences departed, philosophy has become largely a science that tries to define the objectives to which human existence should aspire. Philosophy should help us determine what we should want and understand why we should want certain objectives and should want them more than others. The law cannot fulfill that function. Its task is to state and implement results of pertinent philosophical considerations. It is an instrument to manage our pursuits by ourselves and with other humans once we have decided our philosophical stance or others impose their stance on us.

In the absence of externalized prescriptions and proscriptions of pursuit, law would consist of determinations we propound for ourselves to maximize the satisfaction of our needs and wishes. At that stage, law and our philosophy are indistinguishable. We might not even have a philosophy in terms of an ordered, lasting set of considerations and results. Whatever we perceive, feel, or think at the time might represent our philosophy in as far as it guides our behavior. In all likelihood, we will conceive of some value in deriving continuing principles of conduct by ordering our priorities and our manners of pursuit for their greatest overall effect. But we remain the arbiter of whether to invoke such rules over our conduct. We impersonate the law. This immediacy must change in the correlation among the philosophies of individuals. Because they are determined by individual needs and wishes, philosophies may vary among individuals with differences in their personality and circumstances. These differences can make it difficult to arrive at laws that satisfy participating individuals. But at the same time, laws seem to be indispensable to regulate the peaceful coexistence and cooperation of individuals. In primitive societies, rulers may continue to personalize the law as their determination. But participants in a shared situation will usually insist that the behavior of others will be made predictable to protect them from offensive incursions and defensive behavior and to permit them to con-

duct cooperative constructive activities. To establish a viable basis for these objectives that benefit all participants, they may have to and be willing to curb their philosophies. Philosophies may already carry an arrangement with others as a genuinely desired element. Yet, unless individuals spontaneously behave harmoniously, a stable coexistence and constructive coordination among them require the compromising of their philosophical attitudes toward their own and other individuals' needs and wishes. Individuals enter compromises of their philosophies in exchange for greater benefits of such compromises in the coexistence or cooperation they enable. To make such a deviation from their principles or their unprincipled affinities reliable, compromises must be declared and enforceable. Even individuals whose philosophy intrinsically induces them to treat others as they would be treated in a compromise may have to be subjected to such rigors to remain consistent. Further, enforceable declarations may be required even where individuals hold the same philosophy. Although they have the same objectives, they pursue these objectives for themselves and therefore are potential adversaries. Consequently, individuals in a society commonly take recourse to law as an imposition that safeguards their coordination and cooperation by declaring and imposing these.

Individuals subject to a legal order often desire equality under the law regardless of differences in their needs and wishes. That may be sourced in the deemed practical requirement to compromise individual philosophies to where the rights and duties attributed to their carriers become unified. Another aspect of equality may be infused because individuals may perceive humans equally entitled to protection or support due to their shared characteristics. Referring to the commonalities of humans, including common needs and wishes or aspects of needs and wishes, they may go so far as to argue that it is unjustifiable for others to claim resources or to conduct themselves differently than others. That stance may be opposed by those who are more able to secure resources or conduct themselves differently, or by those whose wishes and needs deviate from the common median. As long as their demeanor does not affect others negatively, it may not seem to be a valid subject for regulation among individuals. Individuals who wish to circumvent equality even though they negatively affect others may attempt to set types and levels of equality to where these best secure their desires. They may try to limit equality to procedural equality in a way that preserves substantive advantages their motivations and capacities give them. These may place them in a superior position to resist pressure for equality. Calls for equality may also have to contend with demonstrations of inequality in individual

dispositions. But considerations in favor of equality seem to gain validity to the extent an overproportional attribution of resources or latitude to wield them to one individual results in underproportionality for another. Even without limited resource availability, an organization among individuals who are in contact with one another may appear necessary on terms of equal protection against negative effects of one another's actions. Legal orders may further exceed foundations of law that embody noninterference and include rights to positive procedural and substantive assistance to erase or mitigate inequality by using surplus achieved by superior motivation or capacity of others.

Choices among these configurations may depend on the relative involvement of individuals in a society in defining a legal order. That involvement may depend on relative resources, particularly those to impose, manipulate, or outright convince others. Yet, ultimately, all positing and acceptance that go into the establishment and maintenance of a legal order depend on how participants choose to interact with the world, including other philosophies, based on their philosophy. The fact that the establishment and maintenance of a legal order requires a curtailment in the expression of individual philosophies or at least an enforceable codification of the genuine results of philosophies may imply that philosophy from then on becomes subordinated to law. However, the reverse remains true. Law is subordinated to philosophy because the willingness to create and uphold it derives from participants' considerations of how well it meets their objectives. Participants must be able to justify rules in relation to their needs and wishes to abide by them. Their decision whether to follow principles is guided by whether they deem that tolerance of these principles benefits them more than noncompliance. Moreover, unless they are in principal agreement with a law because they genuinely agree or regard it as part of a compromise that they consider a fair exchange, they will view it as an illegitimate imposition. Although they may agree to it to preserve resulting benefits, they may reject its justification and view it as extortion. Even a fair compromise may be subject to continuing or subsequently arising pressure. The less a law is compatible with participants' philosophies, the more will they try to change or escape it. Opposing powers at the time of its creation may continue their opposition. As power shifts, pressures on the constitution of the law or on its application change as well. Even if a legal order represents the state of agreed philosophical development or its compromise at that time, philosophical developments may progress or recede and place similar pressures on a legal order. That may be regrettable and must be resisted if laws that incur such pressure represent a more advanced state of

human development. But change may also be necessary to reflect or give guidance to such development until the best manner of organizing human existence has been established and implemented.

The imperfect state of philosophical insight places law into a difficult situation. To mend shortcomings in philosophical insight or individuals' dedication to follow such insight, law must assume a governing position over philosophies. During humanity's philosophical development, it can secure philosophical achievements and consolidate the ground for further developments. To serve that function and to preserve the peace and cooperation among individuals, it must embody opposition to unwise devolvement. That is its essential function. Nevertheless, it must remain open to permit changes that would improve on it. Because the institution and maintenance of law is a function of and serves philosophy in its development, the priority of that development must prevail. This relationship is in danger of being lost once law is established because its central task is to secure the agreed state of philosophy. It might not distinguish between devolving and evolving pressure and suppress the expression and application of all deviating philosophies. Allowances for development may be difficult or impossible to make for it because this may require it to anticipate further developments of philosophy. And yet, an undue hardening of legal order must be prevented to maintain law as a legitimate reflection of participants' philosophies as these develop. To allow advancement, a legal order may unavoidably also open itself to devolving philosophies that might use the same procedures. Hence, a legal order may have to ultimately rely on philosophical discretion of participants. Any other stance seems futile. Law cannot prevail against the pressure of a sufficiently supported philosophy. It may only be able to procedurally delay their enactment, render changes obvious, and thus provide occasions for reflection. These features may be applied to all changes as safety measures. But they seem to favor advancement over devolvement because they force consideration of changes.

If philosophy is to reign supreme, and if it is to develop to its potential in the most effective and efficient manner, individuals must also remain free to disagree and abstain from legal commitment. That does not mean that such individuals could continue to occupy a place in which they apply their judgment to matters affecting others in lieu of arranged resolutions without consequences. They would have to take leave to another setting entirely or face the difficulties of individually arranging themselves with others regarding excluded matters. There may be a strong temptation in participants of a legal arrangement to compel dissenters to abide by their philosophy and its expres-

sion in law. Even dissenters may sense and succumb to such a temptation. Hence, law may cynically triumph over philosophy and inhibit its supremacy. In the interest of development, this must be prevented and where it exists must be mitigated and resolved by allowing individuals to organize according to their philosophies. If parties in a situation that calls for an arrangement among them are unable to arrive at an acceptable compromise, they must have a right to depart from one another's company to pursue their philosophies undisturbed. To prevent overreaching by one philosophy over another, acute incidents of interference would until the parties are able to dissociate have to be resolved by a temporary compromise that minimizes damage. Since all parties have an equal right to live pursuant to their philosophies, their dissociation would have to occur on equal terms that do not disadvantage any participants. That individuals once expressly consented to a legal order or impliedly consented to it by availing themselves of its benefits does not require them to abandon campaigns for change. Nor does it prevent them from leaving a society with whose legal stance they have come to disagree, provided that their departure does not leave them with unfair advantages or others with unfair damage.

Arguably, the prerogatives of change and dissent are only valid as long as there exists no philosophy of what serves humans best as a matter of objective science. That such a philosophy can be attained seems possible given that humans and all of their implements have emerged from natural laws and their affairs thus should be explainable in terms of such laws. However, premature assertions of objective validity by philosophies pose a grave danger because they claim universal applicability and may not countenance dissent. In them, the threat of obstruction inherent in law may take on extreme heights. The inclination to assert objective applicability of human law is inherent in philosophy. Its scientific ambition is to have human law join the laws of nature and objective procedural laws of logic that philosophy can discern to impart a comprehensive normative setting. Although a unification of norms seems to be possible, human law is fallible and must be viewed with the reservation and humble openness of an unproven, speculative hypothesis until it can be established as a matter of science. That holds true even if such philosophies apply scientific methods of speculation that reveal their premises and argument and require proof on a theoretical and ultimately a practical level. They still do not provide indisputable authority until they can be soundly reduced to natural substances and laws. Most speculative philosophies are additionally suspect because they at least in part do not apply scientific methods of argument and are given to replace or supplement

their lack of scientific accomplishment with conclusory assertions and manipulatory slights of hand. Such speculative philosophies are dangerous and their fraudulent nature must be revealed. But it would be counterproductive and unrealistic to shun all speculative philosophies and laws derived from them until the time a proven scientific solution has emerged. Speculative philosophy may give rise to such a solution. Humans have a right to improve their state pending a scientific solution. If a speculative philosophy can convince individuals during that phase that it contains useful norms, they must be free to shape their circumstances accordingly. But the insecurity of such constructs is too great to allow their direct or indirect imposition on others. Further, they and the legal strictures they create must be understood as experimental and provisions must be limited in their insistence and impact to make room for improvements or alternatives as necessary or useful.

Not all foundations of law may be speculative. Some scientific foundations may be established as general fundamental principles for the survival and well-being of humans. But humanity may still have much work to do in detailing them and their interactions. Without scientific proof, we are still mired in and may only be slowly escaping from the dark ages of humanity by trial and error. An enduring insecurity in the objective foundations of law and their correlation places intense responsibility on anybody creating philosophies and implementing laws to tread carefully. But it places a particular duty on humans in their imposition of philosophies and laws without the consent of others. Only indisputable omnipresent human requirements that can be established by objective standards of proof may be exempted from the prohibition to impose on others. Beyond that, the risk of erroneous or willful abuse in their assertion requires a deferment of a supersession of individual freedom to clear extremes. One would also have to consider whether the objectives and consequences of imposition justify it and whether other ways might be more successful.

In the absence of scientific proof of its underlying philosophy, the legitimacy of law is measured by how well it corresponds with the philosophy of its subjects. A sufficient number of willing participants that support a legal order forms somewhat of an indication that a law and the underlying philosophy reasonably benefit these participants and thus are compatible with or even constitute scientific proof. But broad acceptance does not guarantee that it is justified nor that the accepted solution is the best possible. In fact, error may become more sustainable and more difficult to detect, at least for the time being, as larger numbers of individuals succumb to it. To competently consent, participants must have developed a philosophy so they can determine

the aptitude of a law in reaching their objectives. Besides technical aspects, they must be able to assess the underlying philosophy of a law. But only rarely may subjects of laws autonomously muster or be prompted to cultivate adequate motivation to derive a philosophy.

This lack of sophistication in a vital aspect of individuals' lives begs the question why that is so. Arguably, they might be disoriented by the insecurity of speculative philosophies, including constructs of their own. But that may not be a true argument because they might not even attempt to investigate external philosophies to select one or a combination of them. Nor might they reflect on their needs and wishes and survey a comprehensive system of their objectives or to review philosophies to derive their own. Nor would such an argument be a valid explanation for their broad lack of considered philosophical identification. Even if philosophy has not been able to provide a comprehensive answer to the question what serves humans best, it has prepared useful foundations and partial answers and approximations that could be adopted without risk of error. It has also from its earliest existence on included a critical method that could serve individuals well in determining the legitimacy of laws. Some of the lacking absorption of such philosophy may be explained by underdevelopment. Much might also be explained by the related fear that the lack of firm answers provokes. Individuals might try to avoid being exposed to the difficulty of searching for answers and to the frustration of continuing insecurity. They might wish to take refuge in speculative philosophies that purport to provide guidance over their ignorance without probing these and finding their deficiencies. They might also blindly adopt a philosophy that dominates their environment as an extension of the law and resulting practical circumstances that such a philosophy imposes. They might deem this the most feasible way of securing their interests and fear that problems would arise from their dissent. Thus, they might subscribe to a philosophy without having performed the necessary considerations to understand it and adopt it as their own.

Some of that disability and misdirection may have its source in lacking capacity. But a large share also seems to be a matter of unwillingness and inability despite capacity. Individuals may not realize the importance of their involvement in philosophy and its practical applications. They may not believe that they can undertake the necessary considerations and management. They may prefer to focus on other subjects. They may therefore trust others to look out for them in the creation of appropriate philosophies and laws. Even if individuals become involved in either subject, they may largely rely on philosophies and laws presented to them and only argue about minor implements.

The threat that the philosophies of those left in charge are incompatible with the interests of the governed makes the creation of law by less than all subjects a dangerous undertaking. A lack of participation incentivizes those who would benefit from a setting that is not or not fully in the interest of others subjected to such a setting. They might try to influence the ostensible philosophies of subjects so these will seemingly act autonomously in conducive ways or will tolerate or even support unjust laws. Independent philosophical thought, even if it is unable to set forth a solution of its own is dangerous for those holding or intending to hold unfair advantages. They will try to produce environments where philosophical considerations are preempted or channeled to comply with the favorable mindset they seek. For further security, they will also seek to institute processes for the creation and administration of law that circumvent meaningful participation by disadvantaged subjects. To appease such subjects, they may offer certain levels of assistance and reliability. They might try to convince subjects that these are being served to the best extent possible by the system from which they unfairly profit. They might engage in manipulations to keep subjects from realizing that they do not share ruling philosophies and resulting laws or from acting upon that realization.

This manipulation may be vital to maximize the interests and secure the reign of abusers. If subjects realized that the governing order violates their interests and right to a setting that respects these and that they have the capacity for change, their abusers might have to apply coercion to hold them in servitude. Such measures may already be held in abeyance in form of legal and other contingencies designed to dissuade subjects from dissenting or to keep them from succeeding. They may force compliance by combining detriment from resistance with benefits from compliance. However, such a system is unstable. Although threats and their application can alter behavior, conformance is superficial and transitory because they openly point to their and their causes' wrongfulness. This would antagonize subjects and might escalate coercion and responses. That is not in the interest of those seeking unfair advantage. Their relative lack of power and dependence on those they hold captive in their philosophy and legal order may leave them without much chance of prevailing once their subjects become aware. Because they might not be able to stop subjects from acting on independent philosophical insights, they are bound to focus on strategies to prevent subjects from considerations that might lead to such insights. This may have been the main reason for a sidelining of popular philosophy for most of human history in which societies have been governed by and slanted in favor of elites.

Arguably, incompatibility with human existence should emerge at some time and lead to a correction of philosophies and laws. The development of philosophy and law might therefore appear inevitable. Yet the path to such clarity is fraught with great dangers of aberration and pain. Humanity must strive to minimize these dangers not only for the survival and well-being of individuals engaged on that path. It must also prevent harm to itself that would preclude it from reaching clarity or inhibit future generations from enjoying such clarity.

If we want to break through internal and external deceptions or confirm their absence, if we wish to ascertain to what extent the system in which we live advances or hinders our requirements, if we desire to improve our circumstances, we must develop a value system of our own. We have to determine what we want and how we want to arrange objectives within ourselves and in relation with other humans. Individual philosophical consideration is the indispensable authority from which all principles created by humans, all considerations how to organize us and the world around alone and with others must flow. It is the basic condition for a well-organized and fulfilled life. Without solid philosophical foundations, we are aimless and easily misled by ourselves and by others. We are prone to live a life without correct or correctly aligned values. We are in danger of failing to act when we should, acting when it is not in our interest, of failing to select the best or even a valid course of action. To avoid such a fate, we cannot leave the institution of principles by which we live to insufficiently reflected ideas or to the influence of others. We must be autonomous and conscientious in our considerations and in our decisions to project them on the establishment and maintenance of our preferred way of life. Although we might profit in our considerations from deliberations of others, we have to be capable of determining independently whether we agree with their premises, mental processes, and resulting principles. Because our needs and wishes demand that rules according to which we live support our desires, we are predisposed to become engaged in this way. Notions that would dissuade us from that right and responsibility constitute artificial impositions that we must shed.

Professional philosophers can assist in the emancipation of individuals. They can devise and teach techniques and challenges that allow individual philosophies to develop. They can demonstrate substantive gains that philosophy has already secured. Their continued involvement in the development of philosophy may be indispensable due to the apparent difficulty of arriving at a comprehensively valid code of conduct for human existence. The fact that a comprehensive philosophy has not been derived as a matter of objective science must

not discourage them or nonprofessional philosophers. Secured foundations may increasingly offer guidance to build ideas of an optimized human existence within parameters that limit error and assist recovery. Moreover, awareness of shortcomings in the assuredness of propounded objectives and manners of pursuit can do much good by instilling critical attitudes that reflect the incomplete search for answers and an appropriate cautionary attitude in the assertion of philosophies and creation of laws. Lawyers also carry a particular responsibility in assisting the emancipation of humanity because much depends on whether they serve to keep the populace at bay by creating and administering unjust laws or involve themselves in creating justice.

Like any other human being, lawyers may have limits regarding laws whose application they are willing to support through their activities. Only, because they are set to not let their personal values interfere with their work, and because the formulation of laws upon the charge of legislative authorities and the application of law according to the resulting legal mandate are their focus, they are particularly challenged in that respect. They may resolve not to allow their representation to be abused by lending an appearance of fair legal substance or process to laws they regard as unjust. Apart from practical difficulties in devising effective reactions in such situations, such a stance seems to be in direct contradiction to the obligations of a lawyer as an unopinionated instrument of a legal order. However, while these obligations must exist to enable a functioning legal system, they are not unconditional. A lawyer's vow of neutrality toward the law is predicated on laws that contain justifiable parameters. Where that is not the case, lawyers who practice within such a system without fighting its injustice allow themselves to be turned into tools of injustice. Lawyers must individually determine their limits of instrumentalization. Government may seek to suppress the preparedness of lawyers to withdraw their support for laws or a process that generates such laws. Such measures may be strict and punitive because government realizes how dependent it is on the cooperation of lawyers in legitimizing and conducting the imposition and maintenance of its order. As a consequence, the formation and exercise of a critical philosophy about the practice of law, the contents and limits of just laws, and the means of effectively installing and defending just laws and fighting unjust laws and legal orders are frequently exempted from legal training. Future lawyers may not be any more aided in such considerations than military recruits in matters of insubordination or active resistance. Law schools generally assume that the order they teach is legitimate and will continue to be so. Their licensing, funding, or

their success in placing graduates may depend on congeniality with government or the legal order it has instituted. They may even be establishments by government. Their teaching of substantive philosophy is therefore frequently limited to historical accounts that do not place discussed philosophies into the context of present or possible future philosophical developments. The historical review may further be limited to the development that resulted in the prevailing constitutional laws and their interpretation in conformance with the official creed. These foundations might not be critically examined but taught with apotheotic reverence as commandments that must not be questioned. Demanding that they justify themselves may be viewed as a subversive sacrilege that threatens the foundations of society. Moreover, students may be deemed too immature to fully understand the wisdom of the order they are taught. Only, by the time they have absorbed this order, pivotal opportunities for critical understanding may have passed. Even if law schools offer philosophical training that encourages independent consideration and prepare students for acting according to their convictions, the pressures of learning the law and preparing for its practice force them and their students to set such notions aside. This attitude accelerates in practice where pressures to produce additionally restrain independence. Philosophical considerations thus gain a justified reputation of getting in the way of a legal career, and most practitioners avoid and, if necessary, denounce them.

Such a pattern is desirable for interests that seek to create and uphold a legal order for their purposes without having the light of consideration shine on their activities and the legal order that enables them. Therein lies a great danger. Even if a legal order should approximate what is just at some point, there seems to be very little that would keep it from drifting into or even from being taken over by forces that seek to attain power over the law to direct it unfairly toward their purposes. Philosophy is indispensable for the creation and maintenance of law to the extent it draws its authority from more than coercive domination and manipulation by its creators and administrators and gullibility, lethargy, and fear by its subjects. Relegating philosophy to a procedural skill set and justification of prevailing legal doctrine deprives it of its principal purpose. It threatens to leave the direction of legal order to the most cunning and ruthless segments of a society. Even if such segments are not currently in charge or do not even exist yet, a society must guard against this existential risk.

To fully stem that risk and enable the creation of laws that are most conducive to human existence, philosophy and its crystallization in laws must enter and develop in all members of a society to a con-

versant level. But until that has been accomplished, philosophers and lawyers carry special responsibility in educating the populace and protecting it from overreaching. This may necessitate a reorientation of philosophical training and practice. But it is also indispensable that philosophy takes its rightful place in lawyers' minds. The best way to ensure that is the teaching of philosophy to law students. With the exception of objectively established philosophical principles regarding human existence, they might not have to become consummate experts in philosophy. Much of the burden in developing best practices for a human existence may have to be left to professional philosophers and the philosophical developments of the populace. But lawyers will have to know enough to detect, question, and argue with speculative philosophical impositions on law to expose these so that subjects of such law are alerted and can make up their minds whether to agree. The objective of this involvement would be a legal practice that recognizes its circumscribed area of scientific assuredness, participates in extending this area through contributions of practical and possibly deductive aspects, and points out areas that are incompatible or require further exploration. Except with regard to laws that wield extreme injustice, these functions must and can coexist with the neutrality obligations of attorneys in drafting and applying the law. During the period of searching for scientific insights and until their institution into laws, less than perfect philosophies and laws will have to be applied, and some extent of error may be unavoidable due to the speculative nature of both. The value of upholding a legal order that falls short of perfection during that time may exceed the detriment these imperfections cause. But to maximize justice, the law must become and continue to develop as a reflection of advancing philosophical insight. To enable this, and to prevent that societal forces sweep away achievements in a consummate coup of breaking through governing resistance, lawyers cannot remain idle. They must find avenues to contribute in the effort of having the law keep pace with philosophical accomplishments.

Because of special skills in their fields and resulting intensified insight into the state and related tasks of philosophy and law, philosophers and lawyers have to be and cooperate on the forefront of enlightenment and its implementation. It may take substantial efforts to reorient both disciplines, overcome external obstacles, and win and coordinate public participation. The objective must be to enable humans to live their life under the best terms and to form a human and more extended environment that advances that objective on a basis of knowledge and related stability. Professionals in other disciplines will have to cooperate in this undertaking as well. But professional lawyers

and philosophers must go further because they deal with questions of purpose to which all other disciplines are subsidiaries and because they must strive to empower the general population with detailed insights into and capabilities to practice within their disciplines. Philosophers and legal experts may remain necessary or helpful to assist the populace in evolving and administering philosophical and legal concerns even after emancipation and in preparing future generations of the population and assisting experts. But they must not replace or unscientifically influence popular decisions which objectives to follow or how to follow them. Because individuals benefit or suffer from these decisions, they have the right but also the responsibility to make up their own mind and to form their reality in accordance with it.

As central aspects in this venture, law and philosophy and their relationship must be the focus of human inquiry, aided by disciplines of natural laws. They seem to constitute a unique sphere of freedom within the otherwise strict parameters set by the principles of nature. Yet human laws appear to us different from natural laws only because they are the result of complex amalgamations of laws and their instances in us and our circumstances and because our consciousness of ourselves is mostly as an undifferentiated entirety that seems to be free. That philosophy and resulting human law are a function of natural laws imposes an uncomfortable pall of predetermination on us. As much as understanding natural laws and their interaction may be necessary to build a scientifically based philosophy and resulting principles of optimized human conduct, we are inclined to take a different viewpoint that has us consider our trajectory optional. However, we are bound to find that our freedom to ignore the principles applying to human benefit is as much at our risk as ignoring other laws of nature in our conduct. Once we achieve scientific insight, we might see that the best manner of human existence is preordained, as is the issue of our application of that insight. In that insight, human and natural law will become one and philosophy will find its resolution in the knowledge of these laws. By these prospective developments, philosophy reveals itself as a potentially temporary discipline, and it does not claim to be anything else. As its mission to find knowledge ends, we are left with knowledge of an assortment of nature's laws, including those active in us that decide whether and how we apply other laws. Unless we can further dissect such laws, philosophy ends. Our insight how law develops in reflection of philosophy and that philosophical insight is destined to resolve into law shows how closely these matters are connected. Separating them causes unnatural delays and contortions that all involved with or affected by them must seek to avoid.

WHAT COLOR IS THE SKY?

That is a silly question, some might say. Just look out of the window and you will know! Yes, but the sky might be different where you are. And even if we are in the same location or we look at a similar sky, I would like to know whether we have the same impression.

As you might gather, I am not really talking about the sky. I am more interested in what you and I are perceiving, thinking, and feeling about the same things. It is the basis for us to intelligently communicate and cooperate. The color of the sky is a good example to show the difficulties in knowing that we are conceptualizing objects or events in the same way. So bear with me and let us discuss the color of the sky.

It is hard to pin down the right answer. Let us begin with the concept of color. We might define color as a radiating emission of particles that move at a certain wavelength. We think that we know what light is because we give it names and because we can detect certain behavior that makes us conclude certain properties. But these are contradictory to our mind because light can behave both as a particle and as a wave. Although attributing these names may give us confidence, we do not really know what either phenomenon is nor why nor how the same phenomenon has either or both properties. Our attempts to explain what light is seem to be afflicted by limitations of our senses, the attachment of the rest of our mind to these confines, and possibly inherent boundaries of our rational mind. We have difficulties imagining objects or events outside of our experiences, of the patterns these have laid in our rational mind, or of our genetic cerebral setup. The machines we build are not much help either because they are mere extensions in an attempt to translate into our range objects and events outside that range. We have difficulties building machines that capture phenomena we cannot perceive let alone phenomena we do not understand. Even if we find mechanisms that can capture phenomena beyond our range and we can expose them to our senses, something seems to be lost in our perception and understanding of what this is. The ratcheting down of phenomena into our range by translation may fail if objects and events are so different that our references cease. As light proves, even measurements and properties of a phenomenon we can ascertain through natural perception may leave us without a fundamental understanding because we lack familiar references.

Arguably, we may not have to know what light is and how it arises to make a statement about how it affects us. We may not have the ambition to understand it. We may instead take it at its face value, its obvious effects that we can observe or otherwise sense with the

help of contraptions. We may relatively easily identify the effect of light generally and light of a certain color on objects and events within our range of perception and understanding. We can measure its frequency and call it a color. But that is not how we communicate in most circumstances. We operate by our sense of color recognition. We are likely to call a whole range of light frequencies by the same name or group them as similar into categories in the spectrum. So we might be quite imprecise. Further, we cannot be sure that we see the same color even if we call it by the same name. We only name our perception a certain color because someone pointed at an item that we perceive to be of a certain color and called it by that name. We might have some sort of relative color blindness or another variation in our color perception. Moreover, we can say that we are all colorblind to some extent. And even if we see the same color, other life forms see it differently. Maybe no living thing can see it as it really is in all its emissions. We do not call radiation that our machines can detect beyond what we can see a color although it is part of a continuous spectrum. We only include in the definition of color what we can see. Color depends on our visual receptors, the impressions of particles on particles in them, the transport of the triggered signals, and their subsequent processing and labeling by our mind. It might be something we fabricate at least in part in our mind. The color of the sky is then to some extent what we make it. To the extent individuals do not afford signals identical processing, we might see different colors. Still, we may think that we see the same thing because we call it the same.

Another variable enters when we refer to sky. Do we include things that are suspended in it? Do we include weather phenomena? Do we include conditions beyond our atmosphere? Do we consider impositions on our view by the atmosphere or cosmic phenomena as obstructions of the sky? Where do we draw the line? We may not make that clear when we communicate. The words we use may be rather vaguely defined and give rise to misunderstandings. Moreover, the color changes because its composition changes, because our viewpoint in it or toward it might change, or because its illumination changes. The sky may have aspects that differ in color. Even if it seems to be uniform, it may be a composite of different colors. Does the sky have a color even if it is dark? Unless atoms in it emit radiation on their own, color comes from or is triggered by other radiation sources that we may not include in our concept of the sky. Only certain components of the sky emit or transmit color. Others may absorb, bend, or filter light. Can we then really attribute a color to the sky? Are we not inexact in what we say unless we make numerous qualifications?

Part of the confusion in our descriptions derives from the imprecise meaning of the word “is.” What does it mean when we say that something is? Are we referring to its momentary status or are we inquiring about its intrinsic nature? Is how objects react to or correlate with their environment part of their intrinsic attributes? These might be the least of our problems when we classify what is. We render our judgments about the nature or status of an object solely based on our experiences of what it is not. Our senses pick up emissions or reflections that have left the object we explore and are no longer part of it. All we can measure is the effect of an object, not the object itself. Depending on the changes in measurements, we may attribute different periods to the meaning of “is” in the definition of an object. We may describe sequences of states in which we find objects as events. But these categorizations do not only depend on emissions from objects. They also depend on how we perceive and process information about them. That perception may not only depend on our relative positioning and our capacity as humans. Nor may our processing of information be only cast by that capacity or by how we learn to describe things. There are a number of other factors that influence both. These include our emotions as well as individual particularities that may affect our perceptory, rational, and emotional disposition and situation. That we think we know about an object from what we perceive and make of it in our mind might then be a dubious conclusion.

Science might help us to straighten out misconceptions. We might educate ourselves and form a comprehensively considered and considering mind and mode of interaction. Even then, the immediacies of our impressions, instincts, and old habits that we might have difficulties controlling might continue to cause us and others trouble. Our failure to adjust ourselves according to scientific insights leaves a dangerous division between reality and our processing of it. Our differences in capacity and viewpoint may have us believe that there are many truths. This can make it difficult for humans to cooperate or even to coexist. A discussion of our perceptions may not help us much to identify let alone bridge these discrepancies. Our discrepancies and difficulties even on a simple, innocent question such as what color the sky is may not give us much hope that we can come to terms. Even if we could interject science to resolve perceptory and rational discrepancies, emotional bias may engender misperceptions, misunderstandings, and miscommunications. What we want ourselves or others to perceive or think may become more important than how things are. Ascertaining and agreeing on facts is difficult enough when we are well intentioned. It becomes hopeless if we infuse lies and deception.

AN UNWRITTEN BOOK

Sometimes objects, events, or persons keep haunting our memories without apparent reason. They are emblazoned on our mind with vivid clarity, but we do not know why. I have come to believe that these memories are no accidents. I believe that recurrent memories are expressions of an inner force telling us that we have tasks to undertake. We let this mechanism guide us every day in the context of practical requirements we immediately recognize. But we may dismiss memories that recur without apparent reason because we have difficulties to identify what they mean. Our lack of understanding does not make such messages less significant. I believe we memorize and send them to ourselves because we realize on some level that they are significant. Only, for some reason, we might not be ready to deal with them at the time the memory is created. That we do not comprehend how such memories fit into our pursuits may demonstrate that there is more to explore for us or that we distanced ourselves from memorized occurrences because we deemed ourselves unable of addressing them earlier. Either way, we might leave needs or wishes unpursued. As I described in the Introduction of my book, its content is the result of one such reminder. But placing my philosophical insights into public view seems to be the result of yet another of such recurring reminders.

When I was a young boy, one of my mother's friends gave her a remarkable book for her birthday. It was a big, beautifully embossed, fragrant, leather-bound book. When my mother opened it, the pages were empty. I remember my great surprise. I thought a mistake had been made. Somehow, the printer had missed this book. How embarrassing for the lady who gave the gift. But my mother seemed delighted – an obvious pretense, I thought. After she and her friends left to sit in the garden, I looked through this book to see whether anything could be found in there. Nothing. Still, I was fascinated by this mysterious book. For reasons that I could not explain, I wanted to possess it. I knew this was no ordinary stock of empty pages to be used for drawing or crafting. Its elaborate and important-looking cover, its pristine, thick, high-quality, eggshell, handcrafted paper that carried the air of fresh pressed linens, and its neat binding and precise cut portrayed a preparatory setting that called for content. Yet I could not think of a fitting use for it. I was so focused that I did not hear my mother coming back. She told me to put the book down, probably out of concern I would put smudges on it with my grubby little hands that touched a lot of substances back then that could have left evidence of my handling. I complied but decided to look further into this mystery.

Later that day, after my mother's friends had left, I asked her what this book was for. She explained that it was a place to write experiences and ideas so one could remember them later. This answer did not make sense to me. Committing impressions to paper for one's own use was foreign to me. Apart from the composition of shopping lists, I had never seen anybody do that. Also, I could not think of a reason why one would want to spend time and effort on such an undertaking. I felt no requirement to write things down because I could remember everything. I discounted the idea as a symptom of grownups' pathology because I had heard some of them talk about their problems with remembering. But I also thought that drawing attention to such deficiencies by writing impressions into a precious book was a sad waste. I thought if they could not recall what they wrote, it could not be that important. It made more sense to use writing for communicating with others. This was familiar to me because my mother frequently wrote and received letters. But a book would fail the give and take of communicative interaction. With no other purpose appearing to be logical, I was reduced to compare the empty book with printed books.

For an instant, I considered my children's books. But these were clearly of a less substantial and different sort. I recognized that the demeanor of the empty book compared more to the books for adults displayed on a shelf that covered one wall of our living room. The exterior of these books had always fascinated me. One of my earliest memories is playing with some books that I could reach on the front shelf of a desk. Their rectangular shapes and the colors, graphic embellishments, and binding materials made them look like fancy building blocks. I also remember taking in the smells and feel of different papers, printing, lamination, and binding. As I had learned to read, I had come to understand that there was more to these books. They bore often enigmatic titles. I had looked into some of them and quickly lost interest because there was much to read, much I did not comprehend, and not enough interesting content to make the struggle seem worthwhile. I pitied adults for not having pictures in most of their books and having to read hundreds of pages. Yet, although I was not too interested in their content now, I had the sense that this might change. My mother was an avid reader. Her intense, reverential, and considered handling of these books signaled to me that their content was precious. This made me believe that I had some immaturities in my capacities to access them properly and that this was something I would grow into and would be able to master and appreciate later in life. I thus had continued my reading attention to picture and comic books, little adventure books for children, and the TV program guide.

I remember being prompted to think deeper about grownup books once I saw the empty book presented to my mother. Up to that moment, I had not given much thought to how books came about. I knew that someone put the writing in them, but I had viewed that as a technical activity of placing letters and words on the pages very much in the vein of how television, film, or photography worked. I had not thought much about the fact that books begin with someone sitting down, formulating concepts and sentences, and committing them to a medium. My confrontation with the empty book brought that process into stark focus. I pondered the audacity of such an undertaking. The dignity of a book required content to match it. It implied an obligation to write a work of sufficient interest so that others would buy and read it. I also considered how much more difficult it would be to compose a book than to write the essays I had to deliver for school or a letter. I thought it possible to fill a book with a collection of stories or descriptions. I had seen samples of this in fairytale collections and books about nature, history, and technology or encyclopedias. But I was awed by the idea that someone could fill an entire book with a continuous subject, although I was not ready to commit to reading such a book. The empty book represented a challenge to me to write a book. If I had possession of the empty book, I would have everything technically needed for such an enterprise. I decided that if my mother would let me have it, I would keep it safe until I had something worthy of committing to it. When I asked her a few days later, she quickly denied my request. The empty book was placed on a lower rung of the bookshelf. It stayed there for many years, unused. For all I know, it might still be there. I kept looking at it from time to time. In a way, I was relieved it was not mine because I felt I was still not ready to answer its challenge. Eventually, I lost interest in it. Soon, the story surrounding the book faded in my mind and so did my related resolution to one day write a worthy book. And yet, the theme never completely left my mind. It kept silently percolating, sometimes tipping the surface of my awareness to submerge again for extended periods. For the longest time, this was just an odd childhood fragment among others that circulated in my memory, seemingly without connection.

It was only a number of years ago that I began to ask and try to understand what this memory might be about. The image of the unwritten book became increasingly prominent in my mind. Was I the unwritten book? Was it a metaphor for my life? Was I to fill the book with my activities or literally with writing? I began to think that maybe it was all of the above. But there was definitely something in my mind that incited me to write a book. What I should write took some

time to transpire and had an apparently unconnected origin. When I began to write about the philosophy of happiness, I had no concept I was writing a book. I thought I would write an essay about the nature of happiness. It was initially rather unclear to me why I would even do that. Somehow, it seemed the right thing to do. A purpose only crystallized after I began writing. The development of my thoughts and the accumulation of pages containing them surprised me. After I had written the first dozen pages, I thought that there might be another ten or so in me. Yet, as I proceeded writing, I discovered that there was much more trying to find expression and that there was much potential for further advancement for my ideas. Thus, my manuscript steadily grew. I wrote every day with very few exceptions and committed full working days to my task. I never sat in front of the computer looking for inspiration. Although the tracing, formulation, and assembly process was difficult at times, I had the feeling that I was following something that was already there, that I was only discovering it and cleaning it up to be seen by the world. I increasingly had the sense that I was not creating but assisting matters that existed independently to manifest themselves through my efforts. The almost trance-like, unquestioning assuredness with which I followed the developments of the subject matter in my mind even when I did not know where it would lead remains somewhat of a mystery to me even though it can be explained as a logical progression and correlation of my ideas.

Looking back now that the book has emerged, I can explain why the concept of the unwritten book had continued flashing through my mind. It only consciously joined with the recording of my ideas when I realized that they commanded the format of a book. I only discovered what the vision of the empty book was about after its subject began to materialize. It appeared to my conscious mind more like an explanation after the fact than an antecedent motivation. Then again, I had the feeling that my unconscious might have pushed the agenda connected to this vision all along once I began writing about a subject it considered worthwhile. It may even have instigated that I began writing once it identified my ruminations about happiness as potentially meaningful. I still cannot fathom how there could and why there should be such a powerful, even defining inspiration going back to my early life. Sometimes, it seems like a happenstance that materialized upon a coincidental opportunity. Whatever the demand represented by the idea of the unwritten book has been satisfied because the reminders ceased after I started writing. Still, the impact of that idea makes me wonder what else is in there, sending me messages about what I am supposed to do. I will have to look into that.

BALCONIES

For the first five years of my life, my family lived in Ludwigshafen, an industrial city in southwest Germany with a few hundred thousand inhabitants. Most of them worked in the world's largest complex of chemical and pharmaceutical plants, along the Rhein river. The living quarters of the city reflected the impersonal, practical, modern sensibilities and necessities of postwar construction intermingled with a few blackened red and beige sandstone facades of nineteenth century townhouses. These were unassuming places to which people came home after long, exhausting days of work to retreat behind walls, doors, and shuttered windows. This made Ludwigshafen a somewhat dull twin to the flashier Mannheim on the other side of the river. Mannheim had the fancy boulevards, flower gardens, luxury shopping, gourmet food stores, restaurants, cafes, and cultural events in its concert hall, and a sprawling castle that as of late housed its university.

In the first few years of my life, I knew or cared little about that. My world was much smaller than a city. I had a comfortable, safe home. I loved its contrast to the gray, often foggy and cold outside world and the nebulous menaces I perceived lurking there. But it was exceedingly quiet most days. My dad was working out of town for weeks at a time to set up soft drink production and distribution plants all around West-Germany. He only came home on weekends and often not even that. My mother, a translator of English and French, worked long hours as an assistant to the CEO of a chemical company. I had a brother who was three and a half years older and thus about twice my age then. He went to school and we interacted fairly little. The household was run by a gentle and proper girl from Bavaria. She was the one person who was always there, the source of dutiful nourishment, care, consolation, information, instruction, and protection. Although she was busy with many other chores, she was the director of my life. Because the other family members were in intermittent attendance, they were not as familiar, and I was not certain about their function.

But I was not isolated. We lived on the fifth floor of a new L-shaped, six-story apartment building that filled one side of a triangular, large plaza in the center of the city. The building had a courtyard with a driveway and garages, landscaping with shrubs and trees, a lawn strewn with daisies, and a playground. I, like all other small children in the complex, was regularly sent to the courtyard to run free all day without much direct contact with grownups. Moms and caretakers sporadically monitored us from courtyard balconies, wound down baskets to their children with snacks and drinks, and called them to

come up for meals or nap time. We shared our toys and played together, gave others who were hungry or thirsty of our snacks, cared for each other when one of us fell, and discussed matters that moved us. Between the indoors and outdoors of this world, I felt sheltered.

Yet there were signs that this situation was not guaranteed, that there might be threats surrounding our compound. That my parents and brother had to go out into the world and stay there with such intensity concerned me. I worried that what had happened to them could also happen to me. I did not like the outside world and was glad that I could stay home and be safe from whatever commanded them to leave. There was also a general sense of menace embodied by the horrendously bad air quality in the city. The exhausts from the chemical plants, inversion conditions, and the foggy mists wafting in from the river combined to create an otherworldly, dampening atmosphere. The air was frequently laced with intense smells whose particularities depended on the wind direction. Sometimes it had a yellow overcast and stung in the eyes and lungs. At other times, it had more aromatic notes, not all of them bad and some even sweet or spicy. The grownups detested this smog and told us to stay inside when they felt it was harmful. They called it bad air and named its sources. Who were these entities that generated bad air that could harm us, and why did they produce it? What was hiding behind all these interesting smells? And why did the grownups do nothing about the bad air if they disliked it so much? They seemed to be afraid of something and apparently unable to counter it. Clearly, there were oppressive beings out there more powerful than they. This was something to keep in mind but not particularly disturbing since the bad air entities kept by themselves and created a fact that could evidently be endured.

There was a closer source of apparent danger about which we were often warned. This was the entryway for cars to the courtyard, a tunnel at the corner of the building. My friends and I were repeatedly told to stay away from this opening and to never venture beyond it. In my case, these admonitions were illustrated with scenarios of getting lost or strangers taking me away. I was also warned that I might be hit by cars in the outside world that apparently had free reign there. Every now and then, vehicles appeared in the mouth of the tunnel and I was admonished to always stay away from those as well. I was further told that it was possible for bad people to come in through the tunnel and that they might be oblivious to or even targeting children. I was cautioned to only trust people I knew and to run away from strangers, especially those who wanted to give me candy or to have me drive in their car. So I kept on guard and kept my distance to strangers and

cars. The various warnings we received from grownups were frequent topics of discussion and imaginary stories among us children. Since our only reference for evil were characters from fairytales, we typecast bad people as a motley collection of wizards, goblins, giants, witches, ghosts, the devil, and other monsters. Together with this informational background, the cautionary statements and their common acceptance by the plenum of children confirmed to me that the outside world was not my friend and that it was in all likelihood dangerous and evil. Some of the older kids who had been in the streets adjacent to the courtyard reinforced our imagination and fear with tall tales to fill us with respect. We younger children did not buy all this malarkey. But we still believed that there were grave dangers waiting beyond the tunnel. The fact that nothing ever happened in our little enclave did not make us less concerned. Why was this gateway to danger left unguarded? What kept evil from entering and getting us? We concluded that the vigilance of our mothers and caretakers was protecting us to a great extent. There was also talk of policemen walking the streets. We further believed in the intervention of God, Jesus, angels, and possibly other good characters about which we had been told in fairytales. But for safe measure, we were committed to watch out for one another. I remember that we prepared a stash of sticks, rocks, and iron rods we found for the event that purported defenses were breached.

I was least afraid of cars because their threat could be credibly explained. I noticed that cars that entered the courtyard regularly transported people who lived there, my dad, and even my entire family and me in and out of the courtyard. I knew that the people piloting these cars meant no harm. Getting out of their way was simply a precautionary measure to avoid accidents. Further, since we all always came back when we took a drive in a car, I thought of cars as a safe utility that allowed people to venture out into the world. I regarded them as muted, gliding cocoons that provided effective shelter from whatever danger was surrounding them. Driving in cars thus seemed like a good way of finding out about the world. I remember trying to spy what was going on out there while sitting on the lap of my nanny or my mother when we drove. But I could not see anything much beyond the rim of the doors and the dash, and this loss of bearing made me regularly motion sick. Still, I imagined taking adventurous trips with my toy cars and encountering the world of evil from fairytales. Having a car seemed like an extremely useful addition in building an arsenal to bail out of dangerous situations or to run down and hit bad characters. Realizing cars could be used for good or bad depending on who was in command of them took away my fear of them.

The second least likely threat was getting lost. That concept was so unfamiliar it had to be explained to me. I was told that I could go so far away that I would not remember how to get home. There was some truth to this. I had been to places far away from where I could not have found my way home. But these trips were with my family in our car. I just had to stick to them to be safe from that problem. Getting lost on my own seemed like a danger that I could prevent entirely by not venturing beyond the tunnel. By far the biggest threat to me was the possibility that strangers might abduct me. The idea that there could be people or other entities who were intent on doing harm to me struck terror in me. Although I believed in a way that my parents wanted to protect me from these threats, I suspected that I could be easy prey because they were so chronically absent. Even my nanny might not be able to do much when I played outside. More than that, I was uncertain whether they could be trusted to intercede. That became evident on occasions when my father came home. My brother and I were often too excited about finally having both of our parents present to go to bed right after dinner, or to stay in bed if they arrived home after our bedtime. Even though we were sent to bed, we would sneak out of our room and sit in front of the beveled glass door to the living room where the grownups were talking to be close to them. As careful as we tried to be in avoiding detection, someone would catch us sitting out there. Our nanny or our mother would bring us back to bed, but if we were caught again, my father got angry and would yell at us. He would warn us that if we did not stay in bed the "night grabber" would come and take us with him. We never were told who exactly this monster was or where he would take us. But it was extremely disconcerting that this stranger could apparently enter our apartment at will and do so seemingly with the permission and maybe even on call of our parents if we pushed things too far. We made certain to keep our heads, arms, and feet tucked in and covered in our beds so that we would be more difficult to find and grab. Since I slept on the lower level of bunk beds, I figured I would be taken first. To confuse the night grabber, I regularly made a dummy outline of a child's body with my stuffed animals under the blanket on the outside and moved over to the wall where I lay as flat and motionless as I could.

That these might not be empty threats was made dramatically clear to us every year when Christmas time came around. By local tradition, St. Nicklaus visited on the sixth of December. He brought with him a sidekick by the name of Knecht Ruprecht who was dressed in a monk type burlap cloth with a hood and carried an iron chain that he rattled when he walked. According to a large book from which St.

Nicklaus read, he kept detailed information on the behavior of each child. If he found you behaved well, he would reward you with sweets. However, we were also told that Knecht Ruprecht was going to take children away who were judged to have misbehaved. Although we never saw this happen, the fact that both were willingly let into our house mounted a credible menace that this could happen to us with the consent of the grownups. I was deathly afraid of this duo of terror. I despised them, and I grew ambivalent toward the grownups for allowing me to be exposed to such danger instead of protecting me against it. But I also thought that maybe they were powerless against this intrusion, that they had to let it happen to avert worse consequences. Their deferential conduct toward St. Nicklaus and Knecht Ruprecht seemed to point into that direction. I also had heard that these were agents of Jesus and his father, God, who could see everything and would judge all humans one day and decide whether they would go to heaven where they would be rewarded or hell where they would be punished. I had also heard in church that this God character had done and was threatening to do bad things to people who did not praise or obey him. I therefore figured that my parents might be under similar surveillance and might have to face a grownup and apparently more severe equivalent of my annual encounter. Still, there was a risk every year just as Christmas approached that I might be taken away. Although I was an overall well-behaved child, I was squirming when I was made to face St. Nicklaus because he always knew of a number of my failings and recited them with a grave demeanor, warning me to improve before he finally relented, dug in a big hundred pound burlap sack he had brought over his shoulder, and placed into my trembling hands a whip made from a bundle of twigs about two feet long to which chocolates and ornaments were attached. Even this bundle represented an implied threat that children who misbehaved would be disciplined with such an instrument and receive no chocolates. I remember the great relief I felt when this fiend and his helper left.

The apparent threat of abduction with unspecified further ramifications gained substance from and added credibility to fairytales that contained similar and other detrimental themes and described possible nefarious consequences. For a child that had just arrived on this world and was trying to obtain information on its workings, these fairytales told by trusted persons were just as real as the direct warnings by my father, and they interleaved. Both seemed to be part of an instruction effort. My innocence was demolished when I learned that there were seemingly various beings threatening to catch, abduct, torture, imprison, or eat us or to turn us into something nonhuman. My

impressions of an apparently dangerous and vicious state of the outside world made me determined to remain within the safe world of the apartment complex and to stay on the good side of family members and other people in my surroundings to gain as much protection as possible. It seemed that I could control the situation to a large part by my demeanor, at least to the extent my parents and God and his minions were concerned. Even the creatures in fairytales could usually be subjected to strategies to avoid them or their attention, or to outwit or overpower them. However, I soon realized that the evil of fairytales paled against the evil that had visited my surroundings.

My hometown had been utterly destroyed during the systematic bombing of industrial facilities and civilians in World War II. Although the war was long over and the city had been largely rebuilt, there was one lot with a gutted building and another adjacent that had been reduced to rubble just around the corner from where we lived. I saw the devastation from the car when we left our compound for weekend trips. One could still see bathroom tile and other wall finishes separated by breaks in naked brick where floors and ceilings had been. When I asked about this, I was told that the buildings had been destroyed in an air attack. My first guess was that God was responsible. I knew from church he was doing similar things when he thought people misbehaved. But I was told that men had dropped fire from planes. This upset me much. I realized that children like me, families like mine, had lived there, just a few steps from where I lived now, and that something horrible had happened to them although I had no idea what death was. I had no concept when this had happened. I worried that the planes that had destroyed these buildings might come back. I was continually, directly, and viscerally confronted with the seeming reality of this peril. Every now and then and unpredictably, sirens on a long pole about the height of our apartment would go off across the street in the plaza with deafening whining. This sound alone was exceedingly disturbing and made me cry in fear. I was told that this was part of an exercise to prepare for a possible air attack by the Russians. I had no idea who the Russians were, where they were, or why they would attack us out of the blue. I remember watching on television that a man named Kennedy had been killed. People on television were upset, and I heard them talk about Russians and the likelihood of war. I did not know what exactly war was, but it seemed to involve beyond air attacks going to other people and fighting with them. I had heard my dad say that he had fought the Russians in the last war. All these elements convinced me. Even with limited evidence and grasp, I was in apprehension that the Russians would come any time now, that the

sirens would go off for real, and that they would throw bombs on us. I did not believe when grownups claimed this would not happen. I could read concern in their faces and hear it in their voices.

No doubt, there was horrible danger lurking out there, danger of appalling viciousness and unpredictability, danger that was very difficult to understand and pinpoint in its motives and often poorly described in its occurrences. This made it all the more inexplicable that both of my parents spent so much time out of the house. I noticed fear in my mother's eyes when my dad was late to come home without calling and she got increasingly frantic. He always laughed it off when he finally arrived, but I had the suspicion he just tried to protect us from knowing about the dangers he endured. I suspected that he might be waging battles for our safety, probably still against the Russians. I thought he did not tell us about them because he did not want us to be scared. I also thought that my mom would have to be fighting evil, although maybe evil of a different kind and closer to home. This, I imagined, was what they took so seriously, the work they referred to that was so important they had to leave us and each other most of the time. They had to be struggling against something because I noticed and overheard that they loathed to go out there.

However, as I was getting older, and for some time parallel to my growing concerns and rationalizations of information I gathered about threats, some incongruities began to raise doubt in me. None of the threats ever came to pass for me, anybody else in my family, for any of my friends in the courtyard, or anybody else I knew. I could not help suspecting that someone was trying to sow fear. I was not sure who was an instigator, perpetuator, and victim or whether these categories overlapped. Even if there were real threats behind the disconcerting representations, I resented that I was not told about their true probability of materialization. But I also became quite certain that some threats that had been raised to me had no basis in fact whatsoever. I quickly found that St. Nicklaus and Knecht Ruprecht were fictitious. I noticed that their beards were moving oddly, that they were not made from real hair, but from a cotton-like material and that they had different impersonators each year. As fraudulent purported representatives of God, they cast doubt on his existence as well or at least on his nature. I began to suspect that there was no night grabber because he was completely unknown to all my friends in the courtyard. I noticed that the circumstances of fairytales differed markedly from the conditions of my surroundings and heard from friends and by admission of grownups that these stories were untrue. I also gathered from outings that the world was a lot friendlier than I had been led to believe. The

weekend trips with my family to visit people out of town or to a place my parents owned out in the wine country were not enough to discover much useful information. Arguably, these destinations could be classified as safe similar to our apartment. Maybe they were even safer because they lacked the threats surrounding our home. None of these trips were therefore representative of the real world that might be different. But that we could take such trips in various directions and distances without dangerous coincidences was encouraging.

An occasion for more intense study arrived when I first became able to look down from our living room balcony onto the unsheltered, open side of our apartment. Stepping out on this or any other balcony alone had been strictly forbidden because the grownups feared that I would climb the railing and fall. But I was eventually allowed to go out onto the front balcony under supervision. My older brother could see over the railing or at least the cladding underneath. I was not tall enough, but somehow managed to peak through or over somewhere. I had been reluctant to venture out onto this ledge. This was closer to the sirens and potentially less protected against incursions by sinister forces. I had expected that this was a side of the building that could not be trusted. Yet, as I observed what was going on below, I realized that it was not scary, not evil at all, and that there was much to learn out there. The view from the front balcony was an intriguing display of all kinds of people, objects, activities, and motion on the busy plaza. Immediately below was an avenue on which I could see trucks, buses, cars, motorcycles, and bicycles drive. On the walkways by the road and crosswalks, I saw all kinds of people. Some of them were children and mothers with babies. There were many more people across the street in a park that had grassy areas, flower beds, shrubs, and areas with trees. Some of the trees were surrounded by cobblestone pavement, some stood in grass. Paved pathways also crisscrossed the park in several directions and converged in a central area on the left side. That area housed a bulletin drum covered with all kinds of colored papers, a kiosk where people stood to pick up papers, food, and drinks, as well as a small streetcar station. The tracks of several lines crossed but the streetcars never collided. Up on the right side, the plaza was framed by a street similar to the one in front of our building. There was also a busy overpass with billboards where cars and trucks drove quickly and a parallel railway overpass where trains whizzed by. On the left of the plaza, I could see older, three- or four-story buildings with sculpted facades and black slate roofs as well as interspersed square, modern buildings with larger windows. Some of their ground floors had store fronts. People were going in and coming out, carrying

bags. On the very left, parallel to the balcony, an avenue branched off. I could see parked and driving vehicles, trees, and house fronts far into the distance. I was told that my brother was going to school there in a building whose brick facade I could only faintly discern. He was not too excited about going to school. But after he kept coming back every day, even when he walked unaccompanied, I had reason to believe that it might not be all that bad in our vicinity. As I got older, I accompanied our nanny to shop for groceries and other things in the stores I had seen on the left flank of the plaza from the balcony and even in a few more distant stores. The shopkeepers were friendly, and I often got some candy from the cleaner and shoe repair man or a slice of sausage at the butcher shop. The idea that we could pick up what we needed in the neighborhood and that people freely gave it to us was reassuring to me. In a way, this was similar to the basket on a string from which I got my snacks in the courtyard. Somebody deposited what we needed in these stores for us to pick up. The only difference was that we had to give them money. I began to understand after some questioning where money came from that its acquisition seemed to be my parents' purpose in venturing out into the world beyond our neighborhood. I was familiar with the practice of earning a reward if I behaved in a requested manner and with the practice of trade from bartering snacks and toys with other kids in my courtyard.

The more I studied the plaza, its traffic, and its people the more I realized that it was not unlike my backyard, just a lot freer, changing, and open. But nobody got hurt, abducted, or lost. Cars drove in a disciplined fashion and stopped at crossways and intersection lights. Despite intense activity, everything seemed to be orderly and normal. There was nothing to fear and nobody displayed any of the concerns that had been portrayed to and instilled in me. People peacefully went about their business. When the sirens went off, these people did not interrupt what they were doing either, except maybe for holding their hands over their ears. Thus, I doubted that the Russians or anybody else bad was about to attack. I suspected that the world as a whole was just a larger amalgamation of houses, courtyards, and plazas connected by streets into towns and of towns connected by highways. I also knew from our overland trips that these towns were separated by forests, rivers, and by fields from which our food came. People all over were going about gainful pursuits of which I increasingly learned. The mundane triviality of the world was reassuring. I did not completely discount the warnings I had received about the possibilities of danger beyond the boundaries of my experiences. Just in case, I decided to be careful and not trust people, objects, and places I did not know. How-

ever, I also determined that the trust I had placed in grownups in my family to tell me about the world had been largely misplaced. What they had implanted into my imagination or allowed to fester contrasted too much with what I found to be true or likely. I had been lied to.

I did not fully understand why grownups around me were making up stories about dangers or did not explain them properly. I considered the possibility that they wanted to protect me and instill caution in me. I also suspected that they wanted to scare me so I would behave according to their liking. Maybe they wanted to intimidate me so I would look up to them. I was also willing to believe that, at least with regard to the less obvious parts, they were scared by someone else for any of these reasons and might be similarly impressionable as I was. Maybe the threat of bad people or monsters was an engineered ruse to keep not only children but also grownups in fear, was a pretext to control all of us. In any event, the dishonesty and the unnecessary distress this fearmongering had caused me made me angry. These lies had almost succeeded in suffocating my openness and my drive to learn, to find out about the world. They had depressed my joy of life. From now on, I would not let grownups scare me anymore because I realized that this gave them undeserved power over me. I would be my own judge regarding reality. I would invest some trust if I experienced sufficient reasons but remain vigilant to attempts of manipulation and would question what other people were claiming to be true.

I also came to realize that whatever threats were real and any unreal fears might be eliminated if the world behaved like the children in my courtyard. There was no deception, fighting, or intimidation among us. There was also no insulting, exclusion, or hierarchy, no taking of property. Why was our relationship so harmonious? Although I think the perception of common threats was a part of the reason, our days were not dominated by fear. We tried to understand and cope with our world together through information and actions we contributed. I think it had much to do with the fact that we were, apart from sporadic supervision from balconies, left alone. The continual group setting incentivized us to get along. Shortly after I turned five, my family moved to a suburban house in a town an hour away. With one rare exception, I never saw any of my friends again. Although I missed them, I did not know at the time what I had lost. I had assumed that children at the new place would be similarly friendly. Instead, I mostly met with estranged introversion, rejection, and hostility that, as I later found out, often reflected attitudes of parents. I sometimes wonder what the world would be like if children everywhere grew up like I and my friends back then in the courtyard.

THE CHEERFUL CONDOLENCE

One of my favorite thoughts developed in me when I wrote a condolence card for a colleague whose mother had died. What do you say to someone whom you barely know about his mother's death? Why say anything and not send a preprinted card? But I detest the sending of artificial or borrowed emotions in preprinted cards. I think it is a sign of disrespect for oneself and the recipient. It shows an inexcusable lack of effort and imagination at a moment when you purportedly want to show you care. While I wanted to keep the card to my colleague short, I wanted to write something original and meaningful. But I could not think of what to write. Since I did not know anything about his mother, I would have to express something general about mothers. I thought of mothers taking care of their children, loving them unconditionally, and giving unselfishly to raise them. As I started to write about that, I realized that I could not assume that my colleague's mother had sufficiently displayed such qualities, particularly since he had turned out to be a very cold and inconsiderate person. Maybe I would rub salt into wounds of his childhood? That risk about killed the whole venture. It was hard anyway to care for such a person or his mother who maybe contributed to making him insufferable. Maybe I would just tell him that I was very sorry for his loss. Convention would be served by that gesture. I was already about to place my stationary back into the drawer when I thought that I did not have to be insensitive just because he was. I could not help feeling sorry for him. So I kept thinking about what I could write, wondering whether there was something meaningful of universal truth I could say to him.

As I deconstructed the function of a mother into its elements, it finally dawned on me. I thought of what a mother is in its most fundamental definition. It is an iteration of a species that in turn brings forth another copy of that species. That did not sound very inspiring or consoling. Yet then I realized that our mothers are the last link in an unbroken line of mothers going back to the beginning of life, billions of years. One continuous, uninterrupted sequence of life and possibly many millions of years of love and caring in beings that had developed the necessary mental capacity. I had never before given that stunning fact consideration. Of course, one learns about how life developed. But I had never felt a personal relationship with all my ancestors as forebears in a continuous chain. I had never contemplated the fragility and complexity that made it possible for me to exist. I imagined myself in the role of a guardian, trying to secure my existence throughout this vast sequence of life. I pictured the pains and fears I

would have had to endure, the maneuvers I would have had to undertake to ensure the sequence leading to my existence. I understood that this sequence was embedded in a massive number of conditions and movements. Alone the odds that the human species evolved seemed staggering. Even if one assumed that the universe would bring forth occasions in which natural substances and laws would have to start and develop life, its proceedings seemed to have been uncertain. Even if the development of humanity started at a single point, the development of life that led to that point and of humanity thereafter leading to a single person involved many interweaving, combining, and separating events. Any event in the sequence could be viewed that way. I pictured cataclysms, starvation, accidents, illnesses, fights, wars, exposure to nature, competition, and any other number of seemingly inconsequential circumstances that could have changed or stopped the trajectory toward my existence. I began to grasp how slim the chances of individual existence were going only a generation back and that these chances become infinitesimal as one looks further back.

I proceeded to write a heartfelt condolence letter about this. I thought telling my colleague about this insight would be a great way to lessen his pain and pick up his mood. I thought it would cheer him up to know how very special it is that we exist, how fortunate we are, how thankful, how happy we could be that we are here. I never heard any response from him and, I guess, I should not have expected one either. He took a few days off and then came back and behaved as his old unpleasant self as if nothing had happened. However, my realization of privilege and grace in the fact of my and our existence stayed with me. As I embedded this realization further in my mind, a new horizon of understanding began to develop. I began to form the concept that the result of an unbroken chain of life leading to my existence demanded that I act in accordance with it. It seemed to imply a responsibility to continue the line unbroken. Did I have the personal obligation to produce and raise progeny? Or was my responsibility more general. Did I have an obligation to assure that my species survived? Did I have a similar responsibility to related species? Was my obligation universal to the progression of life? After some consideration, much of which developed while I was writing my book on happiness, I concluded that we must not let specific ancestry separate us. Our unbroken line to a common origin should humble and unite us. It does not indicate special, separate personal destiny. We may be special as a species that has adapted well to its challenges and grown with them. However, this reference to superior merit becomes less convincing if we try to individualize our view because coincidence independ-

ent of merit seems to play a big part in the particularities of our existence. Our particular heritage also loses importance given that there are billions of very similarly equipped humans. We share the overwhelming part of our ancestry directly with other humans, making us all very close relatives. Only a very recent, minute bit differentiates us. Our emergence, our worth, and our responsibility must be understood in that context. Our responsibility is then to all of humanity. The divisiveness of myopic concentration on immediate ancestry and of denying our close relatedness with all other humans and the connected responsibility causes unwarranted infighting and senseless damage. It threatens the development and survival of our species. Even if we were dedicated to continuing parochial ancestry, discriminatory conflict would counteract the chances of that strategy. Our best option to continue our ancestry in all respects is to advance humanity.

That, however, is only possible if we pay tribute to the system that has allowed us and humanity to emerge and develop. We must keep and possibly enhance that system to the extent it serves humanity. An exploration of the system reveals that it contains an elaborate and largely interdependent network of species and inanimate factors. Humans may be related to many, maybe all species by common ancestry. This relatedness may cause a sense of affinity. It may give rise to considerations and emotions that, although weakened by developmental distance, may be similar to attitudes toward humanity. Beyond common ancestry, we may deem ourselves connected to all life by our essential commonality with it and its development. We may feel responsible to honor and carry on its traditions and progress. Even if we regard life and the environment in which it is embedded under purely utilitarian considerations, we must be interested in their protection and advancement for our individual sake and the benefit of humanity.

The responsibility resulting from these considerations might be unwelcome because it requires us to adjust our objectives. We have to be administrators and guardians of humanity, of life, and of nature in general. It seems tempting to deny this duty or its scope. After all, our ancestors acted mostly haphazardly and without our awareness, and humanity blossomed. Yet, our situation is different because we cumulatively exert more influence over our circumstances than our ancestors. We hold it in our grasp to wipe out our species and most or even all life in our realm by our inadequacies. Even if we abstain from willful damage, we are so deeply disturbing the world that failing to counteract our infractions might have similar effects. To take charge, we may have to view ourselves as a link in an unbroken chain going back to the beginning of life for whose perpetuation we must do our part.

DAISY

The daisy is a universal symbol of life because it mirrors the life-sustaining source of the sun. It is also a universal symbol of happiness. One cannot look at a daisy and not be moved by its attributes. It epitomizes childlike simplicity, purity, and natural beauty. It also exemplifies awareness and a sunny disposition. After folding for the night or bad weather, its flowers greet the sunlight by opening to their celestial counterpart and adjust to its position as the day progresses. Hence, its name derives from "day's eye." Daisies are also representations of cooperation and peaceful coexistence. They are comfortable in one another's company and share their space, often supporting one another by intertwining and providing shade, retaining moisture, improving soil conditions, protecting seedlings, and stemming erosion for one another's benefit. They remind us that we, like they, are among a myriad of other, similar individuals. If we look closely at what we deem to be their flower, we can discover that it is in fact a cluster of many tiny flowers that arrange themselves for best overall effect.

But daisies are more than symbols in themselves. They are the archetype of a family that covers the world in far over 20,000 species, only avoiding the most extreme regions. These offer sustenance for wild and domestic animals. A number of varieties, including sunflowers, lettuce, artichokes, sunchokes, chicory, and dandelion are cultivated or harvested in the wild by humans for food. Some species possess healing powers. Some carry special properties that make them useful in a surprising variety of other uses. Many species can exist under poor conditions, creating a foothold for other plant and animal species and thus spreading the reach of life. The daisy family therefore embodies nourishment, assistance, and health.

Daisy seeds ride the wind on minuscule parachutes or attach themselves to animals to find an existence in places unknown. Once they take hold, daisies display a truly wondrous will to survive and make the best of their circumstances. I have childhood memories of daisies growing in concrete cracks, and some even buckled and broke through asphalt that had been laid over them. They are among the first plants to reclaim any kind of scar humans leave on the landscape. Thus, the daisy stands for the resilience and irrepressible claim of life to existence. It represents an intrepid attitude in the face of uncertainty and adversity, as well as a quiet confidence that obstacles can be overcome and mistakes can be remedied.

The daisy also gives us lessons on perspective. Some people may regard it as a weed because it invades their lawns and manicured gardens, when in fact these are unnatural conditions and daisies just stand their ground in what ought to be a harmonized habitat by the standards of nature. Its disarming wholesomeness makes us call into question a mindset that would be upset by its presence and would attempt to destroy and ban it. It also makes us question our artificial stance against beneficial forces of nature. Even varieties that invade our fields put us on notice that our monocultures are hurtful to the system of life and that it is trying to heal itself by injecting variety.

More generally, the daisy reminds us that great success can be achieved by gentle insistence. But it also confronts us with the insight that we will not be here for long and must try to enjoy every day we have.